

# PRE-CONDITION NEEDED FOR THE POST OF SECRETARY GENERAL OF THE UNITED NATIONS

by S. V. Kirubaharan

Today's world has seen two World Wars, many frontier disputes, many ethnic, racial and religious wars and others. These horrible bloody conflicts made world leaders realize the importance and necessity of a new world body.

The United Nations (UN), the Commonwealth, regional bodies like the European Union (EU), Council of Europe (CoE), Organization of American States (OAS), Organization of African Unity (OAU), South Asian Association for Regional Cooperation (SAARC), Association for Southeast Asian Nations (ASEAN) and many other bodies, were established, amongst other purposes, to maintain peace and security through promotion and protection of human rights. These international bodies started with clear motives to serve the world citizen regardless of racial, ethnic, color differences.

When we look back at the history of the United Nations, so far there have been seven Secretary Generals including the present one. The first two Secretary Generals, Mr. Trygve Lie and Dag Hammarskjold came from Norway and Sweden respectively. Mr. Dag Hammarskjold died in an unfortunate plane accident in 1961. Mr. U. Thant of Burma, who was at the time holding the position of the Deputy Secretary General, became the Secretary General (1961-1971). He was the first Asian to be the Secretary General of the United Nations. Mr. U. Thant was a career diplomat and at that time Burma (Mynamaar) was not facing serious political problems.

Soon after Mr. U. Thant's period was over, Mr. Kurt Waldheim of Austria (1972-1981) became the Secretary General. When he finished his term of service with the United Nations, he became the President of Austria. Mr. Waldheim, also a career diplomat, became absorbed himself in politics at a later stage. Mr. Perez de Cuellar of Peru who was a career diplomat became Secretary General in 1982 and served until 1991. In 1992 Dr. Boutros Boutros-Ghali of Egypt became the Secretary General. He served the shortest period (until 1996) as Secretary General of the United Nations. Soon after Boutros-Ghali, the present Secretary General Mr. Kofi Annan of Ghana was elected, who has been serving until today. Mr. Kofi Annan was the first UN staff member to reach the UN top position.

As a part of evolution things are changing in every aspect in today's world. In the world today politics plays a major role within international institutions and the top positions within these world bodies are about to fall into the hands of the wrong politicians.

When one looks at the mechanisms of the United Nations, there are hundreds of UN Conventions in the system to protect the human rights of the people of the World. These conventions are for the member states of the UN to sign and ratify. Unfortunately there are member countries that do not care either to sign or ratify the UN conventions. But there are politicians from those countries yearning for the top positions in the United Nations. In brief, a person who cannot lobby his own country to sign the UN conventions is eager to be in the top position of the UN! There are personalities, from countries where racial riots, ethnic conflict, armed conflict and bloody conflicts are taking place, who are also interested in the UN top position! Obviously these personalities look for these posts for the benefit of only their own country and their prestige rather than for the benefit of the United Nations.

The post of the Commonwealth General Secretary in recent elections, escaped falling into the hands of the former Foreign minister of Sri Lanka who consistently defended the human rights violators in his own country and justified a draconian economic embargo on an ethnic population.

When one looks at the task of the United Nations, the following, in brief, could be seen as the achievements of the United Nations:

Maintaining peace and security by deploying peace-keeping forces and observer missions in conflicting countries; making peace through meaningful credited negotiations and bringing many peaceful settlements to end regional conflicts; promoting self-determination by playing a greater role in bringing about independence for nations which later became member countries; promoting democracy by enabling people in many countries to participate in free and fair elections; promoting human rights by investigating complaints of human rights abuses in the Human Rights Commission, which has focused world attention on cases of torture, disappearance, and arbitrary detention and has generated international pressure on governments to improve their human rights records; protecting the environment! ; preventing nuclear proliferation; strengthening international law; handing down judicial settlements of major international disputes; providing humanitarian aid to victims of conflict and refugees; alleviating chronic hunger and rural poverty in developing countries; promoting women's rights and improving literacy for women; clearing land mines; empowering the voiceless; improving education; preserving cultural property and many other tasks.

A politician who has bad political influence holding any post in the UN will never be able to truly serve the purposes of the United Nations. Therefore the top post holder and other honorable post holders should be neutral, impartial and should be honest to their conscience. Anyone who has violated human rights, or is a supporter of aggressive states, or advocates violence and inhumanity should be kept well away from these posts.

The Rome Statue of the International Criminal Court (ICC) came into force on 1 July 2002. This is the first permanent international judicial body capable of trying individuals for genocide, crimes against humanity and war crimes. As of September 2003, only 139 countries are signatories and 92 countries have ratified the Rome Statue of the ICC. But there are 191 member countries in the United Nations. What is delaying those countries, which have neither ratified nor signed the Rome statue? Does it mean that there are individuals in their countries who are/were involved in genocide, crimes against humanity and war crimes?

The United Nations, which passes several resolutions on various subjects around the world, should establish pre-conditions for candidates who wish to contest for the post of General Secretary of the United Nations. The pre-condition should not only be that the candidate comes from a member country but also that the country has signed and ratified important UN conventions including the Rome statue of the International Criminal Court.

This pre-condition would allow the United Nations to continue to have Secretary Generals with integrity as has been the case up to the present day. (*"Tamil Mirror" South African Edition – January 2004 and "Asian Tribune" – 25 January 2004*)

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## Can Sri Lanka place its candidate for the post of UN Secretary General?

By S. V. Kirubakaran

Further to my article, "Pre-condition needed for the post of Secretary General of the United Nations" (<http://www.tamilinfoservice.com/exclusive/art/2004/jan5.htm>) of 29 December 2003, I write now with the latest information.

In my article I mentioned that the United Nations should establish pre-conditions for candidates who wish to contest for the post of Secretary General. It is obvious that the candidates should come from a member country. Also the country should have respect for human rights – not only on paper but also as demonstrated by their actions. I mentioned that the Rome statute of the International Criminal court could be a yard stick for this screening.

So far the UN has seen seven Secretary Generals. Kofi Annan was the first UN staff member to reach this position.

When one looks at the mechanisms of the UN, there are several Conventions, Covenants and Declarations promoting peace, security and human rights. Unfortunately many international laws are seriously violated by several states, even after they become party to the same. Some states have no interest in becoming party to certain Conventions and Covenants. Furthermore some states have signed them with reservations to particular articles.

States which have no respect either for the United Nations or for international law are yearning for the post of Secretary General. These countries are serious violators of human rights, where racial riots, ethnic conflict, armed conflict and bloody conflicts are taking place. Obviously those countries seek the post of Secretary General for their own benefit, rather than for universal peace, security and promotion and protection of human rights.

I wrote in my previous article that anyone who associates with states which have no respect for human rights, supports of aggressive states, advocates violence and inhumanity should be kept well away from the post of Secretary General.

In Mr Kofi Annan's speech on 7 April 2005, to the 61st session of the Commission on Human Rights – CHR in Geneva, he proposed a reform agenda for the CHR. Kofi Annan said, "..... Unless we re-make our human rights machinery, we may be unable to renew public confidence in the United Nations itself.

"..... I turn now to the most dramatic of my proposals. As you know, I have recommended that Member States replace the Commission on Human Rights with a smaller Human Rights Council.

**"..... The new Human Rights Council must be a society of the committed. It must be more accountable and more representative. That is why I have suggested that members be elected by a two-thirds majority of the General Assembly, and that those elected should have a solid record of commitment to the highest human rights standards. Being elected by a two-thirds majority of the General Assembly should help make members more accountable, and the body as a whole more representative.**"

Kofi Annan's proposal is for discussion and possible amendment. However, suppose it were to be taken as the yardstick for the membership of the CHR, obviously many of the present fifty three members would be removed from this august forum. It is disappointing that countries which are not even qualified to be a member in the Commission on Human Rights are yearning for the world top position.

It is said that the present Secretary General's term ends in December 2006 and it is believed that on the principal of geographical rotation, the next Secretary General could be from the Asian group.

If we consider commitment to the highest human rights standards in Kofi Annan's proposed reform agenda for the CHR, and ratification of the Rome statute of the International Criminal court as the pre-conditions for the candidature to the post of Secretary General - out of nearly fifty member states from the Asian group - there would be only twelve countries qualified to place their candidates for the post of Secretary General as of 12 May 2005.

From the Asian group Fiji was the first country to become party to the Rome Statute followed by the Marshall Islands, Nauru, Cyprus, Cambodia, Mongolia, Jordan, Tajikistan, Timor-Leste, Samoa, Republic of Korea and Afghanistan. The other countries in Asia have not even considered becoming a party to it.

***One wonders why UN member countries are reluctant to sign the Rome Statute. Could it be that there are individuals in their countries who were/are involved in genocide, crimes against humanity and war crimes?***

The official website of the Government of Sri Lanka announced last December that, "Peace Secretariat Chief Jayantha Dhanapala is Sri Lanka's nominee for the top UN post. The announcement was made by Minister Lakshman Kadirgamar in Parliament." (December 6, 2004)

In Sri Lanka, there is an Ethnic conflict which has resulted in twenty years of bloody war. Over 79,000 people have been killed or "disappeared"; more than 12,500 women raped and killed; more than two thousand five hundred buildings of religious places of worship have been destroyed in aerial bombings and artillery shelling and billions worth of material damaged in aerial bombing and shelling. As a result of ethnic cleansing, nearly 800,000 people were internally displaced and more than 500,000 people have sought political asylum in Europe and other countries. During the last three years of cease-fire, the victims have not found either redress or remedies.

In recent years, Sri Lanka was declared to be the country with the second highest number of Disappearances in the world, by the UN Working Group on Enforced or Involuntary Disappearances. So far no proper remedies have been found for these disappearances.

More than twenty-eight years of Emergency rule combined with twenty-four years of draconian Prevention of Terrorism Act (PTA), allow the security forces in the Island to violate human rights with impunity.

In the recent past, Sri Lanka's attitude towards the United Nations, its Secretary Generals and some International NGOs has been disturbing. I would like to quote a few incidents here which cannot easily be brushed under the carpet in a civilised world.

- 1 - After the bombing of a church on 9 July 1995, in which 165 people were massacred, the ICRC which had personnel on the spot issued a news release deploring the loss of life. The Minister of Foreign Affairs summoned the ICRC chief and warned him not to interfere.
- 2 - In September 1995, "Medecins sans Frontieres - MSF", the international NGO which works with the war-injured, issued a press release on a bombing which killed 71 children and injured 100. When UNESCO took up this matter with the government based on MSF reporting, Sri Lanka castigated UNESCO.

- 3 - In November 1995, when the UN Secretary General at that time, Dr. Boutros Boutros Ghali, called for aid on a significant scale to help 800,000 Tamil refugees, the Minister of Foreign Affairs Mr. Kadirgamar discredited Boutros Ghali saying that the Secretary General did not know the facts, and that there were only 100,000 refugees - as if even those 100,000 refugees did not deserve help.
- 4 - In September 1999 criticism and denigration were heaped upon the United Nations for condemning the killing of civilians. The BBC reported:

***"Mr Kadirgamar was quoted by the state-run Daily News as saying the UN should be concerned with malaria and mosquitoes and should not try to expand its mandate.***

"..... Mr Kadirgamar told the Daily News he would not tolerate UN officials commenting on domestic issues. Mr Kadirgamar, who is in New York attending the UN General Assembly meetings, said if he had been in Colombo he would have given the organisation a dressing down.

"He said that apart from the UN High Commissioner for Refugees, the UN agency's mandate only allowed them to be involved in the social and economic development.

"He also criticised the International Committee of the Red Cross for its statement on what it called the alarming increase in the number of civilian casualties". (***Excerpts - BBC News - Monday, September 27, 1999***)

- 5 - On 7th January this year, Kofi Annan made a humanitarian visit to Sri Lanka - a country severely affected by the devastating Tsunami on 26 December 2004. Kofi Annan requested to visit the North East, the areas in the island most affected by the tsunami. The Sri Lankan authorities prevented the UN Secretary General from making a humanitarian visit. This is a serious violation of the UN Charter, Chapter XV Article 100.

***On Saturday 8 January 2005, Kofi Annan told Reuters in Sri Lanka that, "I am here on a humanitarian mission. I would like to visit all the areas, but as you know I am here as a guest of the government and they set the itinerary." Reuters also quoted UN officials who said, "it is a relief visit, not a political one. The secretary general wanted to go, but it just didn't happen," said one official on condition of anonymity.***

The Sri Lankan Minister of Foreign affairs attempted to justify this on 22 March 2005 in his interview with Zeinab Badawi in the HARDtalk programme of the BBC world service.

Mr. Kadirgamar, addressing the 61st session of the Commission on Human Rights in Geneva, on 15 March 2005, spoke with lack of factual accuracy regarding recent incidents which have taken place in the Island. He also said "..... ***Sri Lanka today is well on its way to achieving the Millennium Development Goals,.....***"! This was said three months after the Tsunami had badly hit the island.

It is not unusual for certain government dignitaries and representatives to say things which lack factual accuracy, in the Commission on Human Rights. Participants of the UN CHR know that, if everything is going smoothly in a particular country, it is not necessary for a dignitary from that country to travel to Geneva to address the forum. Also participants are aware that state representatives will not say to the CHR, "sorry we are violating human rights in our country".

In fact, those who speak during "High level segment" in the UN Commission belong to two categories. One addresses this forum in the interest of promoting and protecting human rights and the second addresses the forum to defend what they are doing in their country. Sri Lanka belongs to the second category.

During the last Human Rights Commission in Geneva, the Sri Lanka representative Sarala Fernando quoted UNICEF and UNHCR in order to reply to accusations of discrimination in Tsunami relief distribution. A veteran member of civil society from Sri Lanka said, "the professional liars who were based in Geneva are back in Colombo and sending their usual lies to the CHR. UNICEF, UNCHR and other institutions should take pre-cautions regarding this underhand business by Sri Lanka."

A few days after Kofi Annan made his speech to the CHR, on 12 April, the Commission held a special information session to discuss the Secretary General's reform proposals. In this session, Sarala Fernando said, ".....the Secretary-General had proposed that members of the Human Rights Council should have a solid record of commitment to the highest human rights standards. What could be the possible benchmarks in that regard? Should those benchmarks include action by **States to become parties to all major human rights treaties?** Sri Lanka, as a country, which had demonstrated commitment to openness and accountability,....."

Yet in fact, this is a country which does not match the said proposals by Kofi Annan.

It is true that Sri Lanka has ratified the International Covenant on Civil and Political Rights - ICCPR and its (first) optional protocol. However, it has not ratified the second Optional Protocol, aiming at the abolition of the death penalty. Generally the happenings in Sri Lanka contradict what they have signed and what they are saying in the UN. If there is a genuine commitment to human rights, could the government advocate for the reintroduction of "Capital punishment"?

BBC Sinhala news of 22 November 2004 reported, ".....Joining international human rights organisations in opposing the move Amnesty International wrote to the president in April 1999 saying that resumption of executions after 23 years of being a de facto abolitionist country would be blight on Sri Lanka's reputation and seriously undermine international confidence in the government's commitment to human rights and reform". ..... Nimal Punchihewa said the human race now call themselves "civilised" as they have got rid of inhuman methods such as capital punishment. "If we are going back to it, that means we are going against the civilisation." (*Excerpt*)

One of the reasons given for the re-introduction of the death penalty in Sri Lanka was that the crime rate is rising. Recent statistics have shown that, wherever capital punishment is in operation, the crime rate has not fallen. Therefore the reintroduction of the death penalty to prevent crime is not acceptable and furthermore it is a violation of international law.

With all this, the government, which talks about its territorial integrity and sovereignty, is still not ready to proceed with peace negotiations. During the tsunami natural disaster, the government reaction was the same as in war time. Relief work done by the government was not carried out equally to all the tsunami affected areas and food and rehabilitation was not equally distributed to all affected areas. But Kadirgamar gave an entirely different picture to the Commission. Now, five months have passed, the "joint mechanism" between the Sri Lankan government and the Liberation Tigers of Tamil Eelam for aid distribution, rehabilitation and reconstruction in the North East has not even been finalised yet.

Instead of finding a way to achieve a political solution to the island's long standing conflict, the government looks for cunning methods to suppress the opponent. Can a country which is suppressing and causing so much human suffering to another nation or ethnic group, contest for the world's top neutral post?

It is the right time to analyse the requirements laid out by the European Union for Turkey to join the EU.

### **Who is Jayantha Dhanapala?**

Mr. Jayantha Dhanapala is a senior and talented Sri Lankan diplomat. He was former UN Under-Secretary General for Disarmament Affairs from 1998-2003. Since 1 June 2004, he has been heading the Peace Secretariat of Sri Lanka and has been advisor to the Sri Lankan President Chandrika Kumaratunga. In other words, Dhanapala has become associated closely with a government which is responsible for killing, disappearances, torturing, raping and ethnic cleansing.

Since Dhanapala became the head of the Peace secretariat, it has not moved even an inch in promoting either peace or negotiations.

Members of civil society, especially in Western countries are well aware that Sri Lankan representatives menace NGOs who highlight the violations in Sri Lanka, in international forums. But what the NGOs do not realise is that this is done with ulterior motives. Elaborate stories and lies are the main tools used for this purpose.

Three years ago, a Geneva based NGO was menaced by the Sri Lankan representatives in Geneva and New York in this way. They even threatened this NGO with the deprivation of their Ecosoc status. A few months after this incident, Jayantha Dhanapala became the Honorary President of this organisation which since then has completely turned a blind eye to the happenings in the North East. It is believed that influential circles in New York have been heavily lobbied on the ethnic conflict in Sri Lanka. As far as Sri Lankan diplomats are concerned, what is happening in Sri Lanka is a terrorist problem and Tamils are the cause of twenty years of bloody war.

I would like to mention here an incident when Sri Lanka used the UN forum for their propaganda by planting their people in the UN system.

In 1998, Mr. Rajendra Kalidas Wimala Goonesekere and his alternate Ms Deepika Udagama from Sri Lanka were elected as members – "independent experts" - to the then UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. Since 1999 this body has been known as the Sub-Commission on the Promotion and Protection of Human Rights.

When the Sub-Commission began its 50th session in 1998 in Geneva, on the very first day, the Sri Lankan mission in Geneva organised a party for all the members of the Sub-Commission. Out of twenty six experts only a few attended this party. In fact, it was considered by non attendees to be a government lobby exercise by R.K.W. Gunesakara and his alternate Deepika Udagama. Those who attended the Sub-Commission between 1998 and 2001 knew how R.K.W. Gunesakara and his alternative were using the Sub-Commission to justify the government position on its bloody war – arrests, torture, killings, disappearances, rape, displacement, ethnic cleansing and economic embargo.

A government which has no respect for the United Nations has its own agenda in placing its candidate for the post of the Secretary General.

Being a person born in this island, I would be proud to see Jayantha Dhanapala not only as a candidate but also as the Secretary General of the United Nations. Unfortunately in the present circumstances neither Sri Lanka nor Dhanapala deserve this post.

Accepting a candidate from Sri Lanka with all the above given factors, would be seen as reward for all their violations of international law and the discredit and insults that they have thrown upon the Secretary Generals and the United Nations.

As said before, the peace secretariat headed by Dhanapala has not moved an inch towards peace negotiations since he was assigned as the head. In such a critical situation, can anyone expect world peace to move in the right direction under the leadership of Jayantha Dhanapala?

Surely this world is not short of personalities and can search for a genuine Civil Servant for the UN, rather than falling into the trap of appointing someone, who will use the world body for their own purpose.

The United Nations needs a Secretary General from a country which has a clean record on human rights and respect for the political rights of others - not a Secretary General who will be guided by a government which has skeletons in its cupboard.

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