Research Paper

International Public Administration

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ABSTRACT: *International public institutions play a cardinal role in the administration of world affairs. Their existence originates from the desire of independent states to co-operate and coordinate with one another in almost every important sphere of life. This desire is attributed to the fact that the modern world is inextricably interdependent and international. International public administration which facilitates policy implementation is both an essential activity and afield of academic study and thus, therefore, forms part of the domain of Public Administration. Some scholars maintain that the history of international co-operation can be traced back to the time when men started to live in political communities, and it is against this background of international co-operation that the origin and purposes of international public institutions must be viewed. However, different methods, each with identifiable approaches, can be applied in the study of international public institutions. The classification of such institutions is complex and problematic, and the search for a generally accepted classification still continues. These issues constitute the subject-matter of this article.*

Keywords: international public administration, coordination, cooperation, methods and approaches, classification, policy implementation, origin and purposes.

I.   INTRODUCTION

The proliferation of international institutions in world affairs has brought with it the need for cooperation and coordination as essential components to realize the achievement of social, economic, political, security and technological aims and objectives. To achieve this in a more progressive and continuous manner, international public administration as an activity becomes indispensable.

1. Purpose of the article
    This article is multifold that is to: define international public administration; give a brief history of its origin and purpose; show different methods and approaches that can be used; classify international public institutions; and demonstrate the structure of the United Nations system.
2. International public administration

To understand this article in a systematic way it is necessary to pose a number of fundamental questions as follows:

*   Who are the prominent scientists, academics and scholars most relevant to international public administration?
*   What is the definition of international public administration?
*   What is its significance?
*   What is the scope or subject-matter of international public administration?

Possible answers to the posed questions include the following:
2.1. Prominent scientists, academics and scholars
A systematic review of available literature shows that the following scientists, academics and scholars are relevant to the subject of international public administration:

• H.B. Kruger	• G. Abi-Saab	• I.L. Claude
• G.J. Mangone	• J.J.N. Cloete	• L.M. Goodrich
• S.B.M. Marume	• M. Haas	• C.E. Mulder
• A.Le. Roy Bennet	• S.S. Goodspeed	• H.G. Nicholas
• W.H.C. Laves	• C.A. Thompson	• W.R. Sharp

2.2. Findings from available literature on International Public Administration

Policy formulation

Various studies in international politics focus on the aspect of policy-making, either within national states or by an international policy-making body. Another focus is on the interplay of actions and interactions between states as a result of foreign policy implementation. Between those two actions – policy-making and policy implementation – individuals who function in a specific context are found. They are administrators of world affairs who translate policy into action (Haas 1974: 272).

Policy implementation

Policy implementation requires administrative structures and institutions where the various actions relating to policy implementation are broken down to specific activities and roles. In national states a ministry of foreign affairs serves as the main focus for foreign policy implementation. In international public institutions secretariats serve in an administrative capacity as agents for the member states (Haas 1974: 272).

International institutions

International public institutions are established primarily to make co-operation between states possible on a continuous basis (Haas 1974: 272). The modern world is inextricably international and interdependent, although its political organization is based on separate and independent nation states. This international and interdependent state in which the modern world finds itself requires that states collaborate in almost every sphere of life (Kruger 1983:10), a co-operation which manifests in practice through international public institutions, of which the United Nations, the Universal Postal Union, International Labour Organization [ILO], Atomic Energy Agency are a few examples.

International Public Administration as an academic discipline focuses, therefore, on the administration of world affairs, be it universal or continental or regional, or sub-regional through international public institutions.

2.3. Study domain of Public Administration

In many states such as United States of America, South Africa, Nigeria, Zimbabwe, India, Australia, and so on, the study domain of Public Administration may be divided into four levels of activity.

On the first or top level, there is central authority with its range of government departments as central executive institutions.

On the second level, there are the regional authorities, namely, the provincial authorities or state governments, each with its own executive and administrative structures.

On the third level, there are various municipal [local] authorities which are known by different names; municipal, city or town councils, divisional councils, local boards, health committees, and so on.

Over and above these three levels is the international level of public administration (Kruger 1981:12). This article focuses on the international level of public administration. Suffice it to define international public administration as "the activity of individuals or groups wherein they implement or prepare to implement decisions that affect other states or institutions in the world polity" (Haas 1974: 273). Therefore, our focus here is on international public administration.

Concept of international organization

To understand the term international organization, examples will be given in the first instance of various international organizational arrangements, and then define the concept. This is shown as follows:

Examples of international, continental and sub-regional institutions are shown by means of diagrams below:

Figure 1: United Nations: an international institution

This figure shows the United Nations as a system comprising its six main organs, its various units and sub-units as well as its specialized agencies. Specialized agencies are functional in nature.

Examples of continental institutions as shown below:

Figure 2: European Union: a continental body as an institution

The European Union has various important components, namely, national parliaments; union parliament; council of ministers; European commission; European council; European central bank; European court of justice; European court of auditors; each institution serving a specific function to make the union meaningful, authoritative and functional on behalf of the member states.
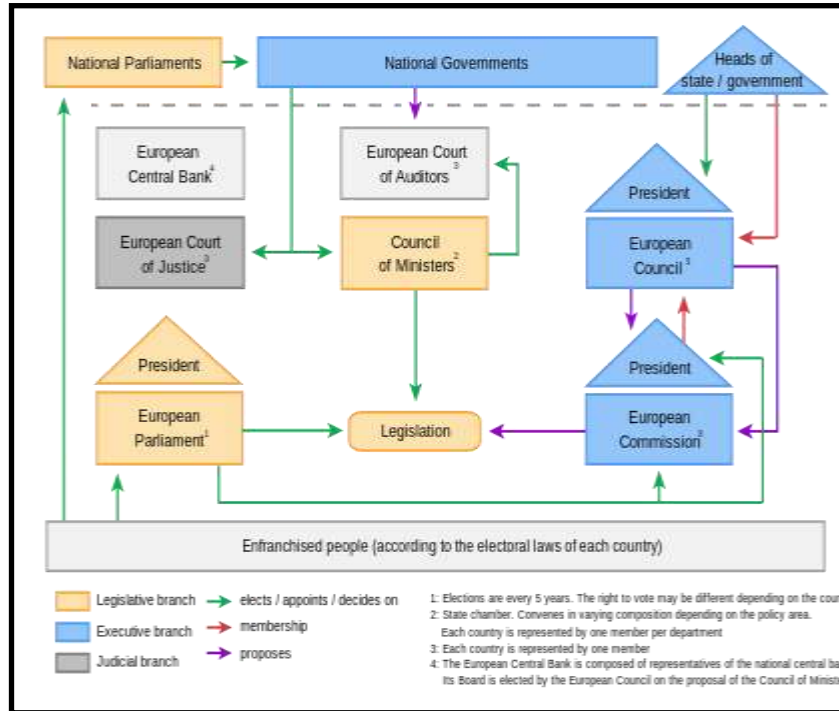

Figure 3a: African Union [AU]and its Sub-regions

Africa as a continent has various institutions but here we are concerned with political institutions, namely, the African Union consisting of 57 member states and five major sub-regional systems: north Africa, west Africa being dominated by ECOWAS; central Africa; east Africa and southern Africa, the latter being dominated by SADC.

The structure of the African Union which appears below is self-explanatory:
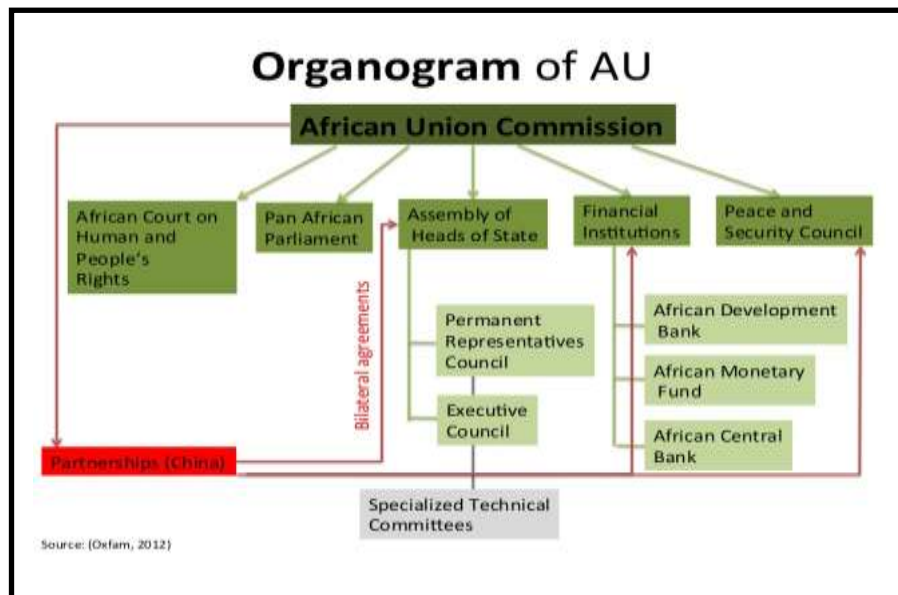
Figure 3b: African Sub-regions covering the sub-geographical areas of Africa which are proving to be important in international politics as some of them possess fabulously rich mineral, oceanic, agricultural and forest resources
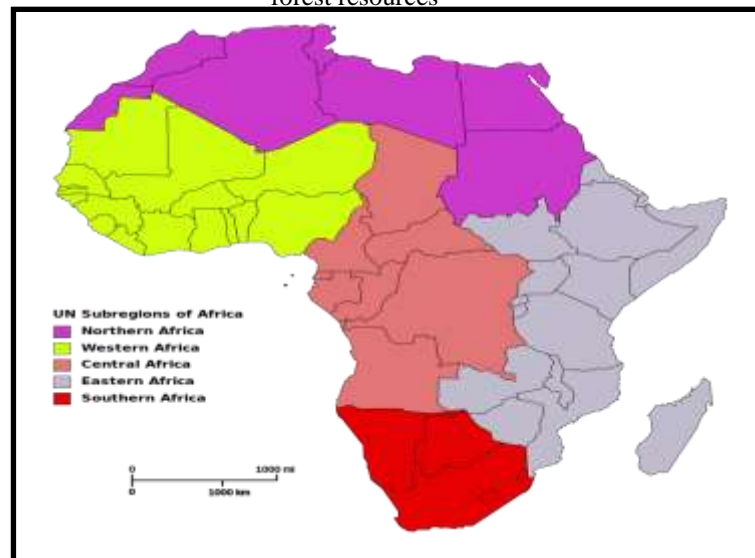
From the above illustrations, the international, continental, regional and sub-regional systems as well as functional institutions provide appropriate institutional frameworks, i.e. the milieu, for international public administration system. Thus the term "international organization" can be interpreted in two different ways:

- first, as the way in which the international society is organized, namely the institutional framework and structures of that society, and
- second, as a specific international institution. Only by studying institutions as specific entities can an overall view of the institutional framework which moulds international relations be obtained (Abi-Saab 1981:9).

Origin and development of international public institutions and international public services

A characteristic of the modern multi-state system is the establishment of international institutions. According to I. L. Claude [1970:21], four prerequisites are set for the creation of international institutions namely,

a. there must be a number of independent nation states.
b. the states must be aware of the problems resulting from their co-existence.
c. there must be regular contact between the states.
d. the states must admit that institutional aids are necessary to regulate mutual relations.

International public institutions thus have to do with the structures and methods of co-operation between independent but interdependent nation states. The origin and purpose of international public institutions and the international public service, must, therefore, be viewed against the background of international co-operation (Kruger 1983:10).

International co-operation can be traced back to the time men started to live in political communities (Kruger 1983:10). Between the seventh and fifth century BC small Chinese states held assemblies to discuss the organization of their military strength (Abi-Saab 1981:28). Through the Archaic League some of the ancient Greek city-states tried to diminish conflict and promote co-operation. The Greek amphictyons as councils of arbitration between cities that used the same sanctuaries also serve as examples of interstate co-operation.

The development of international co-operation between states evolved through diplomatic and consular services, treaties and international conferences (Vandenbosch and Hohan 1952:23). This development preceded the creation of international public institutions and the international public service, of which the Universal Postal Union and the secretariat of the United Nations respectively serve as contemporary examples (Kruger 1983:10).

Diplomatic and consular services are methods of communication between the governments of independent states through individuals specifically appointed for this purpose. Modern diplomacy originated in the city-states of Renaissance Italy. Treaties as formal international agreements between the states played an important role in the development of international co-operation and thus also in the creation of international institutions. Contemporary treaties involve almost every sphere of life and include aspects such as navigation, trade, and post and telecommunications services, to name a few. Treaties can be bilateral or multilateral. International conferences are held to discuss aspects of mutual concern in an endeavour to reach an agreement.

Such conferences can deal with a variety of aspects, ranging from peace treaties to opium control (Vandenbosch and Hogan 1952:23-9).

Reference to three conferences, the Concert of Europe and the two Hague conferences, is appropriate enough.

The Concert of Europe's aim was to finalize the peace-making of 1814 and to restore the boundaries and government systems of Europe to their states prior to the revolution. The Concert was a manifestation of the nineteenth century's conception of a community of nations. It established a sort of international body which endeavoured to solve European issues by means of collective action (Kruger 1983:10).

The Hague conferences of 1899 and 1907 were diplomatic gatherings to deal with a variety of topics regarding international relations. A characteristic of the conferences was their approach towards their universality. Small states were accepted on equal footing with the great powers. The second Hague conference is referred to as the world's first general assembly. Both conferences were marked by the attention that was given to institution building. The establishment of permanent aids and institutions that could be at the disposal of states received prominent attention (Claude 1970: 29-31).

Institutions and institutional aids are necessary for effect to be given to decisions taken at conferences. The establishment of international public institutions, therefore, represents a step towards the creation of an ordained international community. It is also a manifestation of the interdependence of the modern world as far as economic, social, technical and cultural matters are concerned. International public institutions, like national ones, are the result of organization to promote the realization of particular aims. They have official government status, resulting from agreements concluded at conferences, and a permanent organizational structure; membership is available to qualifying states and agreements reached are administered by the institutions. The first international public institutions were the European river commissions (Vandenbosch and Hogan 1952: 31).

Unlike international public institutions, the international public service is regarded as a relatively recent development, which gained momentum in the Secretariat of the League of Nations and culminated in that of the United Nations. Its origin can, however, be traced back to the nineteenth century when, as a result of agreements between European states, officials with international status were appointed. The personnel of the Commission for Navigation of the Danube serve as an example (Kruger 1983:11).

Definition of an international public institution

A universally accepted definition of international public institution does not exist. This is, however, not a limitation in the study of international public institutions as entities or international public administration as a phenomenon, as a definition is more a departing point than an end product. An international institution can be defined as "…an association of states, established by agreement among its members and possessing a permanent system or set of organs, whose task it is to pursue objectives of common interest by means of co-operation among its members" (Abi-Saab 1981: 51). This definition brings five specific aspects of international public institutions to the fore, namely, their inter-state basis, voluntaristic basis, permanent organizational structure, autonomy, and co-operative function (Abi-Saab 1981: 51).

- Inter-state basis

There are private international institutions which do not function in an official capacity but for which provision is made in Article 71 of the Charter of the United Nations. They are generally referred to as non-governmental institutions and Article 71 empowers consultation with them by international public institutions. The International Labour Organization serves as an example of such consultations, as private employers' and workers' unions are represented in it. International public institutions are established on an inter-state basis and have, therefore, governmental sanction (Abi-Saab 1981: 52). Provision for affiliation of such institutions with the United Nations is made in Article 57 of the Charter. There are, of course, international public institutions which do not affiliate with the United Nations and accordingly do not become specialized agencies of the latter. This is usually the case with institutions created on a regional or sub-regional base. The African Postal Union and Southern African Tourist Corporation respectively serve as examples. Out of a few hundred international public institutions (Haas 1974: 279-80), only fifteen are specialized agencies of the United Nations (Everyone's United Nations 1979: 351-79).

- Voluntaristic basis

All existing international public institutions are built on a voluntary basis. Only states that have expressed the desire to become members belong to them (Abi-Saab 1981: 52). In practice, however, for whatever reasons, some states that desire membership can be blocked. For example, from 1946 to 1955 only nine out of twenty-eight applications for membership of the United Nations were approved (Goodrich 1974: 45). A state that is a member may even be expelled from the institution. A recent example is the expulsion of the Republic of South Africa from the Universal Postal Union.

- Permanent organizational structure

As with other public institution, international public institutions cannot function without a permanent organizational structure. Such a structure usually comprises a policy-making body and a secretariat, which is responsible for administering the decisions taken by the policy-making body (Abi-Saab 1981: 53).

- Autonomy

The autonomy of an international public institution results from an organizational structure that is distinct from that of its member states, and its own decision-making process. Autonomy exists to the extent that its decision-making process enables the institution to take decisions that are not identical with the sum of individual decisions of its members. This is achieved either through member states taking part in the decision-making process or through the establishment of decision-making organizational units relatively independent of member states. Autonomy enables the international public institution to function as an agent distinct from its member states (Abi-Saab 1981: 53).

- Co-operative function

The functions assigned to an international institution by its member states constitute the reason for its existence. Its functions, as embodied in the charter, determine the institution's sphere of competence and the extent of its powers in accordance with the theory of implied or implicit powers. The institution's role is to encourage and promote the harmonization and co-ordination of its member states' policies and lines of conduct. Operational activities undertaken by the institution itself are done in co-operation with the governments concerned. The basic structure of the international community – composed of sovereign states – is left intact by the international public institution. It enables states to perform their social functions in those spheres in which the problems involved transcend their individual powers of action (Abi-Saab 1981: 53-4).

2.4. Study of international public institutions

In the study of international public institutions several methods have been used. These methods can be classified broadly into three categories: descriptive, analytical and interpretative.

2.4.1. *Descriptive method*

The approaches used in this method are legal analysis and historical analysis.

- Legal analysis

Legal analysis means that the organizational structure and functions of the international public institution are described in terms of the institution's constitutive treaty and its practices. The constitutional law of the institution is studied, which depends on the extent of the powers granted to it by the member states and on the distribution of the powers among the different organizational units. External legal questions concern the legal status of the institution as an entity. This embraces its legal personality under the domestic laws of member states and under international law; and aspects arising there from such as privileges and immunities, treaty-making powers and international responsibility (Abi-Saab 1981: 12-13).

- Historical analysis

This approach studies the historical circumstances and conditions that led to the creation and growth of the international public institution. It also studies the cases and crises with which the institution has dealt or not dealt. The institution is considered an arena of diplomatic history and is treated as such (Abi-Saab 1981: 13).

Most of the earlier literature on international public institutions is a synthesis of the above two approaches of study (Abi-Saab 1981: 13).

2.4.2. *Analytical method*

Two approaches are used: macro-analysis and micro-analysis.

- Macro-analysis

Macro-analysis endeavours to explain alterations in the structures and functions of international public institutions as a result of changes in the international system. This can be done in two ways. The institution itself can be considered as a system and the international system its environment or, secondly, the institution can be regarded as being a participant in the broader international system. This interaction can be studied over a long period and an attempt can be made to show how each of the international systems deriving respectively from Vienna, Versailles and the Second World War created its own institutions and left its imprint on their structures and functioning (Abi-Saab 1981: 14).

- Micro-analysis

The study of the international public institution as a system in itself is referred to as micro-analysis. It concentrates on interactions in the institution as a system in order to discover the qualities and correlations of the interactions.

Micro-analysis can be conducted I different ways. The institution can be analyzed as an institutional system, where it's formal and informal structures and their way of functioning as elements of a system in terms of their mutual relations and interactions are described. On the other hand, the institution can be analyzed as a political system, focusing on its inputs (resources and means), outputs (products or results) and conversion (transformation of inputs into outputs) (Abi-Saab 1981: 15). Inputs are the interests and demands of member states, especially their influence to promote and give effect to the demands and interests. The formal aspect of this influence is the right to vote. The informal aspect comprises the means a member state has to persuade or pressurize other states to vote in a desired way. Group forming, to maximize influence of group members, is also a phenomenon in international public institutions. Output is a formal resolution or decision of the institution. The decision is, however, necessarily related to the execution of one of the governmental functions, i.e. legislative, executive and judicial. It is not as easy to distinguish between these functions as is the case with national governments. It can, however, be stated that the taking up of a position by the international public institution corresponds to legislative and judicial acts, and the taking of action to executive acts (Abi-Saab 1981: 16).

The output of an international public institution can comprise three acts: collective action, collective legitimization and condemnation. Collective action means that the institution, by using its own resources, carries out the action itself which it has decided upon. This is the maximum a state or group of states can get from the institution. Collective legitimization separates the decision to take action and its execution. The institution by its decision favours a demand but does not commit its resources for its execution. The interested states can act directly at their own cost but their action is backed by the institution. Condemnation is the negative form of collective legitimization. It serves as a moral pressure in cases where states do not have the resources to carry out the action that they would have had had they been covered by collective legitimization (Abi-Saab 1981: 16). The conversion function is the dynamic process of transformation of inputs into institutional outputs. Not only are the formal mechanisms of the decision-making process as laid down in the constitution taken into account, but also factors that may have a direct or indirect influence on the decision-making process (Abi-Saab 1981: 16).

By studying international public institution as a system, it can be better seen how this system is integrated in the broader international system, and to what extent the institution plays the role of participant or serves as an arena in the broader system. By focusing on the inputs and outputs, the institution is essentially viewed as an arena of interaction. By focusing on the decision-making processes, emphasis is placed on the role of the autonomous will of the institution as a participant in the international system. Macro and micro analysis are, however, complementary, and each can accommodate the two possible roles of the institution (Abi-Saab 1981: 12).

2.4.3. *Interpretative method*

The interpretative method lies between the descriptive and analytical methods. Although theoretically based, this method stays close to the phenomena that are interpreted. Theory is used as an explanatory tool as well as a guide for action. The theories are the functionalist and the conflictual.

- Functionalist theory

The functionalist theory, which is integrationist, was formulated by Mitrany. He postulated that the root of international problems and the real obstacle to international co-operation is the division of the world into sovereign states. These states are exclusive and jealous of their independence but cannot individually provide their national communities with all the technical, economical and social services they need. Security problems (war and peace) originate in material conditions, towards which international co-operation should first be directed. Entrusting certain technical, economical and social services to international institutions proves that some of the needs can be satisfied at international level. The multiplication of international institutions chips away at state functions and creates transnational institution pressure groups of technicians who are recruited in member states and are in favour of transferring action to the international level. This may result in the individual transferring his allegiance from the national state to the international institution as the latter caters for his needs. Furthermore, the growth of technical international co-operation has the effect of the technical sphere overflowing into the political sphere and this can lead to world federalism (Abi-Saab 1981: 18-19).

Criticism against the functionalist theory is mainly directed towards its underlying presumptions, which are not necessarily realistic. The presumptions are: the causes of war can be eliminated by rational means as all the causes are materialistic; a clear-cut dichotomy exists between the technical and political spheres; commitment to

technical co-operation will necessarily overflow into the political sphere; and that, as state functions are undertaken by international public institutions, individuals will transfer their allegiance to international institutions (Abi-Saab 1981: 18-19).

- Conflictual theory
        This theory is not explicitly theoretically based. It is, however, subjacent in the attitude of the socialist countries and in recent trends in the study of international public institutions (Abi-Saab 1981: 19). The socialist countries, which their Marxist ideology, consider international public institutions as an arena for the class struggle that reflects the power relations at the international level. The institution can, however, serve as a useful framework for conflict and accommodation as long as the opponent's values and demands do not become that of the institution (Abi-Saab 1981: 19).

2.4.4. *Inclusiveness of the methods*
The above three methods, and the approaches applied by each, are not mutually exclusive. Alternation between them in the same study is not unusual. As each approach sheds a particular light on the phenomenon international public institutions, they can together increase understanding of this phenomenon (Abi-Saab 1981: 20).

2.5. Group perspectives
        The purpose of the various methods is to try to understand the reality of the phenomenon of international public institutions. This reality is, however, to a large extent shaped by the principal participants in the international system, i.e. the states. It is accordingly essential to take notice of how the main groups of states conceive international public institutions. Their views determine their attitudes towards the institution and as such determine what the institutions are and do (Abi-Saab 1981: 20).

2.5.1. *Western group of countries*
        From the beginning universal international public institutions carried the stamp of the Western group, who largely created the system of international co-operation and international public institutions. These institutions were conceived as a means of creating a new international order, that is, a peaceful, democratic and liberal one (Abi-Saab 1981: 20-21).
        As far as the tasks and powers of international public institutions are concerned, the Western group conceived these institutions to be teleological and expansionistic. This view is in line with the functionalist theories and regards the international public institution as a participant in the international system. The ascendancy of the Western group at one time within international public institutions – especially that of the USA – enabled them to have their positions and actions endorsed as being those of the institution itself (Abi-Saab 1981: 21).
        With the rise of the Third World, however, and the joining of that group of countries of international public institutions, the Western groups have lost their control. Their attitude has subsequently become one of endeavouring to impose consensus as the only decision-making process. This has meant loss of the institution's autonomy vis-à-vis its members and the changing of its role from participant to that of an arena only. Further efforts were to block expansion of the institution's tasks and powers; to deal with important questions outside the institution, or to confine such questions to bodies and institutions where they still have the upper hand or blocking vote; and lastly to resort to the threat of withdrawal or non-participation as a means of pressure (Abi-Saab 1981: 21).

2.5.2. **Communist - socialist groups**
        The USSR's post-war participation is universal public institutions constituted a guarantee against encirclement and consecrated its new status as a world power and later as a superpower. This group of states regards international public institutions as belonging to the superstructure. The institutions reflect the power relations and serve as arena for the class struggle between reactionary and progressive forces on the international level. Owing to their minority, the Socialist states have adopted a restrictive interpretation of the mandates and roles of international public institutions. The extension of the powers and activities of the institutions were originally opposed but since the rise of the Third World states and their enthusiasm for the extension of the role of international public institutions, the Socialist states have accepted some extension of the operational activities of such institutions. Their conception has thus evolved from a conflictual and restrictive one to a more flexible one that allows for some expansion of the role and activities of international public institutions to the extent that they are jointly controlled by the superpowers (Abi-Saab 1981: 22).

2.5.3.   *Third World group: societies in transition (prismatic)*

Few of the Third World countries of Asia, Africa and Latin America participated in the establishment of universal international public institutions, as the majority of them were not independent states at that stage. These states adopted a teleological attitude towards international public institution, regarding them as a convenient vehicle for changing the international system with its hierarchical structures into a more equal and just system. International public institutions are regarded as participants in the international system and the extension of these activities is favoured. These institutions are seen as instruments to transform the international system into a new economic order, which in fact goes beyond the purely economic dimension of the international system (Abi-Saab 1981: 22-3).

2.6. Classification of international public institutions
2.6.1.   *General observations*

Classification can be done in two ways, practical and scientific. Classification is important, as it brings order to the study of the institutions and in doing so contributes to a better understanding of them. Classification also maps out the direction for further research (Abi-Saab 1981: 56).

A single classification providing a universally accepted key would be preferable. The complexity of the actual situation does not, however, make such a classification possible. A plurality of classifications be directed at mutual consistency, which requires that all classifications be founded on a single principle. Social phenomena are complex and hybrid because they are in a constant process of evolution. Clear-cut and mutually exclusive classifications are, therefore, impossible. A specific phenomenon may belong to several categories, either as a result of the process of evolving from one category to another or simply because it is hybrid in nature. Classification should thus be aimed at the establishment of types that constitute systematization rather than a mere description of the phenomena observed, thus being of a more theoretical nature. Such a classification will bring out the main features of each phenomenon corresponding to those features of the type to which it is regarded to pertain although secondary features ally it to a different type (Abi-Saab 1981: 56-7).

- Usual classifications and their shortcomings

The most frequently used classifications are based on the composition, purpose and powers of international public institutions. These classifications do not necessarily have connections with one another.

Classifications based on composition usually make a distinction between institutions with a universal and regional character. To define universal institutions is difficult as no institution is really universal, owing to its voluntaristic basis. States can choose to become members or not. In terms of their composition, regional institutions are easy to define. The question arises, however, whether there is not a third category, i.e. institutions which are not universal and which are not established on a regional basis, such as the Organization for Co-operation and Development (Abi-Saab 1981: 57).

Classification based on the purpose of the institution frequently distinguishes between political and technical institutions, also respectively referred to as general and specialized institutions. Distinction is also made between political, economic, cultural and military institutions. This is in fact rather an enumeration than a classification (Abi-Saab 1981: 57).

Classifications based on the power of institutions distinguish, *inter alia*, between consultative, standard setting and executive institutions. They depend upon whether or not the institution is empowered to take binding decisions and whether or not it can carry out its own decisions (Abi-Saab 1981: 57-8).

- Structural and functional typologies

A more scientific classification than discussed above is necessary. Such a classification must be based on a characteristic of international public institutions that is typical as possible but also varies significantly from one institution to another. Two principles of classification are normally considered. Since institutions have a system of organs, they can be classified according to the type of structure to which these systems belong. The institutions pursue objectives of common interest to their members. The nature and particular characteristics of their functions can thus also be used as a basis for classification. The latter criterion seems to be more appropriate. An institution's function constitutes its reason for existence. Acceptance that an institution would execute its assigned function led to its establishment and to participation in its operation by member states who bear the cost and accept the constraints derived there from. The institution's function or purpose directly determines its organizational structure is thus subordinate to the requirements of its functions. As a result, modifications in the organizational structure are sometimes effected as the requirements of its function change (Abi-Saab 1981: 58-9).

At present there are no structural models sufficiently diversified or stabilized to make a significant typology possible. Almost all international public institutions operate on three levels: the plenary intergovernmental organ on the highest or intermediary levels, depending on the number of members; and on the

lowest level the administrative secretariat. This pattern is complicated by additions that vary according to the nature of assigned functions, the circumstances that must be coped with and directions given to activities (Abi-Saab 1981: 59).

2.6.2. *Types of international public institutions*

When used as a principle of classification, the functions of international public institutions can be viewed from three angles. Firstly, the extent of co-operation the institution is to bring about, i.e. is it open to the international community as a whole or may only certain states become members? Secondly, the range covered by the co-operation, i.e. is it defined to a clearly delimited field of action or can it extend to all spheres of life? Thirdly, the means used to effect such co-operation and the types or relations between the institutions and its members and among the members themselves (Abi-Saab 1981: 59-60).

- Universal institutions and institutions of limited membership

Universal institutions aim at unification of the international community by grouping within themselves all the states or at least those that play a prominent part in world affairs. The object is to solve problems that arise at universal level, or that affect the international community as a whole. Institutions with limited membership seek promotion of co-operation among a particular group of states on the basis of a specific interest they share and which distinguishes them from the rest of the community. Universal institutions are founded on the principles of inclusion and institutions with limited membership on the principle of exclusion (Abi-Saab 1981: 60).

Vicinity and geographical proximity often engender common interests. Many international public institutions with limited membership therefore have a geopolitical basis. They include regional, sub-regional and interregional (continental) institutions, generically referred to as regional institutions. Despite their particular basis they merely form a subset of international institutions with limited membership. Economic interest may bring states together that are geographically far apart (OPEC, OEDC). Some institutions of limited membership may be more open to the outside world while others may be more closed. Their chief aim may be the protection of their members against foreign influences and the opposition of any external intervention. It may also be to strengthen their own and their members' influence in international affairs and to prepare them for active participation in a process including other groups. These two objectives are not mutually exclusive. The fact is that institutions with limited membership reflect and cultivate a particularism. They therefore perform a function opposite to that of universal institutions. Both types of institutions represent models of structuring the international community (Abi-Saab 1981: 40-61).

- General institutions and sectoral institutions

Some institutions are established for organized co-operation in all fields in which it may be useful. Certain clearly defined sectors such as national defence may be excluded. As a result of this undifferentiated function, these institutions can be designated as general institutions, whether they are set up on a universal basis like the United Nations or a regional basis such as the Arab League. Some institutions' functions are restricted to a single sector of activity or a set of well-defined sectors. Such institutions can be called sectoral institutions. This is usually the case with technical institutions, such as the World Meteorological Organization and the Universal Postal Union. Institutions whose fields of activity are of a general nature will penetrate into politically sensitive areas. On account of the behaviour of their members, their activities will more or less tale on a political colour. On the other hand, the sectoral institutions' concerns of a predominantly technical nature.(Abi-Saab 1981: 62).

Classification of international public institutions as one of the above-mentioned two types may give rise to hesitation, especially in the case of institutions whose functions penetrate into areas of decisive political importance, particularly if their sphere of competence is broadly defined, as is the case with defence institutions such as NATO. The different sectors of specialized activities available to international institutions present opportunities for political sensitivity, which may result in different ways of functioning. A sub-classification can probably be justifies (Abi-Saab 1981: 62-3).

- Rule-making and operational institutions

Methods of c-operation make it possible to distinguish between two types of institutions. The question is: does the institution confine itself to bringing into harmony the attitudes and actions of its members, or does it get engaged in operational activities itself? The former may be called a rule-making institution and the latter an operational institution (Abi-Saab 1981: 63).

Rule-making institutions are basically concerned with orienting their members' attitudes to avoid conflict and with assisting the attainment of common objectives through the coordination of efforts. This can be done in several ways. One method is for the institution not to take a decision itself, procedural matters excluded. Action

may be limited to taking the required measures for consultations, negotiations or public debate. Another method of orientating members' attitudes is the taking of decisions by itself. Decisions may be directives to be adhered to by states, or various measures may be instituted to put pressure on states to comply with previous commitments or the institution's directives. One such measure is to supervise implementation of the institution's directives. Decisions may be more or less compulsory, depending upon whether they are merely invitations or recommendations on the one hand or legally binding decisions is usually restricted to technical institutions such as the Universal Postal Union. The Security Council of the United Nations can also tale binding decisions (Abi-Saab 1981: 63), as is the case with the European Economic Community in some areas of its jurisdiction (Mulder 1980:39). Operational institutions take action themselves and use their own resources made available by their members. The institution decides itself on the utilization (Abi-Saab 1981:64).

The activities of some international public institutions are almost entirely operational, while others combine both rule-making and operational elements. This is the case with the United Nations and most of the specialized agencies, which pertain simultaneously to both types. They differ, however, in structure and style (Abi-Saab 1981: 64).

2.7. Basic Principles and Organization of the United Nations
2.7.1. *General remarks*
The United Nations Charter outlines all the United Nations' subsequent relationship and programmes. The Charter also is a multilateral treaty establishing the pattern of agreements among and obligations of its members and as such, is an important addition to international law. As a written constitution, the Charter provides the UN's organizational structure, principles, powers, and functions.

The primary goal of the United Nations is to maintain international peace and security. The means for goal achievement include peaceful settlement of disputes and collective measures for the prevention and removal of threats to the peace or acts of aggression. Major sections of the Charter detail the instruments and methods for implementing this objective. The Security Council is assigned primary responsibility for peace maintenance but shares this function with the General Assembly and the International Court of Justice. Chapter VI of the Charter is devoted to methods of peaceful settlement of disputes, and Chapter VII outlines measures to be taken in the more serious situations involving threats to the peace, breaches of the peace, and acts of aggression. In an additional chapter, the role to be played by regional organizations in maintaining peace is suggested.

Second only to peace maintenance, the Charter emphasizes the aim of promoting international economic and social cooperation. The Economic and Social Council is to serve as the major organ for implementing this goal with substantial support from the General Assembly and from such autonomous international specialized agencies in the economic and social sphere as governments may create and bring into formal relationship with the United Nations. Additional support in promoting economic and social cooperation may come from subsidiary bodies of the Economic and Social Council and through consultations with non-governmental organizations.

2.7.2. *Basic principles of the Charter of the United Nations*
The first, and probably the most fundamental, principle is the sovereign equality of the members. Of course, equality refers to legal status rather than to size, power, or wealth. Some inequality is recognized in according permanent Security Council membership to the great powers and in the unequal assignment of responsibilities and financial assessments. Nevertheless, the Charter substantially perpetuates and reinforces the well-established principles of international law of the legal equality of states and generally accords voting rights on the basis of one state-one vote.
Closely related to the primary goal of the United Nations to maintain international peace and security are the twin principles that all member states:
(1) Shall refrain from the threat or use of force in any manner inconsistent with United Nations purposes; and
(2) Shall settle their international disputes by peaceful means.

The substation of peaceful settlement for the reliance on force has been disappointing in the Unite Nations record. Portions of the Charter that envision the establishment of international military forces have not been implemented. The United Nations has lacked the means to ensure either, in the first instance, that disputes will be submitted to international agencies for settlement, or, in the second place, that settlement procedures or enforcement will be effective. Although international peace will always be a relative rather than an absolute condition, the number of unsettled disputes, the numerous instances of recourse to force, and the frequent refusals to submit disputes to United Nations agencies attest to the lack of success since 1945 in substituting peaceful settlement for reliance upon force.
Two other Charter principles closely related to those of peaceful settlement and international enforcement are:

(1) The obligations of members to support enforcement actions of the United Nations, and to refrain from giving assistance to states that are the objects of United Nations preventive or enforcement action; and

(2) Collective responsibility to require non-member states to conform sufficiently to Charter principles to ensure the maintenance of international peace and security. The obligation to support United Nations enforcement actions is essential to the integrity and reasonable degree of effectiveness of the organization. Without the cooperation of non-member states any assurance of efficacious action by United Nation is diminished. The experiences of the League of Nations with the lack of will by members to apply and enforce League principles, and the uncertainties concerning support for League measures by a non-member such as the United States, serve as cogent reminders of the importance of both principles.

An essential but self-evident principle of the Charter is the obligation of all members to fulfill in good faith all the obligations assumed by them in the Charter. This promise is nothing more or less than a statement of the basic norm underlying all international treaties and international law. Without this obligation the United Nations Charter has no real meaning beyond its literary value, since enforcement is dependent upon the actions of the individual members. Because the right to interpret such obligations also rests ultimately with individual states, the possibilities for state commitment to Charter obligations vary from vigorous action to a nullity.

Greater detail concerning regional arrangements and their relationships to the United Nations is provided in Article 52-54 of the Charter. The major principle stated in this portion of the text is that regional arrangements shall not, in general, be considered as precluded by the Charter as long as their provisions and activities "are consistent with the Purposes and Principles of the United Nations."

Several additional principles are incorporated into the chapter of the Charter on miscellaneous provisions, which includes Articles 102-5. The first of these provides that every treaty and international agreement shall be registered by the members with the Secretariat and that no treaty not so registered shall be invoked before any United Nations organ. A second principle in this chapter declares that, in case of conflict, obligations under the Charter shall take precedence over obligations in other international agreements. Both of these principles are duplicates in all but the precise phraseology of provisions of League of Nations Covenant.

Articles 104 and 105 provide the standards for establishing the jurisdiction capacity of the United Nations and its privileges and immunities and those of its agents and representatives. The details of these provisions remained to be supplied in subsequent conventions. The two principal instruments for supplying these details are the Convention on the Privileges and Immunities of the United Nations, to which most members subscribe, and the Headquarters Agreement between the United States and the United Nations.

The principles discussed in this section constitute a substantial body of basic norms on which the United Nations structure and functions are superimposed. Although this group of norms is not always clear as to meaning and not internally consistent, it represents, in combination with the purposes of the organization, the essential statement of the philosophy of the United Nations. Since a philosophy is not very useful without implementation, the international behaviour of states will determine whether these norms or others are predominant in world politics.

2.7.3.   *Principal organs of the United Nations*
The Charter of the United Nations designates six agencies as principal organs of the United Nations (see Figure

4-1). These are shown and briefly described as follows:
2.7.3.1. *The General Assembly*
If any of the six principal organs of the United Nations is paramount and central to the organization, it is the General Assembly. This centrality was not necessarily established by design in the Charter but was soon achieved through vigorous exercise by the General Assembly of its clearly designated functions and through its assertion of additional authority in areas, such as the maintenance of peace and security. The growth in the relative importance will emerge in the further study of the functions and proceedings in the United Nations.

The United Nations System
The Charter provides for regular annual sessions of the General Assembly and such special sessions as may be required. Regular sessions begin on the third Tuesday in September, and delegates usually anticipate adjournment before Christmas.

The Charter provides for the calling of special sessions of the General Assembly, and through 1986 fourteen such sessions have met. The subjects political problems in certain countries of the globe, Financial and Budgetary Problems, Review of Peacekeeping Operations, Raw Materials and Development, Development and International Economic Cooperation, Disarmament, Critical Economic Situation in Africa.

The bulk of the work of the General Assembly is carried on in the seven main committees to which the agenda items are allocated according to subject-matter. The committees are:

- First or Political and Security Committee;

- Special Political Committee, created to relieve the overworked First Committee; Second or Economic and Financial Committee;
- Third or Social, Humanitarian, and Cultural Committee;
- Fourth or Trusteeship Committee, to which questions relating to non-self-governing territories are also assigned;
- Fifth or Administrative and Budgetary Committee; and
- Sixth or Legal Committee. Each member of the United Nations is entitled to be represented on each of the main committees, a formidable assignment for small understaffed delegations who find full participation impossible and who must allocate their limited resources according to their best assessment of national priorities. Subcommittees are also appointed to expedite the work of the main committees.

2.7.3.2. *The Security Council*

The five big powers, namely, the United States, the Soviet Union, the United Kingdom, France and the Republic of China which dominate both the war effort against the axis and post war planning for an international organization, visualized the Security Council as the paramount organ of the United Nations. Providing a mechanism to aid in maintaining international peace and security was to be the primary purpose of the new organization, and enforcement would depend upon the power of the large states. With a continuation of the cooperation that had existed in wartime among the Allies, threats to international peace and security could be effectively met and solutions to disputes could be found. Without cooperation among the most powerful states, solutions were virtually impossible, therefore, the big powers, it was felt, should have positions of authority on the Security Council commensurate with their responsibilities for maintaining world peace and security.

The primary function of the Security Council is to maintain international peace and security. In carrying out this function the Security Council may place on its agenda for consideration any dispute, threat to the peace, breach of the peace, or act of aggression, with due consideration to the principle of domestic jurisdiction. In accepting the Charter, all members agree that the Security Council acts on their behalf and that they will carry out any Council decisions. This means, in theory, that Security Council decisions are binding, but compliance is difficult to enforce. A preliminary difficulty is the infrequency of agreement among Security Council members on a firm and effective course of action in any given dispute or situation.

2.7.3.3. *The Economic and Social Council (ECOSOC)*

At the insistence of the smaller powers, and based on the League of Nations experience, appropriate emphasis and structure in the economic and social areas were incorporated into the Charter in San Francisco. The Economic and Social Council of eighteen members (enlarged by amendment in 1965 to twenty-seven and in 1973 to fifty-four members) was created as one of the six principal organs of the United Nations. All members are elected by the General Assembly for three year terms, with one third of the terms expiring each year. No state is entitled to continuous membership, but as a practical matter, to assure adequate support of programs, all of the permanent members of the Security Council except Nationalist China have been regularly reelected. Other seats are rotated on a regional basis. Small and underdeveloped states are in the majority in ECOSOC and can pass resolutions favourable to their own interests, since all measures are adopted by simple majority vote. Implementation is another matter because financial support from prosperous states is necessary to give effect to most economic and social programs.

In broad terms, the mission of the Economic and Social Council is to promote the welfare of all peoples everywhere. To consider the diversified agenda necessary for such a sweeping mandate, ECOSOC meets twice annually, with a spring session in New York and a summer session in Geneva.

Because the economic and social activities of the United Nations are less spectacular and less controversial than the area of political disputes and confrontation, the work of ECOSOC and its associated agencies is little heralded in world headlines. Yet, more than three-fourth of the United Nations budget is spent in support of economic and social programs.

The functions of the Economic and Social Council may be divided into three general categories: (1) deliberation and recommendations; (2) research and reports; and (3) coordination. Since each category is significant in the work of ECOSOC, the order of listing is not indicative of any rank order of importance.

The field of Economic and Social Council deliberation includes matters related to human rights, refugees, economic and social development, culture, education, health, food supply, trade and transportation, population, narcotic drugs, housing, labour conditions, and communications. All of these topics appear on the Council agenda from time to time, but some topics receive major emphasis.

The Economic and Social Council performs an indispensable function in calling for a wide variety of research studies and reports on subjects within the range of its competence. Adequate statistical data as a basis for rational programming is often nonexistent. Methods of statistical measurement lack standardization, and the

results, therefore, lack reliability. ECOSOC has attempted to the gaps, standardize procedures, and act as a clearing house for information. United Nations studies and reports constitute a primary source of data for governments and private researchers; a portion of the research function is carried out through the subsidiary regional and functional commission of ECOSOC. Substantial numbers of the United Nations Secretariat personnel are engaged in research and in the preparation of studies and reports in support of ECOSOC activities. Some of the major results of economic and social activities of the United Nations include the World Economic Survey, the Report on the World Social Situation, the United Nations Statistical Yearbook, the United Nations Demographic Yearbook, and the United Nations Yearbook on Human Rights. The specialized agencies affiliated with the United Nations carry on extensive research projects with ECOSOC acting as a coordinating agency.

2.7.3.4. The Trusteeship Council

The Trusteeship Council, like the Economic and Social Council, is in the anomalous position of being designated as a principal organ of the United Nations and yet being subject to General Assembly authority and review of its activities. In supervising the administration of strategic territories, the Security Council theoretically replaces the General Assembly as the final review agency, but this function is never exercised.

The role of the Trusteeship Council is to provide, on behalf of the international community, supervision of those non-self-governing territories that are designated as trust territories. The administration of each territory is carried out by a specified state, but certain supervisory responsibilities are performed by the General Assembly through the Agency of the Trusteeship Council. Articles 87 and 88 of the Charter indicate the main methods for exercising this supervisory role. These methods are: (1) the preparation of a detailed questionnaire on the political, economic, social, and educational advancement of the inhabitants of the territory, to be used as a basis for an annual report by the administering authority; (2) a comprehensive oral examination of the spokesperson for the administering authority based on the reply to the questionnaire, and a written report from the Trusteeship Council to the General Assembly; (3) the receipt and examinations of petitions from individuals or groups within the trust territory; and (4) periodic visits to each trust territory by delegates of the Trusteeship Council. More effective supervision of conditions with trust territories is provided by these devices than existed under the mandates system of the League, although publicity and persuasion are today, as they were in the League period, the only sanctions available to pressure an administering authority into compliance with recommendations. However, the use of inspection by visiting missions is a new device that was not available to the League agencies, and petitions no longer need be submitted through the administering government, as was the case under the mandates system.

The Trusteeship Council's composition is determined by a complex formula. All members of the United Nations that administer trust territories are ex officio members of the Trusteeship Council. Any permanent members of the Security Council that are not administering powers also have automatic membership. In order to attain parity in numbers between administering and non-administering states, the General Assembly elects sufficient additional members to achieve this equality. At the maximum, during the 1950s the Trusteeship Council had fourteen members, with the United States, the United Kingdom, and France among the seven administering states, the Soviet Union and China as non-administering permanent members of the Security Council, and five other members elected by the General Assembly. As trust territories gained their independence, the number of elective members diminished to one and then to none, leaving only the five permanent members of the Security Council on the Trusteeships Councils in the unequal ratio of four non-administering to one administering member. After 1975 the only remaining area under Trusteeship Council supervision was the Trust Territory of the Pacific Islands with the United States as trustee. Although negotiations for terminating this trusteeship were initiated in the late 1960s, conflicting interests of the inhabitants of the various parts of Micronesia and those of the United States delayed the transition into the late 1980s. A solution of this many-faceted problem will leave the Trusteeship Council with no business to perform, and it will cease to exist.

2.7.3.5. The International Court of Justice (ICJ)

The fifth principal organ of the United Nations of the International Court of Justice has its headquarters in the Hague. The Statute of the ICJ is an integral part of the Charter and is almost identical to the Statute of the previous Permanent Court of International Justice (PCIJ). However, unlike the League arrangement in which the PCIJ and its membership were independent of the League, all members of the United Nations are automatically members of the ICJ. Additional states may become parties to the Court Statute under arrangements approved by the General Assembly and the Security Council. Switzerland, Liechtenstein, and San Marino have adhered to the Statute under these conditions.

The Court is composed of fifteen judges elected by concurrent vote of the General Assembly and the Security Council. No two judges may be of the same nationality, and the Court as a whole should represent the

principal legal systems of the world. Judges serve nine-year terms, with the terms of five judges expiring every third year. No limit is set on the number of term for which a judge may be reelected.

In hearing a specific case, if there is no judge on the Court of the nationality of one or more of the states that are parties to the case, such state or states may appoint a national judge to sit for that case. These additional judges participate with full voting rights.

Cases are decided by majority vote of the participating judges. Nine judges constitute a quorum. In case of a tie, the President of the Court has a casting vote.

The Court hears those cases that are referred to it by the contending parties. The Court may, however, determine that the case, because of its nature, is not subject to judicial determination, or that the parties have no legal right to submit the case to the Court. Only states may cases before the Court, but no state is required to submit any case for hearing and decision. This lack of compulsory jurisdiction is a major deficiency of international as contrasted with national legal systems.

In addition to hearing cases, the ICJ is authorized to give advisory opinions on legal questions. The Charter provides that the General Assembly and the Security Council may request such opinions and that the General Assembly may authorize other organs and the specialized agencies to request opinions on legal questions within the scope of their activities. The Economic and Social Council, the Trusteeship Council, and all the specialized agencies except the Universal Postal Union have been granted general authority of this kind, but more than three-fourths of all requests to the Court for advisory opinions have been made by the General Assembly.

Although suffering from numerous deficiencies, the Court plays an important role in the development of an international legal system.

2.7.3.6. *The Secretariat of the United Nations*

The United Nations Secretariat is a body of international civil servants headed by the Secretary General. Unlike the General Assembly and the three councils, the Secretariat is not composed of delegate spokespersons for the respective governments. Rather, it is constituted of full-time employees of the organization, who must preserve their neutrality in the interests of serving the entire membership and of promoting the international goals of the United Nations. This neutrality is safeguarded by the provisions of Article 100 of the Charter, which provides for the following.

1. In the performance of their duties the Secretary General and the staff shall not seek or receive instructions from any government or from other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.
2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary General and the staff and not seek to influence them in the discharge of their responsibilities.

These paragraphs indicate clearly the double responsibility incumbent upon staff and governments to preserve the international character of the Secretariat. The independence of the Secretariat members from national pressures was a principle not clearly stated in the Covenant but established at the inception of the League of Nations by its first Secretary General.

The Secretary General is appointed by the General Assembly, acting by a two-thirds vote, upon recommendation of the Security Council. In the absence of any Charter specification, the General Assembly established the length of term for the Secretary General as five years. The greatest hurdle to selection is agreement on a candidate by the major powers, since any permanent member of the Security Council may exercise a veto. Stalemates are a general threat in the selection process, and the term of the first Secretary General had to be extended by the General Assembly without concurrence by the Security Council.

Five Secretary General have served the organization. Trygve Lie of Norway held the office from 1946 to 1953. He was succeeded by Dag Hammarskjold of Sweden, who served until his death in an airplane crash in Central Africa on September 17, 1961. After an interval of nearly seven weeks, U Thant was appointed first as Acting Secretary General and later for two successive terms as Secretary General. Kurt Waldheim of Austria served for two full terms and was succeeded on January 1, 1982 by Javier Perez de Cuellar of Peru.

The major functions of the Secretary General are outlined clearly in the Charter and include the following: (1) to be the chief administrative officer of the organization; (2) to act as secretary to all the major delegate bodies of the United Nations; (3) to perform functions assigned to him by the General Assembly and the three Councils; (4) to make an annual report to the General Assembly on the work of the organization; and (5) to appoint the Secretariat staff under regulations established by the General Assembly. The Secretary General also has the authority to act on his own initiative to bring to the attention of the Security Council any matter that in his opinion threatens international peace and security.

In practice, the role of the Secretary General has expanded far beyond the anticipations of the architects of the Charter. This expansion has resulted both from circumstances and from the initiative of each of the incumbents in the office.

3.8. International Public Service
3.8.1. General observations

The establishment of many international organizations creates demands met completely or partly by the formation of secretaries as part of their structure. Among these demands are: (1) the efficient administration of programs authorized and supported by the organizations; (2) the provision of leadership and guidance for emerging world community forces; (3) the practice of neutralism among competing national interests; and (4) the provision of an international perspective on international problems and programs.

Secretaries certainly do not provide the only leaders of the world community, but international states people are rare among those committed to protect national interests. Although several possibilities for leadership will be examined in this chapter, the unique position of the international civil servant will be emphasized. Other roles performed by a secretary general and his staff also will be outlined. The development of modern administrative through precedent-setting practices provides the justification of combining historical and analytical methods of investigating these matters.

3.8.2. The Development of the International Service

Although civil-service traditions at the national level date back many centuries, international secretaries have a history of only approximately 100 years. The first suggestion for a neutral international body of civil servants was incorporated into William Penn's proposal for a general parliament in Europe, published in 1694. Penn suggested a body of clerks modeled after the clerks of the British House of Commons. The first actual use of secretariats attached to permanent international organizations developed in the 1860s and 1870s with the establishment of the International Telegraphic Union, the Universal Postal Union, and the International Bureau of Weights and Measures. However, the secretariat personnel for these organizations did not represent a multinational group of civil servants but were either recruited from the host country or seconded by member governments. The concept of a truly international secretariat with primary responsibility to the organization rather than to national governments was put into practice only with the establishment of the League of Nations.

Two possible roles were foreseen for the Secretary General. One of these was the role of international statesperson and political leader. The role of dynamic leader and innovator was tied to the possibility of recruiting a widely recognized national personality respected internationally for statesmanship and ability. The most frequently mentioned person for this position was Eleutherios Venizelos of Greece, who refused the post. In these early stages the title of Chancellor was suggested as appropriate for the leadership role. President Wilson briefly considered the possibility of accepting the position but decided against it. Before offering the office to Sir Drummond, the decision was made to drop the title of Chancellor in favour of the more indeterminate title of Secretary General.

The Covenant of the League of Nations provides little insight into the intended nature and role of the Secretariat.

The relevant clauses from Article 6 are tersely stated as follows:
1. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.
2. The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.
3. The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.
4. The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

3.8.3. The International Civil Servant in the United Nations

The Secretariats of the United Nations and of the specialized agencies are the beneficiaries of the principles established by Sir Eric Drummond. The substance of the practices initiated by Drummond was incorporated into the United Nations Charter and into the treaties establishing each of the specialized agencies to entrench these principles firmly into the basic concepts of the new organization rather than to leave them open to later negotiation or doubt.

The international character, loyalty, and independence of the Secretariat are fundamental to the effectiveness of an international civil service. The principle of national representation is carried out in the United Nations through the several delegate bodies. The Secretariat's role can only be performed satisfactorily if its members impartially serve the organization as a whole, are loyal to Charter principles, and take their direction from the Secretary General, not from their home governments. In Dumbarton Oaks and in San

Francisco no fundamental disagreement was expressed with the principles underlying the international loyalty and independence of the Secretariat.

If a secretariat is at international in character, its members must be recruited on a broad geographical basis. Article 101 of the Charter provides that geographical distribution shall be considered but shall be secondary to the more essential requirements of high standards of efficiency, competence, and integrity in recruitment of personnel; no necessary conflict exists between these two sets of principles. Member states of the United Nations have insisted on a distribution of Secretariat posts that allots to each state a reasonable "quota" of those posts with regard to both total number of positions and their grade level. This insistence reflects national pride as well as an attitude that national representation should, in a limited sense, carry over into the Secretariat. The Secretaries General, buttressed by General Assembly support, have contended that efficiency , competence, and integrity must take precedence over geographical distribution, but that a wide variation of national backgrounds, cultures, and experiences among Secretariat personnel enrich the contributions that the Secretariat can make to the work of the organization. The intrinsic value of diversity of staff establishes the compatibility of geographic distribution with the primary standards of efficiency and integrity.

The issue of international loyalty raises some interesting questions. Must national loyalty be sublimated in favour of international loyalty for Secretariat personnel? Are the two loyalties incompatible? What are the demands of international loyalty on the staff member? How do temporary or permanent appointments to the Secretariat affect the attitudes of appointees toward their roles as international and as national actors? Can a member state demand of its nationals a certain standard of national loyalty as a requirement for employment by an international organization?

International loyalty demands that the staff member accept and adhere to the purposes and principles of the organization and faithfully and impartially further these standards in the performance of his or her duties as an international civil servant. The oath required of United Nations Secretariat personnel includes the promise that the employee will discharge assigned functions and regulate his or her personal conduct "with the interests of the United Nations only in view." The international civil servant must abjure the promotion of national interests in favour of impartially serving the interests of the international community. This is a difficult task in a nationalist world. The staff member must also faithfully serve the Secretary General or designated head of the secretariat of an international organization and must take instructions only from authorities internal to the organization.

The international civil servant is not required to forswear national allegiance in order to become an effective international agent. In fact, national loyalty, if not carried to the extreme of ethnocentrism and national prejudice, may serve as an effective prerequisite qualification for the international staff member. In general, the narrow or intolerant nationalist will not be inclined to seek employment with an international organization. The United Nations preparatory commission declared that "Loyalty to the Organization is in no way incompatible with an official's attachment to his own country, whose higher interest he is serving in serving the United Nations."

If international loyalty is to be fostered in a secretariat, at least two-thirds of the personnel must have permanent status. A career service with adequate pay, promotion, and retirement benefits is essential to the building of an esprit de corps and a devotion to the purposes and principles of the organization that result from continued experience and interaction among personnel of diverse backgrounds. The career civil servant gradually absorbs the spirit of cooperative enterprise which will ideally dominate the secretariat under skilled and intelligent leadership. The temporary employee, seconded by his government for a one-or-two year term, generally cannot achieve the same degree of loyalty to the organization to which he is briefly assigned, since his permanent career is with his national government or in his home state. Communist countries have favoured short-term international assignments for the majority of their nationals. This attitude is consistent with Communist states' attempt to convert international secretariats from independent to representative agencies. African states, because of internal demands for administrative talent, have been reluctant to release substantial numbers of qualified personnel for long-term careers in international secretariats. Technical experts recruited for field missions in a particular country are often on short-term contracts, but the main burden of the continuous work of international organizations is most effectively borne by career personnel of long experience who have acquired a high degree of impartiality and a sense of international loyalty to the organization and its purposes. Secretary General Trygve Lie was caught in the crosscurrents, on the one hand, of American anti-Communist hysteria and official pressure from the host country and, on the other, of the need to protect the independence and integrity of the Secretariat. In spite of the acknowledged right of United States citizens against self-incrimination guaranteed in the Fifth Amendment of the United States Constitution, Lie seemed to feel that refusal to testify represented an overriding threat to the reputation of the Secretariat. He stated that he did not want to employ any United States citizens under suspicion of dedication to the overthrow of their government by force or violence.

Lie first dismissed temporary employees – those on fixed term contracts – who had refused to testify. He then sought the advice of a special three-member international panel of eminent legal experts, on which several persons refused to serve. On the advice of the panel, the staff members on permanent contract were also dismissed. The United Nations Administrative Tribunal, in an appeal from those dismissed, found no grounds for misconduct on the part of the accused staff members and awarded substantial compensation to several of them. Early in his term as Secretary General, Dag Hammarskjold received approval for changes in the staff regulations clarifying the obligations of staff members and strengthening the Secretary General' s powers of dismissal of employees whose conduct is interpreted as violating the Charter's standards of integrity, independence, and impartiality. At the same time, Hamarskjold asserted that he would be the final judge of the validity of evidence presented from national sources and that he would refuse to act on unsubstantiated charges against a staff member.

Under an executive order issued by President Truman on January 9, 1953, the United States Civil Service Commission and FBI were authorized to carry out loyalty investigations concerning all United States nationals employed by or applying for employment with the United Nations. Trygve Lie succumbed to pressure to allow the investigators to carry on their work on United Nations premises. Dag Hammarskjold later rescinded this permission since such an invasion by national agents violated the international character of the headquarters. The loyalty investigations delivered a severe blow to the morale of the Secretariat as a whole from which recovery was slow and painful.

Questions of dual loyalties and wide geographical recruitment of staff members are closely related to the international independence of the Secretariat. This interrelatedness is clearly illustrated by the preceding paragraphs. However, the principle of independence merits further consideration. Articles 100 and 101 of the United Nations Charter are basic to the establishment of the principle of Secretariat international independence. The essential elements in guaranteeing independence are the following:

1. The staff shall not seek or receive instructions from any government or other authority external to the organization;
2. Reciprocally, each member state shall respect the exclusively international character of the responsibilities of the staff and not seek to influence them in the discharge of the responsibilities;
3. Staff members shall refrain from any action reflecting adversely on their position as international officials responsible only to the organization;
4. The Secretary General shall have the final power of making staff appointments within guidelines approved by the General Assembly.

Perhaps the best analysis of the elements relating to the independent position of the Secretariat was made by Dag Hammarskjold in a lecture at Oxford University on May 30, 1961. In this lecture Hammarskjold recognized the dependence of the Secretary General upon the services of governments to obtain suitable applicants to positions and to provide information concerning their competence and integrity, but he asserted the right of the Secretary General to make final choices on the basis of the information furnished. He further states that mere suspicion concerning an employee or withholding of evidence from the Secretary General by a government provided insufficient grounds for dismissal. In summary,

The interest of the governments in placing certain nationals and in barring the employment of others had to be subordinated, as a matter of principle and law, to the independent determination of the Organizations. Hammarskjold also pointed out that yielding to pressures from governments to increase substantially the proportion of Secretariat staff on short fixed-term contracts would convert the Secretariat from an "international" to an "intergovernmental" body, would compromise its independence, and would reverse the principles established by the League of Nations and confirmed in Articles 100 and 101 of the Charter. With regard to the integrity of the international civil servant, Hammarskjold asserted that the staff member must be guided by the common aims and rules of the organization and by recognized legal principles rather than by personal preferences. The staff member must subject himself to self-examination to balance personal judgment against respect for law and truth on behalf of the organization as a whole.

In his Oxford lecture Hammarskjold also discussed the independence of the Secretary General in implementing controversial political decisions. This aspect will be discussed in a subsequent section of this chapter dealing more specifically with the office of the Secretary General.

In order to safeguard the independent position of Secretariat members, they must be free from national jurisdiction in their performance of their official duties. Article 105 of the Charter and similar provisions in the basic treaties establishing the specialized agencies of the United Nations family accord staff officials "such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization." Instead of conferring traditional diplomatic privileges and immunities, this clause establishes a functional basis for the privileges and immunities of Secretariat personnel. Such an indefinite standard requires supplemental treaties to identify the extent and limitations of privileges and immunities that are "necessary" for various levels or categories of personnel. In 1946 the General Assembly approved a General Convention on the

Privileges and Immunities of the United Nations, which has been ratified by 120 countries. This convention enumerates the privileges and immunities that shall be accorded to categories of personnel specified by the Secretary General but excludes from coverage those locally recruited persons paid on hourly rates. The Secretary General and their immediate families are accorded full diplomatic privileges and immunities.

Special agreements have been worked out between the United Nations and certain host countries. One such agreement between the United Nations and the Netherlands covers the personnel associated with the International Court of Justice, Switzerland, as a nonmember of the United Nations but as host to the European headquarters of the United Nations, has acceded to a special arrangement with the United Nations. The United States did not ratify the general convention until 1970, but in 1947 approved, together with the General Assembly, a Headquarters Agreement. The Headquarters Agreement fails to accord exemption from taxation of salaries of United States nationals. Staff assessments have been necessary to reimburse United States national employed in the Secretariat in order to maintain equality in salary scales.

3.8.5. Tasks and Influences of the Secretary-General

This article is devoted to examining the tasks, influences and responsibilities of the Secretary-General of the United Nations because of its centrality of his position in the international public administration system.

3.8.5.1. Tasks and Influences of the Secretary General of the United Nations

One factor affecting the Secretary General's ability to exercise leadership is his relationship with other top level administrators and executive personnel in the Secretariat.

The Secretary General is chief administrator or manager of the organization. His strategic position at the intersection of the political and administrative sectors of the organization provides him with opportunities for offering initiative and leadership in both sectors. He maintains contacts with governments and their representatives in the United Nations delegations. He has available an independent, substantial, and usually adequate communications system, including telephone, telegraph, television, radio, press, library, and documentation facilities. He personally performs those administrative tasks in which he is most interested and which most enhance his position of leadership, and delegates to others the remainder. He appoints Secretariat personnel, within the constraints previously outlined, and is the primary source of plans for restructuring the administrative framework, a process fundamental to improvement of administrative effectiveness and efficiency. In carrying out his administrative functions, the Secretary General must represent the epitome of discretion and neutrality among member states. At the same time he must uphold the principles and purposes of the organization.

In attempting to unify the staff as an efficient administrative unit, the Secretary General confronts a paradoxical set of factors. Centrifugal forces (in addition to the representational basis for appointment of heads of major departments and offices, and short-term contracts for a minority of employee) include the compartmentalization of the Secretariat into its specific functions and activities. Each employee tends to identify with his or her own unit and to develop a loyalty to his or her administrative chief stimulating changes of policy, the Secretary General is frustrated by attitudes of immobility and resistance to innovation by staff members who cling to established procedures and whose security is protected by staff regulations enforced with the aid of a Staff Association and a Staff Council.

The members are inclined to rally behind the maximalist philosophy of the Secretary General because an expansion of executive power is shared by all members of the Secretariat. The career international civil servants also develop, in common with the Secretary General, a devotion to the broad principles and purposes of the organization, which binds them together in a sense of mission. Finally, the Secretary General must inspire his staff by his leadership and by seeking their support in their common efforts.

In preparing the budget the Secretary General is addressing both political and administrative implications of the document. Allocation proposals determine changes in program emphasis and affect the tasks to be performed by Secretariat personnel. The Secretary General by no means has a free hand in budgetary matters. His proposals are subject to review by the General Assembly through the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee, where attitudes of conservatism and economy prevail. The near-bankrupt condition of the United Nations since 1962 has had a serious impact on staff morale and on budget planning.

3.8.5.3. The need for International Leadership

Since 1970 both the United States and its Secretariat have been subject to increased criticism. A series of appraisals of United Nations personnel policies generally agree that the quality of Secretariat personnel has fallen below optimum standards. One critical study apportions a large share of the blame on member states' advocacy of unqualified candidates for appointment to position and the Secretariat's lack of resistance to such pressure. Some corrective measures in recruitment policies have been initiated, but important tasks will be

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assigned to the United Nations only if there is confidence in its competency to perform those tasks. This requirement also applies to other international organizations.

In a chaotic and increasingly interdependent world, more orderly processes for settling disputes and for achieving economic and social cooperation are needed. States that insist on a myopic national view of the international scene can contribute little to the resolution of international problems. International organizations provide one set of existing channels through which such problems can be cooperatively attacked. Since the opportunities for leadership within international agencies are so restricted by the attitudes and policies of governments, it is from within these governments that an impetus toward utilizing the full potential of international organization must originate. One reason international leadership is constrained is that there is no international constituency to lead. There are only national constituencies. Therefore, the need is for national leaders with enough vision to recognize both the threats and the means toward removing those threats that exist in an interdependent world. The exercise of leadership in and through the United Nations and other international organizations could help to diminish the sources of tensions and restore confidence in human capabilities for peacefully resolving conflicts and problems.

IV. Summary

International public administration has gained in prominence and is now a recognized specialized field of study which deals with administration at various levels such as universal, continental, regional and sub-regional levels. For example, there is international administration of the United Nations that is at universal level; at continental levels, we have African Union and European Union as distinct examples; at sub-regional levels, examples are SADC, ECOWAS, and East-African Community as good examples. At all these levels there is a form of administration which for the purposes of this article, we conveniently call International Public Administration.

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