

PREFACE

Good offices are a valuable part of any system for the promotion and protection of human rights. We live in a world of nation-States co-operating within the framework of international organizations established on the premises of respect for national sovereignty and non-interference in the internal affairs of States. As a result, arrangements for the promotion and protection of human rights often fall short of what is needed to ensure protection of human rights. When cases or situations arise outside of the sessions of human rights organs and where inter-sessional arrangements are either non-existent or inadequate, is the plight of human beings to be ignored? If the international organs concerned cannot agree, or decide, on a course of action because of political differences, is human suffering or human need to go by unheeded? Even if human rights organs do take up a case or situation, should not a reputable and respected international personality such as the head of an international organization or secretariat with competence in the field, do whatever he or she can in order to assist in providing humanitarian relief? In most systems of law it has been found necessary to develop forms of equitable relief in order to render justice to those who are not covered by the specific terms of the law, or who would suffer injustice if the law were to be applied rigidly. Are good offices not a useful medium for this purpose?

While the exercise of good offices for the maintenance of international peace and security has been the subject of some scholarly investigations, the exercise of good offices in the field of human rights has so far been the subject of little study. However, interest in the subject is growing, as is indicated by various resolutions recently adopted in the United Nations on, or related to, the topic. There is also much interest among Member States in utilizing more fully the possibilities open to the Secretary-General under the Charter of the United Nations.¹ It has been suggested for example "that the Secretary-General could maintain a

watch-list of potential crisis areas to be reviewed at periodic Security Council meetings, possibly closed, or informal consultations.”² A related suggestion is that “A body attached to the office of the Secretary-General could be created which could involve itself in research and projection into the future about the potential crisis areas.”³

In the present work it is proposed to analyze the concept and characteristics of humanitarian good offices in international law with particular reference to the good offices of the United Nations Secretary-General in the field of human rights. As a serving United Nations official I am fully aware of the delicacy involved in entering into an area which is at once sensitive and also close to the Secretary-General himself. I have felt enabled to do so on account of the following factors: (a) The examination will be based exclusively on materials which are in the public domain; (b) I shall confine myself purely to conceptual matters. Examples taken from specific cases or situations will be used merely to illustrate the conceptual discussion; (c) I shall assume a purely academic mantle and therefore all views expressed, even on conceptual questions, will be entirely my own, solely in my personal capacity, and should in no way be associated with the organization I have the great honour of serving, or its Secretary-General, or any of my other colleagues; (d) International officials need to investigate conscientiously the conceptual and substantive issues affecting their work and also need in this regard, to profit from exchanges with their academic colleagues. The Reid Lectures of Acadia University provide a splendid forum for such an exchange on the concept of humanitarian good offices, particularly since Acadia, one of the oldest of the distinguished universities of Canada, is an example of the finest humanitarian tradition and also because Canada has displayed so much interest in the humanitarian good offices of the United Nations Secretary-General, as will become manifest in the ensuing pages; (e) Only materials before 1 January 1982 will be used. In this way there is no possibility of inadvertently touching on matters affecting the current Secretary-General.

NOTES

1. See, e.g., the Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (1980), A/35/33, pp. 61-62.
2. *Ibid.*, para. 28.
3. *Ibid.*, para. 29.