“GOOD OFFICES”
AND THE SECRETARY-GENERAL

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I. Introduction

During the course of the introduction to his Annual Report on the work of the United Nations Organisation for the year ended June 15th, 1959, the present Secretary-General, Mr Dag Hammarskjöld, has drawn attention to a widening of his personal responsibility that he is inclined to regard as marking a new stage in the evolution of his office. He refers to “a further development of actions of a ‘good offices’ nature, with which the Secretary-General is now frequently charged”1). These “actions” have, in fact, been undertaken either with the consent or at the express invitation of member governments and they have involved the intervention of the Secretary-General, or his personal representative, in disputes or situations which have brought about a rupture, or a threatened rupture, in the relationships between two or more member states of the Organisation. This conciliatory intervention, which Mr. Hammarskjöld describes as of a “good offices” nature, has been undertaken as a matter largely within his personal discretion and as outside any formal decision or course of action adopted by the normal executive organs of the United Nations. His words show that he has no doubt that such interventions fall within the competence of his office and that they are in complete accord with both the terms and the spirit of the Charter; what is more, he clearly envisions increasing opportunities and scope for such informal action in the future since “it has provided means for smooth and fast action which might otherwise not have been open to the Organisation”. This is a pronouncement of the first importance for students of international law and organisation; it is the purpose of this article to review briefly the competence of the Secretary-General in this connection and to examine the relationship between his political functions and the traditional doctrine of “good offices”.

What particular recent actions has the Secretary-General in mind in making these observations? It seems beyond doubt that he is refer-
ring to such matters as his interventions, in 1958 and 1959, in the disputes between Cambodia and Thailand and in the complaints arising both before and after the Anglo-American troop landings in Jordan and the Lebanon. If we examine these incidents in turn the nature and importance of Mr Hammarskjöld's intervention, and the success of it, may afford some indication of the way in which the political functions of the Secretary-General are beginning to impinge upon an established doctrine of international law. The dispute between Thailand and Cambodia is a very clear example of this, although the actual breaking off of diplomatic relations between the countries in 1958 was only the culmination of a series of incidents which, since 1953, had led to a serious deterioration of relations. The outstanding differences accumulated between 1953 and 1958 were not settled by negotiation, nor indeed was any appreciable progress made to that end, and, on 29th November 1958, the government of Cambodia brought to the attention of the United Nations a threat to the peace of the area which, it alleged, was caused by the concentration of troops and military equipment, on a war footing, by the government of Thailand on the Cambodian frontier. Without taking comparable measures of retaliation, the Cambodian government decided to withdraw its Ambassador and staff from Bangkok as a protest against this concentration and the "application by the Thai government of various forms of intimidation" and "vexatious frontier measures". The Thai government replied with a denial of these charges on 2nd December and made a counter-allegation to the effect that border raids by Cambodian groups had caused harm to Thai nationals and damage to property. Furthermore, a number of Thai nationals had been forcibly taken into Cambodia by Cambodian police and had not been returned — their return was regarded by the Thai government as an essential prerequisite of the restoration of normal relations and the relaxation of the frontier "precautionary measures" adopted as a means of self-defence.

The dispute so far seems to have followed a not unusual pattern; however, the Thai government also stated that if the Secretary-General considered the case as falling within the terms of Article 99 of the Charter it would be happy to afford him, or any representative he might appoint, every possible facility to inspect the border areas in question. After discussions with the representatives of both countries the Secretary-General announced on 22nd December that, following an invitation from the two governments concerned, he had appointed Mr Johan Beck-Fris of Sweden as his Special Representative to investigate the situation. This investigation and inspection of the bor-