

The in his message
to the united nations



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The Secretary-General, believed that the ineffectiveness of the United Nations resulted from the “ non-supportive attitudes and patterns of behaviour on the part of many national governments.

” In his message to the United Nations Day 1970, he urged, “ It is time for governments to make a fresh start and to lift themselves again to the same high level, if not a higher level, of vision and determination as that of the authors of the Charter. We must give the Charter a real chance at least. We must pass from words to deeds.

” Javier Perez de Cuellar dramatised his concern at the erosion of the United Nations peace-keeping ability by devoting almost all his 1982 report to that crucial issue instead of surveying the broad spectrum of UN activities. He wrote, “ Certainly we have strayed far from the Charter in recent years. Governments that believe they can win an international objective by force are often quite ready to do so, and domestic opinion not infrequently applauds such a course.

” He said that there had been “ alarming succession of international crises” during the past year and also referred to the “ current tendency to resort to confrontation, violence and even war,” in pursuit of what were seen as vital interests, claims or aspirations. “ We are perilously near to an international anarchy.” be deplored. “ Such a trend must be reversed before once again we bring upon ourselves a global catastrophe and find ourselves without institutions effective enough to prevent it.” He appealed to all nuclear-nations that something must be done, and urgently, to strengthen “ our international institutions and to adopt new and imaginative approaches to

the prevention and resolution of conflicts.” The period between the late 1950s and 1960s was, in retrospect, the “ golden age” in the annals of the United Nations. This was the time of institutional innovations and pioneering intellectual and political exercises in policy formulations and negotiations.

Earnest and ceaseless efforts in the various forums of the United Nations culminated in the establishment of UN Conference on Trade and Development (UNCTAD), U. N. Industrial Development Organisation (UNIDO), Special Fund (later UNDP or UN Development Programme) and International Development Association (IDA). The object was to accelerate the growth of developing countries and identify them on basis of priority.

This effort of the United Nations was enthusiastically hailed all the world over and widely accepted. The various studies, analyses and researches undertaken during this period revealed “ the glaring inequalities, injustices, exploitative character and the sheer anomalies of the manner in which the world economy functioned.” The 1970s were a period of disillusionment with the United Nations on the part of both developing and developed countries. The enthusiasm of developing countries waned as the hopes they had fondly entertained for the rapid growth of their economy failed to materialise.

There was deliberate tardiness on the part of the developed countries to implement the policies agreed upon and duly planned for fulfillment within the given frame work of time. The developing countries also realised that the entire scheme of development envisaged in the policies agreed upon, just touched a fringe of their manifold problems. In 1974, they gave a call, which was endorsed by the General Assembly, for establishing a New International

Economic Order (NIEO) with its objective, amongst others, of a vital change in international economic structures and institutions aiming to promote economic and social progress in the developing countries in the context of the expanding economy. But not to speak of the global issues of NIEO, NIO, etc., the United Nations failed even to find an answer to such issues as a code concerning restricted business practices of governments and multinationals on the transfer of technology. It is well known that when and if codes are evolved, ideological conflicts, which had plagued the working of the United Nations, would never allow them to become operative. The North felt beleaguered by these collective demands and pressures of the NIEO. They found that the United Nations was being steered in a direction far removed from the original intentions in promoting this world body.

They, therefore, resented the decisions of the past, forgetting that they themselves were parties to all such decisions. Attributing their past decisions to what they termed “ unthinking and relentless operation of mechanical majority in the United Nations forums they began to distance themselves from these decisions as well as forums.” After winning independence the Afro-Asian countries en masse joined the United Nations and after complaints of lopsided and bloc voting and arbitrary decisions in the various forums were voiced reflecting the fear that the majority among the member-States belonged to the Third World and by definition hostile to the West. But it was not so. Except on such issues as colonialism, racialism, nationalism or a fairer economic deal for the underdeveloped countries, the Third World did not and could not speak with one voice and it was not necessary that they should. New Delhi had always deprecated existence of blocs within the

United Nations and outside it. However, this was not the same thing as excluding the right to canvass support for a point of view or an issue the representation of which could be of far reaching consequence. The fact is that the major powers have no alternative but to adjust to an organisation with a majority of newly emergent States whose dominant interest is their rapid development and whose attitude is coloured accordingly.

But the developed countries firmly believe that the way the United Nations is being carried away defeats the ideals and intentions of the founders of this world organisation. After the 1980s, the indifference of the developed countries, spearheaded by the United States of America, assumed open hostility towards the United Nations itself which is committed inter alia to promote social progress and better conditions of life. There was even an active and fairly successful effort to dismantle what had been achieved earlier and reshape the United Nations “ after the image of their perceived interests and preference. In this, they fully exploited the complete vulnerability of developing countries brought about by the development and debt crisis of the 1980s.” The United States’ frustration over the manner of handling United Nations affairs was reflected in a law passed by Congress which limited the United States payments to the UN and its specialised agencies to 20 per cent of the budget unless the world body recognised in its budgetary system and provided for a voting strength proportionate to the size of the contribution.

Another law required the total United States federal deficits to be progressively reduced to zero and where direct programme cuts were not possible pro-rata pruning on all federal programmes would become

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necessary. Sometime later the United States left the International Labour Organization complaining its political biases, and in 1984 followed it by pulling out of the UNESCO accusing it of over-politicalisation, mismanagement and wastefulness. The United States was the largest donor to UNESCO which provided 25 per cent of organisation's total budget. Then came Britain to withdraw. Britain accused the UNESCO of bad management, persistent bias against the West through peace, information and human rights programmes, with one-sided Soviet bloc views. The Reagan Administration also decided to derecognise the International Court of Justice at The Hague, which automatically implied not to comply with the decisions of the world court.

The reason given was that the Court's objectives were being "subverted by Nicaragua's effort to use the Court as a political weapon." The reference was to Managua's complaint before the International Court that the United States contributed and directed the Nicaragua rebels trying to overthrow the Government in violation of International Law. The decision of the Court had gone against the United States.

Reagan himself admitted, a little before the expiry of his term of office, that he had secretly provided funds to the Nicaragua rebels. Another target of Reagan Administration was the World Health Organisation (WHO). The international repercussions of withdrawals, withholding or sequencing of contributions to the various agencies were meant to render the world body financially paralysed and functionless. It is coercion pure and simple to force the recipients to bow to the dictates of the donor country. At the 40th Commemorative General Assembly session, the Secretary-General, Javier

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Perez de Cullar, apprised this highest forum of the world body about the most serious crisis in the history of the United Nations and revealed that at the end of 1985-86 the UN was \$242 million in debt and unless drastic steps were undertaken the shortfall for 1986- 87 was expected to be over \$245 million. The deficit, he explained, had been the result of the delinquent member-States. Some of them refused to pay part of the contributions because of the disagreement with certain programmes of the United Nations, and also because some other member-States had not been regular in their payments and that the United States was the latest to join the “ arrear member-States”.

On November 21, 1987, the Secretary-General told the UN Staff at the Annual staff Day that the world body was almost “ broke” without reserves and that it did not have enough money to pay December salaries. He also disclosed that the United States was the largest contributor and debtor and currently owed \$342 million of the total unpaid assessment of \$456. 4 million. He further said that 93 of the 159 member-States (in 1987) owed \$456 million in back dues, or about half the annual budget of almost \$800 million. Before leaving his office in 1992 Perez de Cuellar said in anguish, “ It is a great irony that the UN is on the brink of insolvency at the very time the world community has entrusted the organisation with new and unprecedented responsibilities.” At the end of 1992, all the five permanent members of the Security Council were in arrears with Russia and the United States as being by far the most delinquent. The Secretary-General, Boutros Boutros-Ghali, warned the 184 member-States, on August 7, 1993, that if it did not receive the funds the world body would be forced to freeze its current

missions and abstain from undertaking new ones. In his letters to the Heads of the State and government and foreign ministers of the member-States, Dr. Ghali, inter alia, emphasised that he was deeply preoccupied with the “unprecedented financial crisis confronting the United Nations.” The official spokesman of the UN explained that out of the Security Council members only Britain, France and New Zealand had paid their contribution till July 15, 1993. The United States was the largest debtor with \$836 million followed by Russia with \$508 million. If the situation remained unchanged, the UN would not be in position to assume the responsibilities in the field of peace and international security. In a letter to the Washington Post, UN Under-Secretary of State, Joseph E. Connor, disclosed that by the end of 1995, the United States owed the United Nations a total of \$1.6 billion, driving the World Organisation to the financial edge”.

Connor said prompt payment of dues is a treaty obligation as approved by the UN under the consensus system adopted at its instance 10 years ago. The UN “has no reserves and no capital. It is totally dependent on cash inflows (assessments) from member-states to provide liquidity. Unpaid assessments now exceed \$ 3.

2 billion.” The Under-Secretary further asserted that the UN bureaucracy is “far from blorated”. In recent years, he added, the number of height level posts has been cut by 30 per cent. The U. N. Secretariat wrote “ years ago, the UN Secretariat staff numbered 12, 000.

In 1996, it began with 9, 500.” It is a pity, pointed out Rakshat Puri, that the White House and Congressional leaders in the United States should have

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shot down almost without consideration UN Secretary- General Boutros Boutros-Ghali's suggestion for UN tax on foreign exchange transactions at the rate of 0. 001 per cent which was likely to provide the World Organisation with some three billion dollars annually. The difficulties between Secretary-General Boutros Boutros-Ghali and the Security Council after just six months of his assuming office are symptomatic of the great change which the UN organisation had undergone since the end of the Cold War. Prior to 1991, the " Big Five" had always to agree among themselves on a candidate for the post of the Secretary-General, a process in which the United States had a major say. But with the United States present ascendancy over the United Nations and the world, the future Secretary-General will be primarily an American candidate.

An unwritten rule for the Secretary-General's job is that he must be a competent mediocrity and those who intend seeking enhanced powers for the post are, therefore, the least desired. Washington took long to recover from the shock of discovering in Dag Hammarskjold a Secretary-General " of originability and daring. The last thing Washington would desire is another Hammarskjold" says Surinder Nihal Singh. Dr. Boutros Boutros-Ghali, the most attract of the African candidates and Egypt's Foreign Minister, had not for many reasons enthused the United States and the most important reason being there was no guarantee that he would prove to be unduly paliant to Washington's wishes.

With the collapse of the Soviet Union and Moscow's pursuit of a non-ideological foreign policy, the United Nations became a different proposition for the United States. As the Security Council's conduct during the Gulf War

proved, UN became “ a new important instrument of American foreign policy.” Indeed, in the “ dramatically changed circumstances,” as S. Nihal Singh says, there “ is a longer medium-term American goal for the United Nations.

With the countervailing power of the Soviet Union having vanished, the United States needs the UN more than it ever has in clothing its foreign policy goals in the garb of a collective world consensus.” And Washington knows that “ it has the clout to get most of the other countries to toe its line in the UN”. Since 1991, the General Assembly, the Secretary-General and the Third World have all lost their influence and prestige. Consensus in the Security Council means that other organs of the United Nations have lost their relevance. Under the provisions of the Charter, the General Assembly cannot discuss any matter of which the Security Council is seized. With the Security Council in continuous session and fully operational, the General Assembly gets nothing of importance to discuss and resolve. Russia was given the place of the former Soviet Union in the Security Council without reference to the General Assembly Important questions, such as, admission of a State in the UN, or suspension of a State from its memberships are to be decided on the recommendations of the Security Council by the General Assembly with a two-thirds majority of its members present and voting.

Sanctions were imposed against Libya demanding extradition and trial by American or British Courts of two Libyan nationals, suspected of involvement in the December 1988 Pan Am flight 103 bombing over Lockerbie, Scotland, that killed 270 people. Extradition is not automatic in International Law, but is governed by extradition treaty between the two countries. There was none

between the United States or Britain and Libya. The United States Supreme Court had also ruled that in the absence of extradition treaty between Libya and the United States, the matter should be deemed closed.

Libya had also moved the International Court of Justice at The Hague for the interpretation of the 1971 Montreal Convention or suppression of the unlawful acts against civil aviation and had agreed to place the two alleged suspects in the custody of a neutral country pending the verdict of the International Court of Justice. But the Security Council without waiting for the Court's verdict set an arbitrary deadline for compliance of handing over the alleged suspects otherwise sanctions would be imposed. On March 31, 1992, Resolution 748 imposing air embargo on Libya became operative. The Bush Administration, as Jaya Mehta says, " Was obviously more interested in punishing Col. Gaddafi than in extraditing the two Libyans and the U.

N. obliged." The embargo, originally imposed in March 1992, was renewable every 120 days. The Security Council renewed it for a fifth time on August 30, 1993, after reviewing Libya's compliance which was found once again, " in defiance of the will of the international community." As usual, there was no open meeting or vote in the Security Council. After the meeting the United States, Britain and France issued a statement saying that they would try to freeze Libya's financial assets and ban the purchase of oil equipment if Tripoli did not turn over two suspects in a terrorist bombing by October 1, 1993." Libya eventually agreed to hand over the suspects but embargo still continues even after a period of 5 years (March 1996).

The world had also seen the “ high-handed” manner in which Resolution No. 687 of the Security Council against Iraq was implemented. Whether President Saddam Hussain was justified or not in refusing entry of the United Nations inspection team to the Agricultural Ministry building at Baghdad is controversial. But it remains an undisputed fact that the American President, George Bush, did not consider it necessary and proper to formally place the matter before the Security Council.

When the resolution of the Security Council is not implemented, it is the duty of the Secretary-General to devise means for its proper implementation. But the Bush Administration sidetracked both the Secretary-General and the Security Council by increasing its military strength in the Persian Gulf. The modus operandi of George Bush was quite clear and he had made no secret of it in his public utterances on various occasions. He was determined to humble Saddam Hussain and liquidate his regime in Iraq.

When he failed in his mission, Bush floated the bogey of violation of human rights against the Shias of South Iraq and repression of Kurds. This, too, misfired. But the issue of violation of human rights and repression of minorities remained alive. Bill Clinton, who succeeded George Bush, in his inaugural address on January 20, 1993, unequivocally declared his commitment to adhere to the foreign policy of his predecessor and to vigorously protect the minorities from repression of any kind. His Secretary of State, Warren Christopher, warned Saddam Hussain, who had earlier hailed Bill Clinton on his election to the Presidency, in blunt terms, on May 24, 1993, of the United States’ “ resolute retaliation” if Iraq staged an offensive against Kurds in an “ autonomous enclave” in the north Iraq.

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He disclosed that the United States would be “ watching very carefully” to see “ if Iraq intended such an attack.” He knows, the Secretary of State emphasised, “ what he has to do if Saddam Hussain attempts it.” The United States, he added, would enforce the sanction “ with great resoluteness,” and would be looking for “ any change in that situation that might call for further action from the United States.” “ Further action” could not possibly be anything else except the repetition of the Gulf War. India, along with other Asian countries, expressed grave apprehensions over a proposal, by the United Nations Secretary-General Boutros Boutros-Ghali, for “ preventing United Nations intervention in domestic conflicts.” The Secretary-General stated that the time had come for preventive deployment of United Nations forces “ either at the request of the government, or all parties concerned, or with their consensus.

” Various governments, including India, warned against this kind of preventive diplomacy as it might become a pretext for interference in the internal and domestic affairs of a sovereign country and asserted that the United Nations should venture such an attempt only with the express consent of the host nation. Chinmoy Rajninath Gharekhan, Indian Ambassador to the United Nations, told the Special Committee on the Peace-keeping Operations, on May 9, 1991, that India supported the peace-keeping role of the world body, but he simultaneously stressed the “ bedrock requirements” that such operations must be carried out with “ due respect for sovereignty and territorial integrity of the country or countries concerned.” This principle needs to be stressed, he added, “ in view of

recent world-wide events and the possibility of increasing United Nations commitments in the future.

“ Later, the Indian Ambassador to the United Nations without naming any country told the UN Committee that it required to be ensured that a request by one State for preventive deployment on its territory did not become a cover for terrorist activities. In this context, he pointed out that the world had witnessed “ perceptible” increase in State-sponsored terrorism which constituted a new threat to international peace. Referring to the suggestion for preventive deployment of UN forces in case of national crisis, Sreenivasan warned that this could embroil the United Nations in the political disputes and processes within the country opening the world body to the charges of partiality and intervention.

“ These are the very charges which would erode the fundamental ingredients of the United Nations functioning and it’s Charter,” he stressed. Addressing the working group of UN General Assembly on: “ Agenda for Peace,” presented by the Secretary-General Boutros Boutros-Ghali Sreenivasan emphasised that any increase in the authority of the 15-member Security Council necessitated its democratisation. “ An expansion of the Council is, therefore, essential before new responsibilities such as preventive deployment are entrusted to the Council.” On February 22, 1993, the Security Council adopted Resolution 808, by which it decided to establish an international ad hoc tribunal to prosecute people responsible for serious violations of humanitarian law in former Yugoslavia. In pursuance of this Resolution the Security Council unanimously decided, in May 1993, to set up an 11-Judge International Court at The Hague to try people accused of war

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crimes in former Yugoslavia, including murder, rape, ethnic cleansing, torture and other atrocities. The Security Council adopted a 34-Article Statute governing the functions of the Court, which would try cases involving grave breaches of the Geneva Conventions, violation of the 1948 Conventions against genocide and other crimes against humanity and the law of war. The Court was to consist of two trial Chambers with three judges each, and a five-judge appeal Chamber. The court was also to include a prosecutor and his staff, entrusted with the duty to investigate and prosecute the perpetrators.

It was to be the first international court of its kind since the main allied countries after World War II set up courts, at Nuremburg and Tokyo, to try leading axis powers' war criminals. It appeared that in the context of the world leadership role the United States has assumed and other major countries have acquiesced, the world is slowly inching towards a permanent international criminal court. Many developing countries and minor States are worried about this new development. At present, the violations of International Law are a legal concern of the international community but the enforcement of criminal sanction is left primarily with the nation-State.