U.N. Watch

Before the Bar

In two separate actions, one economic, one political, the United States has weakened whatever respect there is for international law. Our refusal last year to accept the Law of the Sea Treaty—seven years in preparation with U.S. cooperation—was an economic act based on the present administration's concept of unrestricted capitalism. Our challenging the jurisdiction of the International Court of Justice (World Court) in the current Nicaragua dispute is political—and more destructive.

Propaganda and distortion have made it nearly impossible to learn the truth about Nicaragua and El Salvador. The World Court offers an opportunity to bring the facts into the open for discussion before an objective tribunal. Nicaragua claims the U.S. is trying to overthrow its government by covert actions and outright sponsorship of armed attacks. The U.S. claims Nicaragua's Sandinista government is arming the rebels in El Salvador, trying to bring down that government. Nicaragua brought the case to the World Court, an affiliate of the U.N., after it became publicly known that the U.S. had aided in the mining of Nicaragua's harbor.

The present court is a descendant of two earlier tribunals established to further international law. The Hague Peace Conference of 1899 created a Permanent Court of Arbitration, which required that there be agreement by both parties on the presentation of the case and the naming of judges. The restrictions severely limited the number of cases brought before the court, which still exists, though mainly as a shell. Another "permanent" tribunal was set up by the League of Nations in 1920. Called the Permanent Court of International Justice, it was effective in border disputes, fishing claims, and such matters as rights of passage and shipping on the high seas. In 1940, as the German army approached the Netherlands, the court moved to Geneva. In 1946 it was officially disbanded, along with the League of Nations.

In 1945 the United Nations established the International Court of Justice at the Hague Peace Palace, a massive brick castle built by Andrew Carnegie. The court consists of fifteen judges elected for nine-year terms by separate majority votes of the General Assembly and the Security Council. No nation can have more than one judge on the court, and terms are staggered to provide for five new judges every three years.

The U.N. Charter describes in general terms the parameters of court decisions: international treaties, international customs, and general principles of international law accepted by civilized nations. The court has no enforcement powers.

Homeless in Africa

The office of the secretary-general has just issued a 295-page report on the refugee situation in Africa. It is not pleasant reading. About four million women, children, and elderly men are among those living in host countries that are barely able to sustain their own populations. This report is unusual not only because it provides much detailed information and an abundance of data but also because it proposes solutions that even get down to a dollar value.

The document will be the subject of an international conference in Geneva this July. The major participants will be the U.N. High Commissioner for Refugees (UNHCR), the Organization of African Unity (OAU), and the U.N. Development Programme (UNDP). The Food and Agricultural Organization (FAO) helped prepare the report.

The country-by-country listing considers both refugees and returnees, the latter being people who fled their native countries because of war or famine and have now returned, homeless and penniless. The unhappy fact is that "the number of refugees in Africa has been growing since the early days of independence twenty-five years ago." The largest increase came in the '70s.

By agreement (not always observed), African governments grant asylum to all refugees and do not regard giving asylum as an act that is unfriendly to a member state of the Organization of African Unity. There are strong indications, however, that some countries close their borders to returnees. And marauding bands find easy victims in unprotected refugee camps.

The movements of refugees make it difficult to collect accurate data, but the largest concentration is unquestionably in the Horn of Africa and the Sudan. A number of factors makes the situation desperate: The fourteen reporting countries show a decline in food production, making it impossible to keep pace with population growth; the sub-Saharan countries are faced with unprecedented drought conditions; and all have an inadequate water supply. Any plans for development were shattered by the 1973 and 1979 rise in oil prices.

In those fourteen reporting nations, which range alphabetically from Angola to Zambia, live 160 million people—half in countries with a 1981 per capita gross national product of $230 or less. Angola, with great unrealized economic potential, has been accepting refugees from Namibia, South Africa, and Zaïre—a total of 96,000. Ethiopia, one of Africa's poorest countries, has an estimated refugee population of 70,000, plus 150,000 Ethiopians who have returned from neighboring countries. As the report was being written, there was a new influx of people from Somalia and the Sudan, about 30,000 from each. Somalia, also one of the poorest of African nations, estimates 700,000 in refugee camps and another 700,000 outside the camps and in need of help.

How much the Geneva conference can achieve is problematic. The 1980 meeting produced enough in contributions to avert total disaster but not enough to help the countries with the heaviest burdens. There has been no increase in contributions in recent years.

The report sees voluntary repatriation as a solution, but moving families from one devastated area to another is hardly an improvement. Until the displaced are integrated into society as productive workers, they are a burden to any country and a millstone around the neck of a developing one. Given all the plans for improved agriculture, new roads, reforestation, water projects, training and schooling, one must wonder where the money will come from. And among women, children, and elderly men, who is to be trained and rehabilitated?

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