

United Nations Oral History Project

**Oscar Schachter
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UNITED NATIONS

Dag Hammarskjöld
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Interviewer: William Powell

Interviewee: Oscar Schacter

Date: 11.10.85

Place: New York

Powell: This is going to be a unique record which will help historians of future generations to understand better some of the UN problems and achievements in its formative years. I think it is most appropriate that we should be doing this interview in 1985, the 40th anniversary of the establishment of the UN and nearly 4 decades since you joined the Secretariat. Let's go back even little before you came to the UN. I see that from 1944 to 1946 you were with UNRRA (United Nations Relief and Rehabilitation Administration) as assistant legal counsel. Now UNRRA was a vast operation providing immediate assistance to war devastated areas of Europe, the Middle Eastern Asia. I believe that earlier you were working in the State Department, How did you come to move to UNRRA and specifically what were your duties there?

Schacter: I was in the State Department and in the last part of my period there was assigned to what was called liberated areas of Europe - Italy, Yugoslavia, and other areas being liberated and so I became involved in the reconstruction and post war effort UNRRA came along and I had an

opportunity there invited by Abe Feller who was the general counsel to get into legal work which I wanted to do because the State department job I had was a non-legal position. In any case, he appointed me as assistant general counsel which was a step up and was a fascinating opportunity to go into a new international organization.

Powell: Now I know that UNRRA predated the UN and was never a UN Specialized Agency but when its operation were concluded, a decision was taken that both UNRRA assets as well as its liabilities would be handed over to the UN. I believe this business went on for years if not for decades and the UN today is the repository of UNRRA archives. During your years of service with the UN were you concerned with the residual UNRRA problems or ...

Schacter: Oh, yes, very much as a matter of fact I was the UN official who handled that, I went to Washington, I wrote the documents for the transfer, I negotiated it with Gen. Rooks and then in subsequent years we took over from UNRRA the claims it had, particularly in the maritime field and we arranged to have UNICEF become the beneficiary and for at least 10 years after that we collected a great deal of money, I don't remember, probably in the order of 25 million dollars which then seemed like a lot of money for UNICEF. Nobody paid much attention to it except that the money came in and we carried on a considerable litigation in various parts of the world.

Powell: And then of course there were also liabilities claimed by staff members whose injuries incurred during service that sort of thing...

Schacter: Well there were few liabilities, that was not a large problem but we did have some of that as well and that was handled by the legal dept. under my supervision.

Powell: Now you were mentioning ^{Al} Abe Feller just a few minutes ago, he came over to the UN, did he bring you there as well?

Schacter: Yes. Originally he joined the US delegation, he was the alternate to Adlai Stevenson in the Preparatory Committee. In the period after he left, for a period under La Guardia I was the acting general counsel of UNRRA, I came to New York on some UNRRA business and he asked me if I could help him out for a few weeks, and I was glad to have a change from Fiorello and did that for originally intending to remain only a few months, but stretched into decades. In fact, I believe, I am quite sure of this, that I was the first staff member to be given a permanent appointment. Dr. Kern, the head of the legal department, brought me to Trygve Lie, because we were next door to Trygve Lie and Hunter College and was very proud, I mean Kern thought I should be very proud to be the first permanent staff member, actually I didn't think of it as a very significant thing except that I lost my per diem which I received as a temporary staff member. But I never expected to stay for any length of time at that point.

Powell: Now I remember that when Ivan Kern was appointed I think Lie recalls in his memoirs that he was recommended by Anmezrick and he was for many years the Assistant Secretary General. Was he sort of titular head of the legal

Schacter: Oh, he was the head of the legal department, Feller, who was then called top ranking director no. 2 of the department was however closer to the Secretary-General and their relationship was a much more intimate one than Kernon with the Secretary-General, so in a sense they divided the work in the legal Dept., Kernon handling matters connected with the international law commission, the international court, and various other things like that.

Powell: Now when Mr. Kernon retired, his successor was Constantine Starabales, a Greek national. How effective was he in the job?

Schacter: Well he was very effective, he was much more politically minded, and much more involved with staff problems particularly in his early years, personnel problems, and he became I would think the major figure within the Secretariat in dealing with problems of personnel. He chaired the board and he took a very very active part. In those days there were a lot of critical problems involving personnel, arising out of the loyalty investigations and so on. So that was one field and he devoted himself very much to dealing with delegates on various problems, he was not a legal scholar and his background in law was limited, for that reason he tended to, as I say, play this more political role and did that very effectively.

Powell: This leads me to a couple of questions going out of my rereading of the Lie Memoirs and the cause of peace. In April 1947, the question of removing the Iranian complaint about the presence of Soviet troops in Iran from the agenda of the Security Council came before the council. The

Schacter: May I interrupt you on that, you have the date wrong it was 46 not 47

Powell: Oh I thought it was a question of removing...

Schacter: that's right but that was 1946. May 1946

Powell: the Iranians wanted the item removed and the Americans were opposed to it. Trygve Lie had the legal office prepare an opinion with the help of Aide Feller which gave his view on the matter, those views were set of in detail in his autobiography but essentially he agreed with the Iranian position that the matter should be removed from the agenda. What is more important historically, I think, the incident established the precedent with the Secretary-General's intervention in a case before the council. Now Lie specifically mentioned Abe Feller were you involved in this matter?

Schacter: Yes, it was the very beginning, the very start of my service there and we did talk about it and I did some research on it, you're quite right it was an important precedent and I noticed that in some recent writings, it is said that Trygve Lie took various pro-Soviet positions so that the Soviets supported him subsequently when the question came up of his right to intervene under the rules of procedure. I don't think that is quite true, I do think this particular situation, in which he took a position at Soviet's favor, Soviets asked for the withdrawal, Iran at first refused, finally Iran came along, when they both asked for it, Trygve Lie intervened, it was an

initiative that Feller played a significant role in doing and it was not done in order to establish the precedent, but it had that effect. It was I think the one case which influenced the Soviets a few weeks later in the deal in the discussions of Rules of Procedure to accept the Secretary-General's role.

Powell: Now [redacted] chose that in the Spring of 1948, he'd asked the legal department for a memorandum regarding the power of the Secretary-General on the Article 99 of the Charter, to bring the attention of the council to a threat to peace in the event of an invasion Palestine. Lie records that the opinion which was the affirmative was on his desk on May 3rd just before the actual invasion of Palestine. Did you have any part in drafting that?

Schacter: Yes. Yes. That was a very tough issue. but yes, it was important and in fact it did not of course occur, it was another aspect of that which perhaps you are going to ask and which I did work at that time and which I think was more significant in the long run, incidentally on that Palestine question I wrote that up along with other matters in a longish article in the British yearbook of International Law so that if anybody wants some further details on the intricacies of the legal problem that might be referred to. Before that Palestine decision I wrote an opinion which [redacted] presented or approved in which the Secretary-General put forward the opinion prior to any delegation, an opinion which supported the right of the Security Council to deal with Trieste. Now that was not breach of peace or active aggression situation, it was an unusual action in which the council accepted responsibilities under statute of Trieste. It's another important case where a

legal opinion of the Secretary-General made the law on that subject. Coming back to the Palestine situation, if you want me to go on I could, the other thing that comes to my mind which I thought at the time was significant and still is, was Lie's proposal, I don't know who initiated it, I didn't, I don't know whether [Aide Feller] did or whether it came up in some other context. anyway I did the study and memo which supported the notion of the UN guard, United Nations Guard in which we justified the Secretary-General's proposal to employ people individually not as contingents, people who would act as a security guard bearing arms and taking protective measures in the Palestine situation or particularly with the Palestine situation in mind. That initiative which later was not accepted by the Governments in the first instance, although as I recall received approval by a number of members in the General Assembly later on thence overtook it. Nonetheless, this was an early forerunner of the peacekeeping forces that planted the idea of peacekeeping was not, did not just spring from the brain of Dag Hammarskjöld, I think this initiative was a very significant thing and in the histories as I recall in Bill Fry's book, William Fry wrote a book about peace keeping in which he does record the significance of this UN guard proposal. It was very extraordinary because we presented the case, I wrote it myself that the Secretary-General had this power on Article 97 of the Charter, as Chief Administrative Officer.

Powell: Now there was one other thing which Lie recalls and this was in 1950 when the Council was involved in the question of trying the Chinese representation. Did the veto apply or was the question a procedural one? And there Lie records that the legal office prepared a long study on the matter involving Presidents from the league of nations in earlier UN practice. Do

Schacter: Yes, I recall working on it, I don't remember too much about it, I think we ended up ~~the matter was~~ a procedural matter which was opposed to the position of the US at that time which considered it a substantive matter.

It's a very tricky business and after that we did prepare the more publicized memorandum on which I worked, and my staff worked and Aide Feller worked, and he signed it, in which Lie presented the view, the issue of representation went to a more claimant groups contended that it was the proper representative. That was a very significant opinion.

Powell: Do I take it then that a great deal of your work in at least in the early years in the legal dept. was involved in writing opinions of this kind?

Schacter: Yes, yes. that was my major work. Another part of my work which I enjoyed particularly involved the work in drafting of resolutions and treaties in some cases, we became a very quickly and there we had an UNRRA president where the legal office served as the drafting office, we never assumed that role in a formal sense here, it had been proposed by Trygve Lie, faced with objections by some delegates, withdrew it. Nonetheless we developed a practice in which a great many resolutions were drafted in our office. This meant that delegates who had resolutions, ideas for resolutions, very often came to our office for help in drafting, so this work was quite different from a usual secretariat thing, and that I found very interesting particularly those resolutions which involved the establishment of new organs and this was a period of expansion of the UN and I guess I became a sort of the specialist in

that field so that the resolutions establishing UNICEF, The High Commissioner for Refugees, the UN Technical Assistance Board, and one or two others at that time in which we created new bodies within the Secretariat, that was, I thought a very positive role which we got away with, which had never been conceived of in San Francisco. I appeared several times before the main Committees, one or the other, Second Committee particularly to meet the objections that this was an improper activity to establish operational activities and I put forward a charter doctrine based on Article 66 as I recall, which has a very one word that the Economic and Social Council may provide for services, and this became the foundation of the largest part in terms of quantity, money and so on, the largest part of the UN, yet it passed almost unnoticed. It's a very good way of indicating the significance of a legal role. I guess it started with UNICEF, here I'm not absolutely sure whether anything preceding UNICEF, I don't think so, in this kind of thing. The big thing was that we did this through Assembly resolutions and not through inter-governmental agreements and we call them sometimes statutes, later on appended statute, or as in the case of UNICEF, simply resolution which became the Constitution.

Powell: Would you consider that this is probably your most significant accomplishment in your years in the legal office?

Schacter: I would say in the early years I would feel that that was certainly one where I myself in contrast to others, I mean Abe Feller didn't pay any attention to it, it was pretty much left to me, Kerno paid no attention to

it. It was not the headlines stuff and so was left to me as a workman like just as part of the work and I kind of fostered it with my relationships particularly with Economic and Social Dept. people and to some degree Martin Hill who was in the Sec-General's Office in this field. It was a very productive period, it passed unnoticed, it was politically acceptable although UNICEF run into trouble even in its formative period.

Powell: Dag Hammarskjold came to the UN early 1953. When did you first begin working with him?



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Schacter: Well, I suppose there were periods in the early years when there were occasions when I worked with him, but I really didn't get very close to him until there were some legal matters that he seemed to prefer to discuss with me rather than because as I said, Hammarskjold was very much interested in the war. Trygve Lie was too, but Trygve Lie was a practicing lawyer and he handled workmans compensation cases, and he was very much interested in UN compensation, the only time I remember him getting really involved in a particular problem when we went up to discuss the employees' compensation. He really turned hard on that because of something he had lived through most of his career and he respected lawyers but he did not know much, he did not know anything about international law, he was completely ignorant of it. Hammarskjold, although not a professional lawyer was very law-minded because his father had been something of a legal scholar, in fact, one of the first times I met him, he discussed his father's doctrine thesis with me which came up in fact in the Congo situation later on. And he was interested in the

fact that I had done some writing on some basic problems of the UN and he kind of, we developed a relationship in that capacity, his brother was also a famous figure in the international law community. So he had a strong emotional feeling about international law and he would call me up at times, which was more in the later years, just the two of us where he just wanted to talk about law, about the Charter, things like that. He's very extraordinary, cause noone else in the 38th floor gave a damn about the Charter. You know it was quite a, they regarded it as something theoretical, they were people who were concerned with moving papers and things like that, furniture. So it was a pleasure for me to have this linkage with Hammarskjold and later when the Congo thing came or even before that there was some situations where I got more directly involved with him and I felt that we had a pretty good personal relationship.

Powell: I was going to ask you now, it was very early in 1955 Hammarskjold went on that very delicate mission to Peking and he recognized, I think, that there were a great many legal complexity of it, because it took Sir Humphrey from . Did he consult the legal office prior to the trip, do you recall?

Schacter: Not that I recall. The reason he took Humphrey Woldock in my opinion, which is not part of the record, I don't remember whether Urquhart's book even refers to that, is something that is just not, he took it not because he was a legal scholar, but because Chao EnLai's close associate named Ched Chen had been a student of Woldocks and did his doctorate in Oxford

under Woldock. This Mr. Chen whom I got to know in recent years and who died last year, whom I saw several times in recent years, recounted to me this aspect of it, he was very close to Chao EnLai and this information obviously came to Dag Hammarskjöld and he in his way chose Humphrey Woldock. It was not a, it was a very unpleasant thing for it was just a complete ignoring of the legal office. But I don't think any of us realized, certainly I did not, I'm sure did not he was pretty angry about it, that Humphrey was not Sir Humphrey then but Humphrey Woldock had this particular link indirectly with Chao EnLai and that was it.

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Powell: Now, when ~~UNEF~~ was created in 1956, this must have raised a host of legal as well as political problems. To cite just one example: there was a status of forces agreement with Egypt, in here was an absolutely unprecedented situation, an international, multi-national force serving on the sovereign territory of the third Country. What were their legal rights and obligations? Just one example: A UNEF soldier gets picked up on a charge of drunk driving or smuggling, in what court and under whose laws should he be tried? The UN had to work out a status of forces agreement with the Egyptian Government which I have heard described as the matter in one then was instantly negotiated for NATO. Now was this something that the Headquarters legal department was involved in or were these matters worked out by the Commander of UNEF, General

Schacter: No, this was done here in New York. But we had a much more important role on the UNEF side, I drafted a large part, maybe, I don't remember now, whether of the, what did the Secretary-General call them, I

Powell: they called it principles

Schacter: yeh, and heart of it was dealt with, I wrote it dealing with self-defense with the limits on use of force, the occasions when they may use force, that whole formula was as far as drafting was concerned was our contribution and I worked particularly on that. I don't remember who, it's funny I don't remember anybody in the other part of the Secretariat who was involved in that, my memory fails me, I remember I was involved with it, I don't think much was in it at that point, I just don't remember really, there was someone else, but I can't remember at this date. But it was pretty much our show and I regard that as a very important aspect of our legal role, it's the same sort of thing as I did for the other organizations except here we had this extraordinarily novel situation and perhaps it could be criticized in which we had to device in Charter terms an organ, Military body which would not exercise authority within the sovereign state contrary or against the Government, but the most difficult problems were a question of a kind of mandate which they should have. And we adopted this notion of self-defense which we carried and here it was not my contribution but I think Dag Hammarskjold himself who in discussion brought this to include the defense of decisions as well as self-defense in the criminal law sense of somebody being shot at in being able to use arms. This became the major problem together with the other provisions which we worked on but again I was especially concerned with, wrote on and later on and namely the extent to which the formulas whereby the force would not

End Tape I

Tape 2

of decisions as well as self defense in the criminal law sense of somebody being shot at, in being able to use arms. This became the major problem together with the other provisions which we worked on together, I was specially concerned with, wrote on, later on and namely the extent to which the formulas whereby the force would not take sides in internal conflicts. That of course became a central issue later on in the Congo. These in my opinion were the major legal contributions to that. Status of forces raised problems because we had situations but we had a pattern there, we followed the standard forms with some exceptions and on the whole, it worked out well but it was not a particularly, it was not as creative as these other principles for the force which were basically Hammarskjold's ideas but in language and precision and so on.

Powell: And you had to formulate them almost overnight, I believe ...

Schacter: We did that very quickly and I for the life of me I can't remember who on the 38th floor was concerned with it. It's funny it does slip my mind...

Powell: Was Dr. (inaudible) involved in that?

Schacter: That's what I don't remember. I don't think he was, he didn't come in, I think he was still in Trusteeship at that time but I'm not sure, I'll have to refresh my recollection.

Powell: Now let turn to Hammarskjold's last major and probably in my view his most important speech - "The International Civil Servant - in Law and In Fact" which he delivered at Oxford in May of 1961. I know that you worked closely with Hammarskjold on that speech and I'd like to discuss it with you for a little while..

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Schacter: Alright, I had a copy of it, but I, I mean I don't have one here...

Dag Hammarskjöld

Powell: Now Brian in his biography of Hammarskjold gives no indication of how or under what circumstances the University extended the invitation to Hammarskjold. Did the Secretary-General ever tell you?

Schacter: He told me he had this invitation..

Powell: I was wondering whether Sir Humphrey Waldock was involved...

Schacter: I never heard about that at that time. I don't think so, but I'm not sure. I don't know. He told me about it some months before he went and asked me to write the draft of the speech and I took sometime. It was not something I did overnight...

Powell: That's what I was going to ask you ... How early on was the speech in the making?



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Schacter: I don't know. I have some diaries I actually stuck them in but I didn't, I didn't have time to look at them. I could give the dates, but in my recollection it was a matter of probably three months because I did go back and do some research reading into the league period and I pondered various things. I had from time to time, had conversations with him, maybe twice and I have some place I was going to give it here, I don't know where it is now, the speech with his immendations, he changed very little, he stuck in at the beginning, a couple of things, the early reference about, I think I had it as virginity and so on, it was mine and he put in a few lines at the beginning, then he put in the last paragraph, it was entirely his. And in between, here and there he made some language changes, but on the whole, he took the whole thing except for the last paragraph, he considered important because he had a, he took a strong position against what he called inter-governmental secretariat, and he had a mind, he was particularly angry at that point that George Picou, who had been here and was on the Committee, a Committee

concerned with the Secretariat, and who was pressing hard for a more governmental short term employees and so on. Hammarskjold was not so much against that but some reason he was particularly mythed by George Picou's role in this and he was all together nervous about his relationships with France. You remember that was not a very auspicious part of his career, and it was after that failure in _____ and so on...

Powell: Tell me, did he ever explain to you why he chose that particular subject to speak on?



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Schacter: Oh yes, it was at the time the big attack occurred on him and he wanted to do this. He did talk to me about his ideas which were not precisely the same as mine I might say on some points. I was not even on an early conversation with him, I was never that much opposed to the notion of people coming from governments and taking account of national representation. I remember telling him that in the US Government where I had worked for some years and when I first came, he had quotas because the senators said there were too many New Yorkers in legal positions, in some way a code word perhaps for too many Jews, and an appropriate representation as required, and some of that was written into the law. So I, so to speak accepted this and when I came to the UN and even in UNRRA which was more American, it seemed quite appropriate to me to be concerned about. Hammarskjold had quite a different notion of a civil service. He came out of the Swedish civil service which was homogeneous, was non-political, he had a very strong position and he was the only political officer and no one else in the Secretariat could be political. And you remember... I don't know whether you want me to go on...

Powell: Oh yes.

Schacter: he very cleverly, I don't know whether Brian had in his book all these things, I mean I've read Brian's book but I don't remember. He had, a clever thing that he did, a kind of tricky thing that he did in order to overcome the built-in politization on the higher level was to promote this mass of people who were TRD's and all sorts of people to the top echelon. So instead of this significant eight, who was seen as representative of the major blocks instead of tackling that in a straight forward way, in his indirect way he did an extraordinary thing, he just took all these other people who were, I mean, Cordier, Stravopolous, I don't know how many _____ who ever they were at that moment and made them all at the top level. This infuriated George Picou, and who protested and I think resigned over that. And quite rightly, I mean from George Picou's point of view, it destroyed what had been an underlying agreement for the Secretariat. Whether that agreement was good or bad is a matter of some debate perhaps, but it never offended me I must say. It seemed to me appropriate to have that, I think one of the mistakes Hammarskjold, well, not mistakes, but I think it was very important to recognize that these people at the top level who are a significant link with the governments. Hammarskjold's problem, I mean, I am a great admirer of Hammarskjold, but his problem was this failure to communicate with the governments. When he had _____ for a while, things were better _____ was practically a young boy at that time, but _____ was smart and effective. With the other Soviet ASG's it didn't work, it

didn't work with the Americans. Abe Feller was useful because of his personal connection, you see Abe was very close to Acheson, and there's a whole story about that. So when Dean Acheson was Secretary of State he came here, I had worked for him, I'd been an assistant to Dean Acheson, he was, he didn't particularly like the UN, we knew that, but he was our friend and we had a close connection. Byron Price did not, he didn't even know him. Jack Hudson whatever his name was, did not, so Cordier certainly did not later on things were developing cause he had a critical position, but I always thought that that was important. Hammarskjold, there was something inhibitory there which prevented him from making the required links, I remember when the attack occurred on him, when somebody asked me about this the other day, so it came back, he asked me about Khrushchev. I remember Khrushchev meeting Hammarskjold, I wasn't there but Hammarskjold told us later that Khrushchev had, he said he was very pleased, he thought the trouble was over in a way but who came in also. I was very much a part of the group at that point. and Hammarskjold was a very talkative man, he was reticent outside, but when you see him at night or at lunch or at dinner, we bubbled on, the way I'm bubbling. He had, he was very interested in expressing his own ideas, and if he thought you were a sympathetic person, he spoke, and he was very interesting. I don't know again of Brian's book, Brian didn't know Hammarskjold so well, he wasn't part of that group sort of came at a later period, but Hammarskjold adopted with each person a certain style and when he would talk with Alf Katzin, he would talk with him in a different way from the way he would talk with me. And he sort of looked upon Alf as a kind of tough administrative type and he would deal with Cordier, each person he had his own

way of talking but he liked to talk and he liked to sound off on his ideas so he said a lot in this private conversations which I wish I could recall. His mistake with the Russians, I remember very clearly and he was very optimistic, I was wrong of course. The other mistake I thought he made, was that he never at that period although he spoke to the General Assembly and I remember talking to him about this, he did not make contact with the heads of State or heads of Governments who could have helped him, like Nehru and others who he had to go to see personally, but he was so busy here writing telegrams and working at times on his own drafts and things like that and that as I look back was the critical mistake he made. He needed to be much more in touch with the head people. He'd come back from a meeting with Kennedy and refer supersiliously to this young man and he would make cracks about De Gaul and he didn't seem to realize, I think he was a proud man, he was an intellectual, he has certain contempt for non intellectuals and he wasn't going to simply beg for visits. That was one thing, the other thing was his enjoyment of doing his own work. Sometimes in the Congo period, we were around late at night, a bunch would go to sleep and Cordier, you know we would go in, I couldn't go to sleep and so I would write stuff in my office and Hammarskjold would after dinner appear fresh an hour later having written his statement and he'd pass it around to all of us for criticism instead of it being the other way as in the Oxford Speech which I wrote, he very often wrote his own statements and gave it to us for criticism. Very interesting, but he liked to do his own work, he felt great, he wrote telegrams himself, and as a very important part and in my opinion a defect, an essential defect. I saw Tom Frank's book a reference, I suppose he got it from Brian and he invariably wrote his own

speeches and reports, that was not true, I mean Brian, we'd write drafts, I wrote much of the 1960s speech, I was in Europe and he called me on the telephone and asked me to give him a draft and I wrote about the veto and about the importance of big power cooperation all of which practically the whole thing he retained. So he wasn't, he wrote many things which he should not have written, other people should have done these but too much time on details and he did not spend enough time with the really big people in the field.



Powell: As I recall there were really two versions of the Oxford speech - there was the one that he took with him to Oxford and then delivered and then there is the one actually published by Oxford University Press which is sort of annotated, with sort of footnote references.

Dag Hammarskjöld
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Schnacter: Yes, I did that, but that was not important. I mean the speech to it, he wanted it to be, he thought of it as a very important speech, I guess it was in a way, and the ideas of the civil service were his, the ideas about using the Charter principles, the notion of the way principles could play a role and the significance of that was essentially mine and was congenial to him but the formulations of things which, even things I had written independently, so that was in line with his basic thinking cause he had talked to me, you know, I knew what that, but that was an interesting part but the ideas of the civil service, I mean his particular notion, were his

Powell: Now in the speech, he does refer to Chairman Khrushchev's remark, that's sort of the theme of the speech. There might be neutral nations but there are not neutral men, and I believe he said that hesomehow Walter Lippman was involved.

Schacter: Yes that's right. Right in the beginning he said that and we picked up Walter Lippman's remark about virginity, I can't remember...

Powell: Was it a published comment of Lippman, I know...

Schacter: Yes, yes, it was in a column of Lippman

Powell: I believe Hammaraskjold knew Lippman, I don't know whether it was dinner table conversation or what...

Schacter: No, it was in a column. Yes I was at lunch with him and Lippman and he said to me afterwards that Mrs. Lippman is much smarter than Walter. Which is a typical, you might say a typical Hammaraskjold remark. I don't suppose Brian heard that, he wasn't there, but this curious remark, because Lippman was an impressive man. And Hammaraskjold also said that about Calbot Lodge's wife, it was Calbot Lodge's wife _____. It's very interesting that these two women were in his mind elevated. Lippman's wife was a _____ and she's very talkative, I mean quite talkative at that lunch

and he was very much taken with that in her, an interesting point. But that comment came from a column that he had written, I must get the original speech and see where he wrote in that beginning point you see and first couple of sentences...

Powell: Tell me about the reception of the speech. I know that it was immediately attacked by the Russians, but did it get world wide publicity do you recall?

Schacter: No, not so much, I mean his general notions about the UN as an executive agency or the executive function of the UN in his speech in that period of time received more information, more publicity I think than the Oxford speech. The Oxford speech he got caught up right into the current attacks...

Powell: Did he, after he got back from Oxford discuss the reception of the _____ with you?

Schacter: No, he was very pleased with the speech, very pleased with the reception he got, he was very complimentary to me for that, he liked that very much and I was astonished that he didn't change more of it because he had such an itching pencil.

Powell: Did you see much of Hammarskjöld after the Oxford speech and during the summer of 1961?

Schacter: When I was here, I saw him I was in Europe part of the time and, I'm trying to remember, I guess it was in 1961 annual report introduction that he asked me when I was in Europe, he called me, he reached me in Copenhagen and asked me to send him my draft and I wrote that in Copenhagen, Hue Williams was there and sent it on to him at that time, and I got back from him, I think we probably used a telex, he was very good that way, where he changed things and that was a 61 speech, 61 introduction which was, he considered an important document.



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Powell: I believe I heard Wilder Foot say when that was completed Hammarskjold this you know - I've said all I can say now.

Dag Hammarskjöld

Schacter: Oh really. He took it very seriously

Powell: He took it very seriously. That's right. I have to go back and read it but I remember that part of it and I was surprised he asked me since I was away and I rode by, he was so interested in the legal approaches, not in technical law but since I was interested in sort of basic Charter law and no body else was, I mean the organization had noone in the whole place including my legal colleagues who took that seriously. I had been teaching, sort of developed that as for Abe Feller took that seriously and I sort of followed his line on it and developed it more and more because I had this academic interest as well, but Hammarskjold had no one to talk about it, I mean no one in the 38th floor had the slightest interest, Cordier was very deriseree

about any introduction of law and he and Stravapolous often quarreled about these things but Stravapolous was interested in law, minimize that but he was interested in the idea, he had certain ideas, but he wasn't interested in the subtleties of the Charter and Constitution or interpretation in that aspect. He wanted the law to be followed, it's a different sort of thing.

Powell: Where you back in New York in Sept. when the news of the plane crash?

Schacter: Yea, I was taking a haircut when I heard it, terrible thing.



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Powell: And immediately I recall very well on Monday morning, it turned the place into a turmoil. And I've heard it said that Cordier as the Chef de Cabinet acting under the shock of the moment, brought the Under-Secretaries together and said that the only possible immediate solution was to assume that Hammarskjold was on a trip and that each man would carry on his own departmental responsibilities and that was the way the thing held together, is that...

Schacter: For a while, yes, I think so, I think so. That worked pretty well in a way. It met that particular situation as much as it could.

Powell: Now, we've talked about Hammarskjold. Did you work very much with U Thant?

Schacter: Only on some things. He asked me to take on the UNITAR job. Oh I knew him before, Hammarskjold had put me in touch with him, in some initiative, I can't remember where Hammarskjold entrusted him when he was the Burmese delegate to do something, I'm sorry it slips my mind, in which Hammarskjold asked me to work with him, so I had, I was one of the people who knew him in a fairly close way before, and when he came in, for a while I, you know, had that prior acquaintance to go on and he invited me right at the beginning to have dinner with him so I had that background with him and ... but I don't remember too much on the Congo business at that point, I was not as deeply involved as I was during the Hammarskjold period with U Thant's Congo line. I was there but I wouldn't say...

Dag Hammarskjöld
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Powell: Did he often turn to the Legal Office for advise? I'm thinking for example the Cuban Missile Crisis in 62.

Schacter: No. Not as much as either Lie or Hammarskjold. Lie or Hammarskjold were really law minded, U Thant didn't have any particular feeling or affinity with law, he saw it purely as a particular instrumentality. If he thought somebody was sufficiently clever, I mean Stravopolous being good in a sort of, in an appreciation of delegates and things like that, so he would turn to him as somebody as an advisor, on some issues he brought me in when he had, for example, later on, when I went to UNITAR, he asked me to go and he said he would use me, UNITAR, for his political problems, he discussed the problem of China, the problem of the Dominican Republic, OAES, a number of things like

that which he said I could be helpful if I were in UNITAR. That didn't happen, but occasionally he would invite me to lunch and when there were some crisis like the Indian-Pakistan Crisis, where he wanted to get another point of view, but it was not law that he was interested in, he was just interested in someone's point of view, either because I had experience, I knew him, but it was that kind of thing.

Powell: Now you moved up to the, really into the top of the legal office after Abe Feller's tragic death. And I think that that was probably one of the most difficult periods in the life of the UN Secretariat.

Schacter: Yea, yea.

Powell: The whole ...

Schacter: Yea. It certainly personally very trying.

Powell: When Mr. Lie following the US decision to undertake a security investigation of all the American members of the Secretariat, decided to allow the FBI to open an office right here in the Secretariat Building, was the Legal Office consulted?

Schacter: I don't know whether Stravopolous then was consulted, he probably was. At that point Stravopolous very much favored these investigations and he was close to _____, Roy Cone came to his office several times, I

disassociated myself from that, I thought that was a very unfortunate side, on the other hand I realized, I don't want to again give a misleading impression, but Stravopolous was very anti-communist, I mean very strongly right-winged, basically and emotionally anti-communist and particularly anti the American group here who were being charged with that. Secondly, he, I think, in a more positive way thought this is a way to protect the Secretariat, to have good relations with the enemy as it were, and try to, not to have to limit the confrontation. _____ played a role there, as a kind of intermediary and I had very little use for Begley and anytime and I particularly was offended by the close linkage there that was being developed. That was unfortunate ...

Powell: Just for sake of record, I think we should identify - Frank Begley was at that time under Lie, was chief of UN Security, correct?

Schacter: Yea, yea, and he made contact with the people, particularly Robert Morris and Cohen in the investigating committees, not the senators

end of tape 2

Tape 3

but the staff people who were in fact carrying the ball on this. The most vigorous one was not Roy Cohen but was a fellow named Robert Morris who was the counsel to the Mackaren Committee and that was the Mackaren Committee not the McCarthy Committee that did the major part of the UN investigation on the Senate side. But this was a - I mean, this was a very very difficult problem for all of us and for Abe Feller and his period, for me, and for all of us because one hoped that by bending, one would save people and save the institution that way and I think the idea was that an outright defiance specially since the State Department was not with us. And Trygve Lie, I don't know what his memoirs say, but he was particularly vehement in private against the people in the Secretariat who had been targets, prominent targets. He was very undiplomatic in his language, it is sometimes disgusting. On the other hand, he also, at other times, when he met with delegates, occasionally I was at those meetings, he would attack the American position in a... played both sides. This was very unfortunate and from my point of view, the whole business was _____ by Lie's double role and Feller was very loyal to Lie, very, very loyal, and I would go and tell him that this man was disgusting and he would feel, he wouldn't go along with me, he was very loyal and I think Lie's behaviour, I don't know why he committed suicide, he himself was not implicated in a personal way. Many of the top people were, particularly a great many of the Americans in the upper echelon were being, received these

charges, some have been made public, others have not. Abe was not in that category and as far as I know, there was no reason for him to think that, he was at the height of his influence, I would say, not only with Lie but with major delegates like Acheson and Pearson and others who came to him all the time. He was a very important figure in the relationship with these top people. Not many secretariat people had that, no one really. Acheson knew Abe very well and Pearson knew him very well, we'd lived these people, by the way, Acheson was the US representative to UNRRA, Pearson was the Canadian representative to UNRRA. Many of the delegates who came here - Gromyko, we knew them before, so we had a standing relation. Anyway the, so I think this situation with Lie was a very hard thing for Feller to bear, but why he did it, I have no idea and it was, of course, a shocking thing. Now, Hammarskjold was also angry at the Secretariat Communist, or Communist in quotes and he took pretty tough positions. Katzin was his personnel man, he took even tougher positions and he was not a noble knight at that point at all, but he was clever and he saw the, he was tricky as it were, brought in the commission of jurists, a Committee of Jurists, it didn't matter very much. He developed a large, we've wrote, I was only a part of it, mostly Gurdon Wattles wrote an enormour document on handling of personnel problems in the Legal office, at that time, and Stravopoulos and other people, ran personnel. I mean, we were the Personnel Office at that period, and that's where I think Stravopoulos played his major role in the organization at that time. And Hammarskjold handled it in his way by building up a whole body of doctrine, and notions and principles and things. And then, what happened is that the boil was _____ anyway, America started changing, the thing dwindled, but Hammarskjold was not

a great defender of the staff and he went after people and in some cases, in my judgement quite unfairly, so _____ I am an admirer of Hammarskjöld, the qualifications about some of his things, I mean, maybe one should, I mean this is a very hard question to, for me to judge.

Powell: Well, let's get back to one or two questions about your earlier career in the UN. I have a note that in February and March of 1948 you were in Geneva at the United Nations Maritime Conference where you served as Chairman of the Legal Committee. This was the Conference that drew up the constitution for the future IMCO. At whose impetus was this Conference convened?

Schacter: Oh, this was a Conference convened by the Economic and Social Council.

Powell: Wasn't it unusual for a member of the Secretariat...

Schacter: What happened, the Committee, the legal people, the legal advisers got together, they did not know whom to elect as Chairman, and I remember Francis _____ the British representative proposed me as Chairman. I think in subsequent years, there've been a couple of other cases but in those years everything was very fluid. So, I was nominated as Chairman of the Committee and served that way, it was a curious thing. Nobody really cared very much, I mean it was not treated as a matter of great principle by anybody...

Powell: Have you followed the work of IMCO and now it's IMO, very closely?

Schacter: No, not in recent years, I'm interested in the Law of the Sea, but the IMCO specialized area has not been... one of my students is the chief lawyer there and so, one of my former students...so I have that...

Powell: Now, later...



Schacter: I'd like to say a word at some point, just to get it in the record here about UNICEF, because I haven't done this for UNICEF as they asked me to, I just want to get on record the interesting story of the founding of UNICEF, if you want to cover that.

Powell: I do Indeed

Schacter: What happened there, I had known from UNRRA period, the Polish delegate, a very interesting and strange man named Reichman, Ludwig Reichman who had been the head of the Health Section of the League of Nations, was the, when I first met him, represented Kuo Men Tang China in Washington and then when Poland became, after the war became a Polish representative. He had the idea where after UN came into being that, he was interested in Children's health, a doctor, and he persuaded Sol Bloom, who was an American Delegate, a Congressman, and Philip Noel-Baker to join with him in the idea that a thousand people would give a thousand dollars a piece and a million dollars curiously seemed like a lot at that time would be the foundation of this new

body and he came to me since I knew him well, worked with him, I'd been to Poland, I had been involved with that and he proposed that in some way I tried to give this a legal status. And then, I took that, made that, wrote that resolution which strangely passed because the money was seen as coming from voluntary sources, as in fact it was, then I went to UNRRA and I got them to transfer their credits, as it were, their claims, for the benefit of UNICEF, which proved quite substantial. And the State Department opposed this very strongly. They thought that it was a way of defeating their efforts at that time, very laudible to have a large scale economic assistance. And they were helped in this because Reichman, very, again cleverly with Pate's help, Pate was not then the... got Robert Taft to be the main supporter. There was a group of people connected with Hoover relief in Eastern Europe, very influential group of Republicans who had been in Eastern Europe - Pate, Strauss who became the AEC head, a group which looked at Taft for leadership. And the strange thing is that this Pole, or was part of the Polish Government operators at that time, to some degree, worked this out with Taft support to the anger of the then Democratic Administration believing that Taft like Hoover, Hoover was still alive, wanted some organization which would be a substitute for a much larger economic reconstruction organization. A very curious way, of course UNICEF grew beyond anybody's imaginings, Pate was brought in by Reichman and Pate being an Ohio Republican and close to Taft gave it this special colouring and a way saved UNICEF. It's one of the most interesting ways in which these organizations developed indirectly in an unexpected, unanticipated way and where the politics are curious that an isolationist like Taft and the Hoover group become the real founders or

supporters of the organization, I think that is something that has not been recorded. I once told Harry Labouisse about it, he said he never had heard anything of this, you know, it was no historical record. So I think it is good to have this on record..

Powell: I think it's very very _____ ... I was going to mention you had a slight connection with UNESCO too, didn't you?

Schacter: Yes, I went there for a short period at the request of Julian Huxley, who was the director-general and there was nobody there, they had no legal person there and they needed somebody to sort of get things done in a legal way and he just gave me a kind of carte blanche to go around the organization and find some things where I could be of use and I got particularly involved with the science, natural science department and was able to draft, again this business of drafting organizational things which had become something I sort of developed, and I drafted a whole series of things for them and I had some very nice commendations from Huxley. It was a very interesting period, I mean UNESCO, was a strange organization then as it still is, but being with people like - I mean Huxley brought in some quite outstanding people and the science group impressed me very much - Joseph Needham was the head of it and I, I found that a very interesting and rewarding period and some of it _____ and Amazon was one of my main subjects. I worked on the creation of an International Council of Scientific Unions ICSU, which developed into a major, a very important organization in the field of science. It was a very interesting - again I felt a very productive sort of period.

Powell: And I presume that you would be of the opinion that we did not make a good decision on _____ decided to withdraw from UNESCO last year?

Schacter: Well on the whole I guess that's right but I also know that, from my acquaintances in UNESCO that it is a pretty bad show and there's a lot that ought to be stopped and it was no way, I think of, putting the breaks on a Secretary-Director-General who is idiosyncratic and I think really heedless and I've spoken to people who were close to him, and his decisions, it seems to me, his behaviour is inexcusable. The Directors General I've know in UNESCO, have mostly been quite outstanding people.

Powell: Well, let's come over to UNITAR for just a few minutes. You had mentioned how you came to be there at the request of U Thant. Now, you were Deputy Executive Director, is that correct? And the first Executive Director was D'Arboussier. And I presume that he and the successive Executive Directors that you served under had to spend a great of time on the road ...

Schacter: Yea, they away almost all the time...

Powell: I was going to say, you in effect ran UNITAR, is that right?.

Schacter: Yes, yes. D'Arboussier was certainly away, Adebo, who when he was there took things seriously but also had other assignments in Nigeria one period, so he was away a great deal. I might say that the idea for UNITAR was mine and it came from an assignment I had, one of the first assignments I had from Hammarskjöld, in a personal way, Hammarskjöld had, if you have a moment...

Powell: sure

Schacter: Hammarskjold had the idea, again I don't think this is in Brian's book, that the Secretariat was not appropriate for research. He had again a peculiar European idea that the Secretariat, although most of its work, a lot of its work was research, especially in Economics, was not suitable for research, because they were biased, they were compelled to follow assembly line, and Hammarskjold had certain scepticism about the economic line taken by the assembly. He then asked some of us, including me, to go around to talk to people in the academic world to see what could be substituted in some way and he had in mind the intellectual cooperation organization of the League of Nations under _____ and later _____ he knew the League well as far as he was a delegate. He'd been in Geneva and he had this idea, and I went up to Columbia and Yale and talked to people and anyway, out of that I had the suggestion that there ought to be a separate institution or university connection under the UN and that was the _____ of UNITAR and because Hammarskjold had some organization which would not be Secretariat, and would have much greater freedom to deal with questions in that way and particularly what the university people want a link to the universities. Hammarskjold died very soon and I brought this to the attention of Harland Cleveland and Richard Gardiner who was his assistant and asked them if they would take it up, and they carried the ball in getting it through. So we had rather high aspirations, but that's the origin and in a way Hammarskjold is a founder of UNITAR, although it wasn't created until U Thant period. And I wanted to

leave the legal department, I felt that enough of that work for 20 years, and somebody in the US Mission, probably, Finger, told Dean Rusk or somehow, I don't know, I knew Dean Rusk for many years and Dean Rusk called me on the telephone one day, he was Secretary of State, I used to eat lunch with him when he was at Rockefeller, and he said would I take over UNITAR, and I said Well, I didn't particularly think of that, but if they wanted to suggest that to U Thant and he was agreeable, and that's how it got to U Thant. I think Finger went across the street at Rusk's request to tell U Thant that since D'Arboussier was unable to get the thing started, and Ralph Bunche was very impatient with the whole business and very annoyed at D'Arboussier and that's what happened there and that's how it happened. I got to know D'Arboussier and was very fond of him. I liked him considerably and I liked Adebó very much, my relationships with both of them were among the best I've had in the organization. D'Arboussier was an intellectual, very charming man, but without much interest in administration. Adebó, who was not an intellectual, was an excellent administrator, and interested in administration, and we got on very well. They were both... both people who, in each quite different ways, were admirable African figures.

Powell: Tell me this, it would seem to me from what I hear, that UNITAR has fallen on pretty thin times right now.

Schacter: yea, it may not survive, I would say...

Powell: Would that be a great loss? Aren't there other research and training programmes in the UN system as well as on the private sector.?

Schacter: It probably would not be a great loss. It would be a loss, it doesn't cost very much, I mean, if one could raise the money outside, I don't blame anybody now, it's too late for that, but at the beginning, a large part of my job was fund raising. And I got money from the foundations, left and right. We got a lot of money and that Nicol was not able to do. Whether it was the times or the way he handled it or whatever, the thing fell. Now UNITAR could raise its own money, what's more, it could serve the function which I thought earlier was important, without much cost of bringing in people who didn't require much money, just as now they have, nominally, people like Sydney Dell and George Sherry found a place and others and Philippe, these are people who, it's a useful function without much cost. And I think training too is very useful, and it's good to have independence from the normal Secretariat thing, it would not be a major loss, but it's a small thing which I would favor, if I had the choice, to continue leaving them to raise their own money. I think this is a desirable thing to do and have them raise their own money and use people as they have. But in order to raise their money, they'll have to be productive, and they have to get good people, and the key reason for the difficulty in the later years has been the decline in the quality of people on the staff and this is something that was critical. If they had brought in people who were known with the foundations and the academic world, some of the people I had were outstanding, my deputy was a genius, the Hungarian _____, a strange man, but a genius, well-known throughout the whole world academic community. We had outstanding people, and that's what counts and getting obscure, I don't..., you know unknown people on a lower level in dealing with it just doesn't work, to raise money.

Powell: Just a little while ago, you were mentioning Max Finger in the US mission, did your legal work involve you much with the Missions?

Schacter: Oh yes, oh yes. I worked on the Headquarters, a _____ we had a lot of headquarters problems, the problems of that kind, I wasn't... later on I sort of dropped out of that, but in the early years, I had a lot to do with those difficulties that arose of the restrictive American policies on admission of people and things like that. But then there were many other things, in the economic field, I had more to do with them than almost any other field, but we had a pretty close connection. I never saw myself as reporting to them, nor did I..., I mean they were friends and we were in touch.

Powell: Now, you probably got to know a number of the American permanent representatives of the year... Warren Austin or Calbot Lodge or Adlai Stevenson...

Schacter: Yea, some were close friends, and some were important people in a distance...

Powell: How on the whole do you think the US Representatives have shaped up in comparison, let us say, to some of the British Permanent Representatives, I'm thinking of Gladwyn Jebb, Alexander _____, and some of the others that...

Schacter: Well, I think the British had some advantages over them and there were times when I said the US should turn their foreign policy contracted out to the British but because, particularly because the British were more sceptical about certain parts of the UN - Jebb showed that, Austin was not an impressive figure in an intellectual way, but Calbot Lodge who came in as an enemy of the UN, he says he's gonna clean out the gang, turned in to be a very good friend. Jerry _____ worked under him, was particularly popular and effective and I think they were very creditable, very respectable representatives later on. Stevenson, whom I had known, before he was important, before he ran for president, we were associated in UNRRA, he went on a mission for us and whom I admired, I found an inadequate delegate. He was not up, that late stage, he had trouble following things, I remember meeting with him and Hammarskjöld and he would ask the things to be repeated and write them down. I was not happy with him, I thought Yost was first rate, a good professional delegate, I thought, well George Boll, he was another friend of mine, so I knew him best in a way. Arthur Goldberg, I have very mixed reaction, he cut a very poor figure, as a person he is not the most admirable, but on the other hand in some of the negotiations outside of the public arena, he did very well and so it's hard to say, I think the problems for the US representative arose out of their relationships with the State Department. I wouldn't give them a... Austin was important, he was an ex-Senator, he was an important American figure, he had good hard-working deputy in Ernie Gross, and some of the other Americans, they had a good second echelon group, and they were a dedicated bunch. And people like Peterson, and

Max finger and others were as good as you can find. Tom Bartlet is another one, they were very hard working, very intelligent, very effective people, especially in the economic and social field. so was Klutznick, we had good representatives during a large part of that period, and I feel that a lot of the pointing of fingers at the US Mission, historically is not justified. I think the positions the US took in hinsight are easily criticised because this is the period of UN bashing and the US naving taken, what appeared to be now, excessively optimistic positions for expansions of the UN, gets hit hard for that.



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Powell: Do you find this UN bashing a cyclical thing or do you think it is going to be a permanent feature of...

Schacter: Well, I hope it won't be, I don't regard it as a cyclical thing, I think it's a very significant reflection of real attitudes and it's not, even though I consider the Reagan administration committed substantially to a position which is _____ to multi-lateralisms, I think that the defects in the UN system, defects in the, actually of the conduct of business in the UN, and in the Secretariat are sufficient to bring a strongly critical approach, on the other hand, I mean, you get the people who are simply opposed to international cooperation jumping in here and that kind of, what I would prefer to call unilateralism rather than isolationism. It's not particularly isolationist, it's strong American unilateralism, I think is very unfortunate and it seems to me that overtime the enlightened interest of the United States will emerge in, even as I hope it is, in some ways now when you see the shift in the Reagan position.

Tape 4

toward the World Bank and the expansionism and, I don't despair, I don't think of this as a permanent condition and I think it is sort of inherent in the maintenance of a state system that we need to use this kind of machinery. What's deplorable is the demoralization, as it were, of these staffs which I get only in an impressionistic way, but seems to be real and the utter ineffectiveness of a lot of the UN activities and things like this _____ and so on, where they haven't found an appropriate role and I see that as something where the Secretary-General must take a much stronger, I hope, position, I don't think he can imitate Hammarskjold, it's not the time to do that, but I see the critical thing as finding people of high caliber and I don't see that in the, generally speaking, in the upper echelons of the Secretariat these days, and that I think is a critical point. And also much more - what I blame Hammarskjold for - in a way, one of the few negative points, very hard to accomplish, but I think the Secretary-General must devote more time to dealing with the very top people in the major governments to get a clarification of the UN role. This is a hard thing to do

Powell: Well, Oscar, thank you very much. I just got the signal that we're going to have to vacate the studio. I could have gone on with many, many more questions, perhaps on another occasion when you come down, we may be able to have a further go at it, huh?

Schacter: Good. We covered a lot of ground, I see. I hope I haven't been excessively indiscreet or incoherent. I'm sure when I read it, it will...

Powell: It will take us a little while, because we've got some backlog with transcripts.



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UN INTERVIEW
 Oscar Schacter
 March 14, 1986
 Interviewer: William Powell

APR 2 8 1986

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POWELL: Well, thank you very much, Dr. Schacter, for returning to the studio this morning for a continuation of your interview in the UN Oral History Program. Now as I recall, there was one important aspect of your career at the UN that we didn't touch on when we talked several weeks ago, and that occurred in 1960 and '61 while you were still head of the Legal Division in the UN Secretariat.

In July 1960, the Belgian Congo became independent and within a very short time the UN was involved in a situation which was certainly the most difficult period in the Organization's life thus far. Dag Hammarskjöld invoked Article 99 of the Charter, the only time that this had been done, calling the attention of the Security Council to a situation which in his view constituted a threat to international peace and security. The Council authorized the creation of ONUC and within a matter of days, the first troops of the UN force were landing at the airport in Leopoldville.

I believe that right from the beginning and for many months you were closely concerned with the UN's involvement in the Congo. Can you recount what your role was?

SCHACTER: Yes. As I recall it, I returned from my holiday at the end of July and the Congo affair

had already started, and in early August the Secretary-General asked me to do a draft of statements he was to make to the Council on some of the controversial issues that had arisen. There was a statement around August 9th before the resolution adopted on that day, and then there were a number of statements made in the next period of time. And I drafted the first drafts of several of those statements, I would say the major statements setting out the policy, and sometimes I did that after a brief conversation with the Secretary-General, a very brief conversation, and then of course he edited them and we did have an opportunity to discuss the major legal issues in that case.

POWELL: Was the Congo already very controversial? Was the Council divided on it?

SCHACTER: Oh, yes. Well, yes there was a good deal of uncertainty and I was surprised, although I had worked with the Secretary-General on and off for several years earlier on various issues. I was surprised by his particular concern with legal principles in the Congo case. I was surprised because no one else on the staff was concerned with those problems, and because he put to me and made me deal with fundamental issues which had never been dealt with before in the United Nations.

POWELL: Such as?

SCHACTER: Well, there was first the question of the authority of the Security Council to take mandatory action which all governments would be required to follow. That had never been done before. Even in Korea it had not been done with a recommendation then. This was the first time that that was done. And the difficult question was for Hammarskjöld, although again, the people didn't seem concerned -- there were several difficult questions.

One was that in doing that, what Charter authority was there and whether a line could be drawn between a mandatory resolution binding on all governments, not simply the government of the Congo, not even mainly the government of the Congo. Mainly, the government of Belgium would be required to comply with that resolution and yet, it was not a sanction or enforcement provision in the way Chapter 7, Article 42 had contemplated it. So we had to work out a principle on that issue and we maintained that position all through, as long as Hammarskjöld was alive, all through the Congo period.

The more difficult question -- again, I was surprised that he took this position so early in the game -- was his insistence on the importance of the legal

principle of say domestic jurisdiction or non-interference in the internal conflicts of the Congo. What was interesting about that to me was that this was a very, for most people, a very subtle point because here we were taking rather far-reaching action under Chapter 7 as we saw it, the Secretariat saw it, in fact as I saw it because I introduced that idea and Hammarskjöld bought it. And yet, we were saying that there is a limitation of non-interference based on Article 2 Paragraph 7.

There is still an interesting point. These issues of non-interference and mandatory action, the degree of coercion that could be exercised by the UN forces remained salient points for the next three years throughout the whole Congo situation and on some of these issues Hammarskjöld, particularly the issue of non-interference, Hammarskjöld received a good deal of criticism from the Soviet group of countries and later on more widely, from some of the African countries.

POWELL: Now, I believe that quite early on Mr. Hammarskjöld created an informal group of Secretariat advisors on the Congo. I think he called it the Congo Club. I believe that Mr. Cordier was involved, Dr. Bunche was involved. He brought up Harry Labouisse from Washington and so on. Did you attend those sessions?

SCHACTER: Yes. I have my diary here and I have a lot of meetings. I guess at the beginning we didn't call it anything like the Congo Club. We just used to have a lot of lunches and a lot of dinners and in early September and late August I see my calendar is filled with dinners. Here one note, "Friday night left at midnight. Sunday left at 11 p.m. Monday, Labor Day, left at 11:15." These were a great many nighttime meetings. And then throughout the year we had a lot of luncheon meetings.

The people who were there, yes when Cordier was here -- he was in the Congo part of the time -- he came, of course. And when Bunche was here -- Bunche wasn't there at the beginning -- he came. Wieschoff, who died with Hammarskjöld --

POWELL: Heinz Wieschoff his name was, wasn't it?

SCHACTER: Yes.

POWELL: And he was in the Department of Trusteeship, I think.

SCHACTER: No. By that time or around that time, he was moved to Political and Security Council Affairs. In connection with it, I guess originally he was. He was an anthropologist by training who had been to the Congo during his scholarly period as a young man and he was the only person in the whole Secretariat that I

ever knew of who had any idea about the Congolese. And that gave him a particular position of importance. There may have been one or two Belgians in the Secretariat who also had some background. But we didn't really want to bring them into it.

Heinz Wieschoff, that's the name. He was our Congo expert. And what was, again as we look back, astounding, was -- and I don't like to say this -- was how ignorant we all were. There was no reason why I should know anything about the Congo but nobody else knew anything about the Congo except Wieschoff whose knowledge also was not up to date, who had gone back and he had some idea about tribal groups.

Ralph Bunche did not, although he had some African background, and no one else did. And we never -- and this surprises me -- we never had anybody come to our meetings or our lunches or to tell us about the Congo as such. So it was interesting that we operated without any intelligence about the people. As I look back, I would hope that that doesn't happen in other such cases.

Anyway we did have, of course, telegrams and we had the participants from the Congo. Now Lumumba came. I met Lumumba in early September -- was it late August? I've forgotten. And he came for a couple of days. He had been turned down by Washington.

POWELL: That's right. Eisenhower turned him down.

SCHACTER: Yes, the U.S. government turned him down. He came to the UN for help and he spent a couple of days here. I met him only casually during that period, and then toward the end before he was going to leave, he asked to see me and he asked me at that point, what could I tell him, what treaties applied to the Congo and what he should do about them.

I asked my staff to look up the treaties which Belgium had made which would apply to the Congo and a group of them worked all night in the treaty section, because Lumumba was leaving the next day, to ascertain which treaties there were. And it turned out to be almost an impossible task.

In any case, there were a great many treaties that might apply to the Congo. And I told Lumumba that he just could not disregard these treaties because the rights and existence of the Congo was very much linked to them, and other countries had rights with respect to that and this was a real problem for someone to decide. He was quite astonished to discover that he could not simply disregard the many treaties which Belgium had made for the Congo, but of course he had other problems which were more serious.

POWELL: I believe another visitor very early on -- was his name General Alexander? He was one of the contingent commanders in on the force.

SCHACTER: Yes. I didn't know him at all. My main concern, the things that Hammarskjöld turned to me for -- well, I see from my diary I had a lot of specific things about bases and about mercenaries and all sorts of statements I had to write. The issue which was so controversial was the issue of the degree to which we would take sides and use UN force in a way that might be construed to help one side or another.

A lot of these statements which I either drafted or helped to draft, and which were only done by Hammarskjöld -- occasionally Wieschoff came in on it, but most of the people who were involved in the Congo thing really weren't interested in this. They were interested in what they thought were the immediate practical things. So Hammarskjöld carried on this discussion very much between us.

He was very much interested in it. And a lot of these principles, which unfortunately were in a way lost sight of because of later things, are quite significant for current events in Nicaragua and other cases, because what Hammarskjöld tried to do was work out

-- and it was not my idea but he certainly stimulated me into doing this more and more -- work out a thesis for non-interference in internal conflicts and for a thesis by which other governments would be -- governments outside of the Congo -- would be barred from interference from using any troops even, and this was extraordinary, even as the internal conflict in the Congo spread, even proscribing their military assistance to the de jure government.

This was as relatively new concept, new to international law in historic terms and which was based on the idea, essentially, that if a country was in a state of civil conflict, everybody else had better stay out, that states could fight it out or peoples could fight it out within a country. And the UN's role was not to take sides in that case.

POWELL: That's precisely what Lumumba wanted us to do.

SCHACTER: Yes. And so did Kasavubu. And so did many of the member governments. And in fact, U Thant moved in that direction, wanted the UN to do it. They didn't attack Hammarskjöld frontally on that point. They did not say, for example, the Soviet Union and Poland did not say they want interference in internal conflicts. What they said was that there is an external intervention,

namely the Belgian troops or Belgian mercenaries or Belgian supported mercenaries, and therefore we could take stronger steps on behalf of the central government.

So Hammarskjöld accepted the position that the UN's role was properly directed against the mercenaries and in favor of having no foreign troops in the country. But he drew the line at helping the central government repress local tribal or even secessionist movements such as Katanga led by Tshombe, and he tried to draw that line. And that was a very interesting intellectual effort which was somewhat obscured by all the daily events and troubles.

I'm not sure whether it fully prevailed, because later on the weight of opinion after Hammarskjöld came to the idea that we must help the central government repress Katanga. Hammarskjöld, all through the period I worked with him, he kept insisting, and I kept writing, that we are not to take sides against political groups or tribal groups within a country, where we're not there to put down these revolts at the request of the central government. Whereas, some of the member governments with varying degrees of intensity said that that was our role, we had come in to help the central government.

This is what caused the great blowups and the fighting against Katanga, because the difficult point

was for us to decide where action could be taken against foreigners, Belgians or other mercenaries, and not against the people they were working for. And we had a lot of drafting. I did a lot of cable drafting. Later this blew up in the Katanga revolt which Connor O'Brian and Urquhart and others have written about.

But my concern was with the principles. And today as I look back and see current events, I come to the conclusion that although he's given no credit for it, Hammarskjöld was on the right track and that the pressures in the UN diverted him, or diverted the others.

It's interesting to me that neither O'Brian nor Urquhart nor any of the other people, Dayal and others, really write about this in terms of their implication. They do record the events, but they don't really write about it in terms of what it means in the long run. And as I see it, it's very significant. It means non-intervention for everybody in internal conflicts and action against any foreign intervention that comes in.

POWELL: As you were saying, it's applicable today in Central America and Nicaragua.

SCHACTER: That's right. It's applicable and it's a pity that the Congo thing did not develop in a way that would have given us more affirmative power.

POWELL: One thing I want to ask you, Dr. Schacter, do you think that Hammarskjöld's initiative in the case of the Congo -- many people have said it really extended the Organization and weakened it.

SCHACTER: Well, that's probably true in a way, because he started to lose, later on, support of the government and there was a strong desire to bring an end to this matter. What happened was and that was revealing -- today we can more easily see it -- what happened was, I think his maybe excessive optimism or simplicity, if you like, about the degree to which the big powers and some others would be unable to resist the appeals or claims on them by internal Congolese.

To Hammarskjöld the Congolese, I must say, he didn't think of them as a particularly important international force, obviously, and he didn't appreciate how much that these internal conflicts would bring in Soviet, American and Belgian and possibly other foreign groups to stick their hands into this thing. And I think in that way, he underestimated that.

I don't think the Organization saw it was terribly important. All that civilian stuff which was all right, and there was a lot of fussing around, MacFarquer and Linner in sending experts and so on, that was okay,

and in my writings I praised that, but I really don't think that that was the central thing. I don't think that.

The important thing was to keep out the big powers and I think, looking back at it, that Hammarskjöld's mistake was not in extending the Organization, but in not concentrating on the highest levels of the United States and Soviet and other countries, even when he was under attack later, '61, a very strong attack and when Khrushchev attacked him, he never took seriously his need to get hold of Kennedy and maybe Khrushchev earlier, and Nehru.

I remember he cancelled the trip -- I talked to him about this privately -- he cancelled the trip with Nehru. He was going to go to India during this period. And I asked him why and he said, well he just couldn't, he had to stay there to deal with the day-to-day questions. And I think, as I look back, that was a major weakness of Hammarskjöld. He delighted in dealing with the daily cables. He didn't have much confidence in his top advisors, as he often said to me. He had strong confidence in his own capacity to deal with detail, which he did very well.

In fact at times, I worked with him on cables concerning bills of lading and freight which he

knew about because his father had written books on that subject -- his father was a law professor -- and he got so interested in it that he would call me up and we would talk about these most technical legal questions and he would go over the cable. It was an amazing indication of his quickness of mind, his ability to go into a question. But looking back at it all, to me, and even at the time, it was the wrong thing to do. So he was on top of everything.

I remember things for example -- I don't know if anybody has recorded this. See, Brian was not part of this group at that time at all. He wasn't at all in it. He was there in Katanga later on but he wasn't ever in this group. He had not yet moved into that job. Bunche was, and Wieschoff, I guess Bunche and Wieschoff were really the two main political figures when Bunche was here.

But what used to happen was that we would be here late and Harry Labouisse was involved, originally a civilian, but he got involved in many other things. And we would be talking and it would be late at night and Hammarskjöld would disappear and then he would come back with a statement or replies to telegrams. Instead of asking these people to do the telegrams or statements, he would draft them in the first instance, unlike most top

people, and then he would pass it around for comment, and sometimes comments were made. But by and large, he thought he could do everything, and in fact he could do a lot, but the mistake was -- and I don't know if anybody advised him to the contrary, but his mistake in my judgment was in not dealing with this on the top level.

I remember he went to see Kennedy once. I can't remember the date because I don't have it. But he came back somewhat supercilious and nice young man and he didn't attempt to deal with De Gaulle very much. It was not a good relationship. But mostly, he didn't take that as his primary task. When Dobrynin came -- I've forgotten the dates now -- things improved a bit with Russian communication. But before that, we had some pretty poor Russian assistants there and there wasn't much communication and he underestimated the degree of Soviet hostility.

Once when he -- I remember this very well -- he said that, right in the middle of September 1961, I think it was when Khrushchev was here -- was that the year?

POWELL: No, it was '60.

SCHACTER: '60. Anyway, he said Khrushchev hugged him and so on. I think it was a later point. I have forgotten now at what point. And then we had a visit

from Kuznetsov who was an important Russian whom we knew well, and he was rather friendly. And I remember Dag coming out from a meeting that nobody was there except for the two of them, saying, "Oh, it's okay. They're not going to make a great thing of this," or something like that. And that of course was not borne out, you see. They did hit him very hard.

And even though he tried to rally the Third World people, he did not do it in my judgment on the level that was required. He thought by getting votes here in the General Assembly and speeches that that would be --

POWELL: Sufficient.

SCHACTER: Yes. And instead, he should have really, in my judgment, gotten people like Nehru or whoever else, Tito, people to have intervene with both sides. And he probably did not do enough with the Americans. There wasn't that much good communication there either.

So there it was. He was interested in detail and he was very good, certainly to me, fascinating on these legal issues, and no other Secretary-General had anything like that interest.

POWELL: Of course, U Thant took over in October of '61 as Acting Secretary-General. What do you think about his performance in connection with the Congo?

SCHACTER: Well, I didn't feel as close to him on these things. I knew him. Hammarskjöld had used him in the earlier stages to rally delegates and I got to know him in that connection on the Congo issue. I think he did pretty well. And by that time, the tide had moved toward helping the central government and he followed along. He met the popular demand to help to put down the revolts and the rest of it.

POWELL: The resolutions in the Security Council and so on, and then they suddenly sort of changed over the years.

SCHACTER: Yes. They moved in that direction and it was this general support for acting against any secessionist movements and any of the like, and there was a hard choice there and U Thant I think handled that quite well. He was less interested in the law. He was more interested in the aim of unity. He had a strong personal antipathy towards secession because of Burma's problems, and he occasionally made press statements which were unfortunate, from my point of view, in his position that was so strongly unitarian.

Whereas, from my point of view and Hammarskjöld's point of view, these questions of internal organization of a state and whether autonomy should be

given to Shins or whoever they might be, was not the UN's business at all but was the business of the people concerned. And U Thant had a very strong feeling of that kind which he could express in the Congo situation and in other cases.

POWELL: Well, that's been very helpful and clarifying then. There are one or two other questions I would like to put to you if we have the time. One thing, you were involved in the negotiations in 1947 on the headquarters agreement between the U.S. and the UN. Now this has become a focus of attention in the news just now -- and we are speaking in March 1986 -- since the U.S. has decided to force the Soviet mission to the UN to reduce the number of its staff. How do you feel about the legality of that U.S. order?

SCHACTER: Well, I don't know whether it was an order because I haven't seen it, but I think the principle, the agreement, is not unclear on this point. I notice in the newspaper that a number of people who are labeled as experts have said the agreement is vague or doesn't deal with the problem. That's not true. I don't think they read the agreement.

The agreement says that resident staffs must be agreed upon by the United States, the Secretary-General

and the member government concerned. Now it seems to me that no government has a unilateral right to bring in as many people as it feels like for a mission. If for example a government said, "We have too many people in our city, I want to bring 5,000 people to be part of our mission," that would be excessive. The U.S. certainly would have a right to claim that that's not in accordance with the aims of the headquarters agreement.

So therefore, there is nothing illegal about the U.S. making its position clear. The member government, as I say, does not have the unilateral right, but neither does the U.S. have a unilateral right, nor does the UN. The point is that all three are required to reach agreement. In a situation like this the headquarters agreement contemplates that there will be agreement. If there is no agreement then it also contemplates that there could be, if negotiation fails, there should be, must be, submission to an arbitration, the three member arbitration, and that would be the final decision.

So the U.S. I think has a right to raise the point. I don't know the merits, the numbers that are involved. The Soviet Union has a right to object. The Secretary-General has a duty to try to reach agreement.

And as I say, if agreement cannot be reached, there is a way of settling it. All of this was contemplated at the time --

POWELL: I was going to say, did this come up at the time of the draft ... agreement?

SCHACTER: Well, I can't recall that we considered numbers because nobody thought of the missions being enormous in size, but the idea that the three parties concerned would have to agree as to staff and so on, was there, it was understood, it was written in. The U.S. security concerns weren't addressed so much to numbers as such, but they were certainly brought up over and over again, and in the end the Congress in approving the treaty did put in a provision that it should not diminish, impair or reduce the national security of the United States. And the Secretary-General had the problem of whether to consider that a reservation, an exception to the treaty. If he did that, he would have to go back to the General Assembly for its approval.

So we decided legally, and the Secretary-General decided that this was not a reservation. In other words, that means that it was understood that the U.S. has legitimately a security concern in a national security concern in the matter and that would be recognized. So I

see no basic illegality. Of course to emphasize, if the U.S. treats this as an order, as though it must be followed at their unilateral request, that is not permissible and I think that the procedure I indicated was what we contemplated at the time.

POWELL: And Perez de Cuellar would play a key role in that.

SCHACTER: Yes. Now it's up to him. We had this kind of problem over the years in other situations. We had disputes in the U.S. in several cases when I was involved, and there is always a question for the Secretary-General as whether he should pass this question on to the other organs of the UN, notably the Assembly or some committee, or whether he should act for the United Nations.

Under the agreement, in the end, the dispute that goes to the arbitration must be between the United Nations and the United States, not between a government and the United States. So the United Nations must then adopt the position which would be contrary to the U.S. position. And whether the Secretary-General would wish to do that on his own or refer to the organization, I think depends on the gravity of the issue. And a technical issue like "Glen Cove taxation" or something like that which we --

POWELL: That is the Soviet mission to the UN.

SCHACTER: Glen Cove, yes. That's a technical point and it didn't seem much sense going to the General Assembly. But on an issue of this kind, if I were the Secretary-General I would consult the membership in one form or another through a committee, as I think he is doing, or if in the end, the Assembly rather than handle this entirely on my own responsibility.

POWELL: Now we have discussed Hammarskjöld at some length and in particular you were talking about crisis management. I would like to do the same thing in connection with two Secretary-Generals that you worked with. First of all with Trygve Lie. What would you say was his greatest strength?

SCHACTER: Well, his greatest strength was probably a kind of common touch that he had, sort of common sense feeling, and he was not an intellectual, he didn't have any of the kind of interests in doctrine that Hammarskjöld had, and he played things pretty much by ear and he sort of was responsive to governments and perhaps his greatest strength at that early stage was the impression he gave of being an honest, straight-shooting person. I don't think this was in fact the case, but I think that

that impression was a strong one and I think that in the early years he was probably a good symbol for the UN.

POWELL: What you say would probably have been his greatest weakness?

SCHACTER: Well, I don't think he was a strong man in the sense that he was easily pushed by what he thought were stronger forces. And while as I say, in a way this represents a strength, the other side represents the weakness and I think that his conduct at the time of the U.S. investigations of personnel was duplicitous. That is to say, he kind of encouraged the U.S. and yet tried to present the opposite picture. He tried to work both sides of the street too much in those cases. He also was an impulsive man and frequently took decisions that were very quickly taken. But he had engaging qualities. I don't mean to condemn him. I think he had strengths and weaknesses. He had a demagogic tendency.

POWELL: Now during his years there was a number of crises and I'm thinking particularly for example of the '48 Middle East War and then in '50, the Korean War. How was he in crisis management? We've talked about Hammarskjöld and his role, particularly in the Congo. But what about Lie? Was he a good crisis manager?

SCHACTER: Well, he didn't really face the problems seriously because the Korean War was simply

carried on by the U.S. He participated, of course, in it. He followed the U.S. line. Politically he kind of shifted. He was courageous in a sense and I think that in coming out in an elaborate way on the basis of a memorandum which we in the Legal Office wrote in favor of representation of the People's Government of China, and that was contrary at that point to the U.S. position.

He also had a somewhat good program, a 10-point program which he came back with, and at that stage I think he was on the line of being a leader. Then unfortunately, the Korean War came and he felt, and I think perhaps rightly, that the UN should be on the site there and that of course destroyed his position with a large part of the membership.

I can't say much about crisis management. I think on a lot of issues he let the Organization, apart from the issues he was directly concerned with, which involved personnel to some degree and particular crises of that kind, he didn't pay much attention to the organization otherwise, and therefore in a way that wasn't too bad. He was not a block.

When Hammarskjöld came in, in contrast, he started reading the reports of the Economic Department and serious reports. He called up people from different

sections and asked them about their detailed work, whereas Trygvie Lie of course had no knowledge of these fields at all. The only I ever recall that he had any specific interests of a detailed kind was he had a curious interest in employees compensation, because he had for most of his career been a specialist in workmen's compensation in Norway. You can see how different his background was from the ordinary diplomat's background.

POWELL: I remember once, Oscar, when you were talking about his lack of interest. He was at Lake Success and it was fairly early in the evening. It might have been 7:30 or eight o'clock. The Security Council was meeting and I think he felt he had to go back to his office for a few minutes and I was following him down the corridor and suddenly he stopped because he could hear a noise in the adjoining room and he went and opened the door and it was the mimeograph room and he looked around in amazement and said to nobody in particular, "Good God, what is this?"

SCHACTER: Yes. He was an impulsive man and he was very close. I remember one occasion -- I don't know if this is known, and I happened to be present -- at the very beginning in Hunter College, I shared a room with Abe Feller, we had a big room and I had a desk in the same

room as he did. It was a classroom. It was practically next door to Trygvie Lie's room. So we saw a lot of Trygvie Lie because he would come into our room very often and/or we would go into his room. Things were very informal.

At the very beginning I remember when he had word that the British had declined to put forward the British Assistant Secretary-General candidate whom he wanted, named Williams. I forgot his first name.

POWELL: Francis Williams. He was the editor of the Labor Party newspaper.

SCHACTER: That's right. And he wanted and had expected Francis Williams, and he received word that Francis Williams was not to be coming.

POWELL: He wanted to make him Assistant Secretary-General for Public Information.

SCHACTER: That's right, for Public Information. And he was typically Lie. I remember him in several such occasions, he blew his top and he said immediately, "David," to David Owen who was his assistant, who was Executive Assistant -- I don't know if he was called that at the point -- "you will be my British Assistant Secretary-General." And David said, "Okay." He said "Thank you," or something, "but who will take my

job?" So Lie looked around the room and he said, "Cordier, you will tke his job." Now Cordier was David's assistant. And then Cordier became the Executive Assistant and David of course would stay with Economics and then they moved on.

This was very early. And then I remember being involved with Cordier, one of the most interesting things which showed how -- I couldn't understand the significance of it but I used to go to meetings about the first General Assembly and how it would be organized and Cordier and Pelt were the main people. But Cordier started --


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POWELL: That was Adrian Pelt.

SCHACTER: Yes. Pelt thought he was in charge of the Assembly but Cordier of course didn't accept that. And then Cordier had the idea, which nobody had thought of because it had not been done, that a rostrum should be built with three seats. That was not the case in the League of Nations. Why three seats? And of course the answer was clear. The third seat would be Cordier, not Pelt. There was Trygvie Lie, Spaak and Cordier.

And Abe Feller who was very perceptive said, "That's a very important decision." And I said, "No, it's a bit of carpentry. Why is Cordier so interested?" And

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he said, "Oh, no, you don't understand this. Cordier will be sitting there and symbolically, he will then become the -- although in rank, you see, he was not an Assistant Secretary-General but by putting himself with that" -- I remember I said, "Well, there are three fat men, Lie, Spaak and Cordier, and they will all look alike. And I remember Feller saying, "Don't underestimate." He accused me of underestimating Cordier who was not a very articulate person. I mean, the other people were much more articulate and knew the business. Andy had no background in international organization at all. And Feller said to me, "You've underestimated him greatly. And this act of his of building this rostrum will turn out to be very significant."

And Feller was completely right because this gave that otherwise obscure post, what might have been an obscure post, unusual significance. And Andy later took over the Assembly from Pelt and became the sort of No. 2 man in the public perception, although the other Assistant Secretary-General never accepted that.

Then Trygvie Lie wanted to bring in a deputy and he offered that, of all people, to --

POWELL: Sir Robert Jackson.

SCHACTER: No. Jackson wanted to be the deputy, but the others wouldn't have him. Jackson came in

later. His first offer was to Robert La Follette. It was very interesting.

POWELL: I never knew that.

SCHACTER: It's written up. And he offered it to Robert La Follette who turned it down. He wanted to have an important American and he was very unhappy that the United States gave him an obscure figure as his Assistant Secretary-General, Jack Hudson from Agriculture. And Feller was more prominent in the United States and was very close personally to Dean Acheson. So he had more standing with Lie than Jack Hudson did. But still he wanted, and Feller also favored having an important political person, and La Follette was his choice, interestingly, because La Follette was an isolationist. And he wanted it for a while and then he backed down. I don't really know why he did that.

Jacko came in later. He wasn't called "deputy" and he was for coordination. I can't remember that, but I remember the anger of the other Assistant Secretaries-General, especially Logert and some of the others who felt that Jackson was an inappropriate choice and would try to boss them around. And I remember Jackson making a speech for team spirit and we all got something like that, a real pep talk and Logert muttering, "Les

Nazis aussi," and something. The Nazis also had team spirit.

So that never worked out as a deputy and then he ran into difficulties with Trygvie over various things. But Lie was a difficult person. He was very impulsive and he reacted. On the other hand in some ways he had good instincts and I think that his record is not a very bad one. It's a tolerable one and he fit the figure of the appropriate Scandinavian leader at the time.

POWELL: I want to ask you the same question now about the third Secretary-General you worked for. Of course that's U Thant. What do you think was his greatest strength?

SCHACTER: Well, U Thant first of all was more in tune with what had become by that time the majority membership, the Third World. He felt their demands, was responsive to their demands, and symbolically coming from that world, he represented them. And I think his strength was, first of all he had a much better sense of publicity, I believe -- you are the expert in that -- than either Hammarskjöld or Lie. I think U Thant was used to turning out publicity.

POWELL: After all, he had been a journalist at one time.

SCHACTER: Not only that, he told me he used to write -- there were 28 papers in Rangoon, unbelievable -- and when he was in the government as a press officer, information officer, he used to write -- and he told me this without any sense of shame, that he used to write editorials for several of the Rangoon papers as a government man.

But he had a sense of getting in the statements, of time, and a feeling for that which Hammarskjöld -- see, Hammarskjöld was torn about any publicity. He never really was comfortable and he was very two-sided in that way. Now U Thant had no hangups at all. I mean, he wanted to speak up and he spoke up, and then you might say he was courageous in the sense that I guess you could say that.

He took stands which the others had taken but in a way when he criticized the United States on Vietnam, some of this might have been due to personal umbrage, feelings of injury because the U.S. had not consulted him and he may have been too precipitated making those statements. I'm not sure in the long run -- and it's a hard question -- as to whether by his speaking out against the United States on Vietnam he harmed his relation and his position or not. At the time I sympathized with his position.

POWELL: He certainly was not popular with Dean Rusk.

SCHACTER: He was not popular with the United States and he lost their confidence during that period.

POWELL: What would you say was his greatest weakness?

SCHACTER: Well, he did not have the intellectual capacity of Hammarskjöld. He was not sophisticated about the complexities of international affairs and he did not have the energy to push. He did speak out on these cases and making statements came easily to him, but as I said before, taking positions on secession and so on, I think were short-sighted.

I think that he didn't see long-range implications sufficiently and he didn't have the kind of energy that we had come to expect from Hammarskjöld. But again, here's a question. I mean, later on many governments felt that a Secretary-General should not jeopardize the Organization by being too much of an activist. So U Thant moved into that area and then Waldheim of course more or less followed him in that way. So it's hard to judge whether that was a weakness or a strength.

POWELL: How was he in crisis management?

SCHACTER: I didn't see him too much. I saw him during the Congo period. After I had left the Secretariat properly, it was at UNITAR, he for reasons which I don't know, he would call me to lunch on occasion outside of the Secretariat so to speak. Sometimes CV was there and he would just talk about things like China which he was very keen on recognition. And at his request, or with his knowledge, I took it up with Senator Javits who in turn went to the President, Nixon, and intervened. And I talked about Javits was my cousin and it was easy for me to use him as an intermediary and U Thant knew that.

U Thant was interested in getting China recognized and so was the U.S. and then again Nixon. So he discussed with me what should be done about movements for China in the U.S.

The other thing he discussed with me which was more troublesome to him was the East Pakistan revolt and going to the Security Council. I wasn't of any great help to him on that. It wasn't the kind of intellectual question that I was interested in. His problem there, and I think he's been unjustifiably criticized, was that he wanted to do something but he felt that going to the Council would simply bring a battle between the Soviets

and Chinese. Were the Chinese in at that time? But in any case, there would be a real split. I think the Chinese were there by that time. And in any case he felt that he should not do that. Many people have criticized him for not doing that.

Hammarskjöld probably would have done it. In other words, he would have had to take a big step which would have said the Council must do something about this, but he felt that he was creating trouble by doing that.

POWELL: I have my eye on the clock, Oscar, because we've got to be out of here by 12:30. I do appreciate your coming back and answering some of these supplementary questions.

SCHACTER: ... exorcised about the historical background.

POWELL: He was telling me that apparently there is a narrative or something he was asked to read.

SCHACTER: Yes, which he is very angry about. He sent me a big paper criticizing it but I haven't had time to read it. And he wants me to do something about it because he thinks it misrepresents the situation.

I had promised the UNICEF people that I would comment on their draft, but I haven't done that. Again, I'm just too rushed with other things.

POWELL: They've been working on this for about three years. I know Sherry Moe has been working on it among others.

SCHACTER: Yes. And the early history I think was done by John Carnow. Sherry wasn't involved at that early period. And I was involved because I wrote the resolution.

One of the interesting things we haven't talked about can't be recorded now, but somebody ought to. I think one of the things in the UN that I'm most proud of in looking back is the fact that in 1946-'47-'48 the activity I most enjoyed in the end, I think, was playing a role, not running it, these series of resolutions ...

During this early period a number of actions were taken by the UN in which I had a very active role, particularly doing the drafting and justifying which created a whole series of things that turned out to be important. UNICEF, the Technical Assistance Program, later UN Development, of course, and refugees.

Now refugees had been in the international area, but what was interesting was that nobody thought of this as important. It was completely out of the Charter. Nobody would have dreamt of this in 1945 or 1946. The

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specialized agencies to some degree had a role, but the notion that the UN would have operating people, we later called operating people, people actually driving trucks and so on, just was not in the Charter or dreamt of. And I had to make a number of statements over the next three or four years in different organs justifying this, and I did it on the basis of a phrase in Article 66, Paragraph 2, I think, which said something about services.

Now and then I was asked about this, what is the justification in Charter terms. But by and large the governments and the Secretariat didn't pay much attention to this. And we got money, I went to UNRRA, UNRRA was interested in the UNICEF side and we got them to transfer residual assets to UNICEF. UNICEF is a complex story. And then Technical Assistance came and it was also important.

Development was opposed. That's another interesting thing. In 1948, the big governments were very annoyed that the Secretariat under David Weintraub had worked a scheme to include development as a program of the UN. You might think this strange today, but there was strong objection. And Weintraub was a very clever operator and he got a group of people, famous people, actually, Sir Arthur Lewis -- not "Sir" then -- NKV Rao,

an Indian economist of great note, Santa Cruz, who was not a known, but an important UN personality, and somebody else I've forgotten now, four people.

They adopted the idea that the UN should get into development. The United States and the British and the French were aghast at this. "What is development?" they said. "We never heard of that." And that's in everything and there was a great deal of opposition to it. In that respect, Weintraub was the key mover, but again, in many of these things the justification that I participated or wrote which gave the Organization a basis for doing these things, was something I was very proud of.

I mean, it wasn't the final thing. There were politics that were more important than all that. But still, this was a major legal revolution and virtually unrecognized at the time. It's very interesting. So the Organization was conceived of as a place where people would talk and adopt resolutions and nobody thought of it as anything else, and this was changed radically.

So the Organization turned out to be quite different. We don't care much about the resolutions and we care very much about some of these so-called practical activities. Part of this thinking --I should say Jacko would be interested in that, and of course when he was

here he gave some attention to that -- came from the experience which a few of us had.

We had a group here that came from UNRRA, United Nations Relief and Rehabilitation Administration, where this is what we had been doing. And I used the UNRRA resolutions as the basis for the UN resolutions. The UNRRA had been giving technical assistance, we had been engaged in rehabilitation, reconstruction, a lot of things, and refugee work.

So operations were our thing and the people who came from UNRRA included Weintraub, Jackson, Katzin ... he didn't have much to do with this, Feller, some of the health people, some of the people from that side of UNRRA, Perez-Guerrero had been with UNRRA and other people around the place I can't remember.

So we had a small group of people who did not have the League background. There were a few people around like Martin Hill who had the League background, but we came from an operating organization, the largest international organization ever created. And this was a big influence in the Secretariat which governments didn't really quite grasp, and some of them were very much opposed to it. But it was a major thing that occurred, I wouldn't say clandestinely, but in a muted way, who

thought about, "How can you be against helping children?" The U.S. was against helping children, but not for bad reasons, I might say, for good reasons.

Senator Robert Taft was a very strong supporter of UNICEF in the early stage, but Senator Taft was a very strong opponent of foreign aid, and the U.S. people considered, many of them, that the UNICEF supported by Taft and Pate who was a Taft Republican from Ohio, was a device to interfere with the campaign for continued foreign aid. So it had that complication.

The people of the State Department who opposed UNICEF did not do it, in my opinion, from bad motives. I mean, they thought it was a kind of diversionary thing. I think they were wrong. I mean, UNICEF has turned out to be one of the few organizational triumphs of the UN.

And then later we moved into refugees. But all of this groundwork for having the Organization change its Charter character was done in the late 1940s. And in that sense, Trygvie Lie, although he wasn't interested in this stuff at all, tended to at least support it, but he didn't have any feeling for it. I mean, he was only interested in the politics and the personnel and those questions. But it did turn out to be a major development

and nobody has really adequately written this up. It ought to be done.

POWELL: That's a job for you.

SCHACTER: Well, I'm not a historian. I've got too many things on my plate.

POWELL: Again, Oscar, you were very generous with your time.



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