

No. 53/18 PERSONNEL POLICY IN THE UNITED NATIONS

Statement by the Acting Head of the Canadian
Delegation to the Seventh Session of the United
Nations General Assembly, Mr. Paul Martin,
delivered in Plenary Session, March 30, 1953.

... Our deliberations in the United Nations usually concern people, and I am sure that we are always conscious of the opportunity that our presence here gives us to work for the well-being of millions the world over.

Today our concern is not about millions, but a few thousands of men and women in the Secretariat of the United Nations, many of them our neighbours in the glass house next door, many of them respected acquaintances of ours and many of them our personal friends.

The United Nations is the embodiment of a great vision; of a world that can live together in peace and brotherhood. But that vision can have no substance, the dream no fulfilment, unless we, for our part, speak for the conscience of our countries and unless our colleagues in the Secretariat building beside us have the competence and the opportunity to carry into action the decisions that we make.

The subject under discussion is therefore doubly important. It tests our attitudes towards the fundamental rights of human beings; and it requires our most careful consideration in order to ensure the highest standards of efficiency, competence and integrity in those who are members of the international civil service of the United Nations.

In any organization and for any government, the formulation of personnel policy, while of first importance, is not always easy of achievement. For the Secretary-General of the United Nations, this problem is complicated by the fact that the members of the Secretariat come from many different countries and that they work together, many of them, in a country other than their own.

The country that is host to any United Nations activity will have particular interest in the behaviour of members of the United Nations Secretariat while they are within its jurisdiction. Naturally, it will want to satisfy itself that the presence within its borders of nationals from other countries in no way threatens its own security. While, for the purpose of the United Nations, a country may extend some degree of immunity to such visitors, it has the responsibility of ensuring that this immunity does not cloak actions inimical to its own security. In establishing, therefore, a proper personnel policy, the Secretary-General must work towards a reasonable and wise reconciliation of the rights and freedoms of United Nations employees and the security of the State in which they serve.

Let me state here, as one who for a quarter of a century has known many employees of the United Nations and of its predecessor, the League of Nations, my conviction that this reconciliation is possible. I do not want to pursue the observations of my delegation on the matter under discussion without giving them against a background of this evident fact, a fact that I am sure will not be disputed by the great majority of representatives here who have worked closely over the years with the United Nations or League of Nations employees.

Before I speak in more detail of their status and of the Secretary-General's particular problems in this part of his heavy and responsible post, I should like here to pay tribute to the members of the United Nations Secretariat. For myself, and on behalf of the delegation whose spokesman I am, I regard it a privilege to place on record my belief and the belief of the Government in whose name I am speaking that the members of the Secretariat do, for the most part, bring to their tasks the "highest standards of efficiency, competence and integrity" spoken of in Article 101 of the Charter. It surely must be apparent to all that United Nations achievements, in which they have contributed so much, reflect more than "efficiency", more than "competence", more than "integrity". They reflect the genuine sense of dedication and devotion to duty that characterize so many members of the Secretariat whose qualities of heart rival their qualities of mind.

The Charter defines the Secretariat as one of the six principal organs of the United Nations. Its proper functioning is indispensable to the success of the other five organs which it serves. All of us at this Assembly, and especially the members of the various permanent delegations who are in constant communication with members of the Secretariat, know that the successful implementation of decisions depends in large measure on the conscientiousness, effectiveness and imagination of these officers. We know, too, that, of the factual information on which this Assembly, the Economic and Social Council and the Trusteeship Council, for example, base their deliberations, a great part is collected, collated and set out for us in intelligible form by the Secretariat. Officers of the Secretariat are also respected counsellors in the formulation of the decisions, both substantive and procedural, which are reached in these councils.

It is therefore of the highest importance to the United Nations and to the world that officers of the Secretariat should be qualified to carry out their duties and that conditions of employment should be such as to induce the right sort of candidates to come forward and to encourage those officers who have proved their worth to remain. First class candidates will not seek positions in the United Nations and first-class members of the Secretariat could hardly be expected to remain unless the conditions of their service make it possible for them to exercise their qualities of mind and of heart to the fullest advantage for the purposes of the United Nations they are pledged to serve.

From the economic point of view, in the light of the particular difficulties pertaining to employment in an international civil service, I believe that the conditions of service in the Secretariat are generally satisfactory.

I believe that, while such matters need frequent review, the salaries paid are sufficient to attract and hold well-qualified persons. In reading the Secretary-General's bulletin on staff regulations and rules, our impression is that reasonable regard has been shown for the material well-being of employees of the Secretariat and that the provisions which have been made do more or less parallel those made for employees of our own domestic government services.

It is therefore with deliberate intent that I have given the Assembly my impressions both of the calibre of the men and women who make up the United Nations Secretariat, and of their working conditions, which have been approved on behalf of the governments of the Member States at previous sessions of this Assembly. It is a good thing, it seems to us, for the politically conscious people of member states to know that we of the Assembly highly esteem our fellow workers of the Secretariat. It is also a good thing for the peoples of our countries to know that the governments which represent them here, acting collectively, have behaved fairly and honestly towards the employees of the United Nations and that they intend to continue to do so according to the best advice they can secure and to their best judgment.

Thus far I have been talking about what might be called domestic questions affecting the United Nations staff in the sense that they are primarily internal in their character although they arise in an international organization. It would be unusual if there did not exist even in these internal relations certain strains and stresses. However, it is not these domestic strains and stresses that our attention is particularly directed by the agenda item under discussion.

The report of the Secretary-General is concerned with the political and international aspects of the question. The problem which he has put before us is not one which can be stated simply. The difficulty of explaining it is partly, I think, one of language. We have allowed ourselves over the years to use the word "international" in two somewhat different senses. We all agree that the United Nations is an international institution. Four of its six principal organs are indeed internationally constructed. This Assembly, for example, is composed of delegations which are appointed by their respective countries, and which take instructions from and speak in the names of their respected governments. On the other hand, the Secretariat, which is international in several ways, is not international and ought not to be international in any of the ways I have just mentioned. Its members do not represent governments. We insist that they should not take instructions from their respective governments and certainly they never professed to speak in the names of their respective governments.

My delegation feels that the Secretary-General is to be commended for the way in which he has set out the issue in his report. We believe his report represents an advance upon, and indeed supersedes, the report of the Commission of Jurists. Some features of the jurists' report with which this delegation could not agree have not been carried on into the Secretary-General's report. All the parts of the jurists' report which we approved seem to us to be taken up in the report of the Secretary-General.

As far as the Canadian delegation is concerned, an examination of the jurists' report paragraph by paragraph would therefore seem at this time to be unnecessary. For that matter, neither have we any intention of discussing the report of the Secretary-General article by article. Rather, we should like to make a few general observations and specific recommendations with regard to that report.

Our impression is that the Secretary-General will desire to have the opinion of delegations and that, in the execution of his policy, he will -- according to his judgment and as far as he can reconcile any conflicting views -- bear these opinions in mind. I may here remark that the Canadian delegation was among those which urged upon the Secretary-General, in the meeting of the Fifth Committee on 16 December, the wisdom of making haste slowly in reaching decisions on certain matters that had become controversial.

We agree wholeheartedly with the Secretary-General's remarks on the necessity of maintaining the international character and the independence of the Secretariat. This Assembly will not find much difficulty in reaching unanimity of agreement on this point. This principle is now so generally agreed upon and so firmly embodied in the Charter that certainly I have no present intention of defending it at any length, although I should like to say something about the channels through which it may be maintained. I have said earlier that the Secretariat is an indispensable part of the United Nations. It is equally true that an international outlook and freedom from interference by member governments are indispensable characteristics of the Secretariat. Without this sort of Secretariat, the United Nations would hardly be able to justify its existence. I hope that the most violent critics of the Secretariat are not taking advantage of this fact to attack the United Nations itself under cover of an attack on the integrity of the Secretariat.

Before going further, I should like to make it quite clear that the Canadian Government believes that the very great majority of the members of the Secretariat think and act as international civil servants should, and do not in fact permit themselves to be interfered with by any member government in anything that pertains to their work in the United Nations. It cannot be denied, however, that constant and active vigilance is required to maintain this independence on the part of the Secretariat. The ultimate success of all our efforts to this end depends in the final analysis on the officers of the Secretariat themselves, on member governments, and, finally, on the Secretary-General.

First of all, each member of the Secretariat is in conscience bound by the Charter and by the regulations governing his employment as an international civil servant to serve the United Nations faithfully. Having pledged himself to this profession, there are limits placed upon his freedom of speech and his freedom of action, just as there are limits placed on the freedom of speech and action of any civil servant. Beyond those limits, there is a field in which his conduct must be determined by his judgment and by his conscience. If his judgment is bad or his conscience is an uncertain guide, he must expect to get into difficulty. The Secretary-General's exposition of the responsibilities of the Secretariat members in this regard

seems to my delegation to be a good statement of the case, and it is noteworthy that the Staff Council, in its paper of comments on the report of the Secretary-General, endorses this statement.

It may be that sometimes a situation will arise in which one may experience an intellectual and moral difficulty in harmonizing loyalties to one's own state and to the organization in which one is working. This will rarely happen, and still more rarely will the loyalties, upon examination, prove irreconcilable. However great the difficulty, the end is clear - nobody may remain a member of the Secretariat who is not loyal to the United Nations. On that there can be no compromise. It must also be recognized that a staff member desiring to act according to his convictions might occasionally be deterred by the fear of possible practical consequences. But our experience gives us every reason to expect that the integrity of its members and their demonstrated devotion to the concept of international service will remain firm as one of the three main supports of the independence of the Secretariat of the United Nations.

This independence has a second main support - the undertaking given by every member nation, under Article 100 of the Charter, to respect the exclusively international character of the Secretariat's responsibilities and not to seek to influence its members. It is the duty of each of the governments represented here to refrain from making demands on members of the Secretariat or on the Secretary-General incompatible with the principles to which we have all agreed. It is clear that existing international tensions are making it difficult for some governments to withstand the temptation not to honour to the full their undertaking in this important matter. It is vital to the future of the United Nations, it seems to us, that this temptation be successfully resisted.

The main source of support for the preservation of the essential characteristics of the Secretariat must, of course, be the Secretary-General himself, as Mr. Trygve Lie has so fully recognized. This is the logical, the inevitable, complement of the powers and responsibilities given him in the Charter and in the Staff Regulations. He is the constitutional defender of the liberties of the Secretariat and the champion of fair treatment for any individual members of that body who, while acting according to their honest and sincere convictions and with good intent and reasonable judgment, may yet find themselves in difficulties. The paper of the Staff Council makes this point in its seventh paragraph, and it is a point on which I am confident all will agree.

In the position of difficulty and delicacy in which he has found himself, the Secretary-General has been confronted with all these obligations: first, those -- to which I have just referred -- toward his staff; secondly, those toward the member states which are hosts to one or more United Nations bodies and with which he must maintain satisfactory relations if his organization is to function efficiently; and, finally and chiefly, his obligations toward all member states, whose collective servant he is, and to the constitution and the purposes of the United Nations.

So much for the principle of internationality and independence of the Secretariat and of the three ways in which it can best be maintained. Having accepted this principle in the earliest days of this organization, we are now faced with the problem of how to apply it in a period of high international tension. What should be the policy of the United Nations towards a member of the Secretariat who engages in subversive activity towards a member state? The Secretary-General says that such an employee should be dismissed. My delegation thoroughly agrees with this. So, we believe, do most delegations. The answer, however, raises a host of subordinate questions -- questions of definition, questions of evidence, questions of procedure, questions of law, and so on. The more important, or the more urgent, of these the Secretary-General seeks to answer in his report. As I have said before, I do not intend today to go into all these questions. I do intend to mention very concisely two or three specific points which my Government is particularly pleased to see in the report. In respect to one or two others, in which the final decision as to policy appears to be waiting at the crossroads, I shall indicate which, in the present view of my delegation, would seem to be the wiser road to follow at this time.

First, we are especially glad to notice that the Secretary-General reaffirms the right of freedom of thought possessed by the employee, distinguishing this from freedom of action or even of speech which, we agree, must be qualified. Next, we are pleased with his fresh assurances that he does not propose to dismiss employees upon mere rumour, hearsay or unsupported charge. We agree that there should be "reasonable grounds" for believing the employee to be subversive of a member government, and we prefer this basis to the alternative basis offered elsewhere of "reasonable doubt as to loyalty of the person".

With several, indeed with most, of the grounds for disciplinary action mentioned in the report we find ourselves in agreement, tentatively at least. In regard to one we have serious misgivings. Our present view is that it is not just or reasonable that an employee should be dismissed on the sole ground of having refused to answer questions, the answers to which might serve to incriminate him. We agree with several opinions which have been expressed that such refusal should cause the Secretary-General to view the employee with suspicion and should lead the Secretary-General to institute inquiries. It would, for example, seem reasonable that such a staff member should be asked to appear before the Secretary-General. It seems to us the sort of case in which the Secretary-General would normally have the assistance of the advisory panel. If the employee could not or would not, in this closed and confidential inquiry, explain his silence to the satisfaction of the panel or of the Secretary-General, the latter would then reasonably feel obliged to dismiss him.

There is one more particular point I should like to mention since I believe it to be of major importance. This is the question of appeal from the decisions of the Secretary-General. I think that most delegations here will agree with me that in the generality of cases a right of appeal must be an inherent part of any satisfactory procedure dealing with personnel matters. The existence of this right seems particularly necessary when so much, both of public and private concern, hangs on the effect of a

dismissal on grounds of subversive activity. As we read the report of the Secretary-General -- and I refer now expressly to paragraph 29 of the report -- the appeal procedure available up until now, through the Administrative Tribunal, will remain intact. Recourse to a body such as the Administrative Tribunal may not be the only way to assure a satisfactory appeal procedure. We have no doubt that the Assembly would give careful attention to any alternative methods which might be proposed. At present, however, it seems to us that the existing powers of the Administrative Tribunal, used in conjunction with the advisory panel which the Secretary-General has established, are capable of meeting our existing needs. We should be disposed, at any rate, to give them a further trial.

In referring to these specific passages in the Secretary-General's report I have not meant to imply that all its details have the concurrence of the Canadian Delegation, although I repeat that in general we like the report as a statement of a situation and as a working guide. For this reason my delegation will give its support to the draft resolution submitted jointly by the delegations of France, the United Kingdom and the United States. The Canadian Delegation will continue to listen attentively to the observations of the other delegations and will follow with interest the measures through which a solution of this very complex problem will be sought. We feel that the temper of the discussions in this particular matter at this time has been such as to make them useful and calculated to bring about a satisfactory disposition of a problem the importance of which we all recognize.

A loyal and dedicated international civil service is essential to the success of the United Nations. On that we are all agreed. In the Secretariat there is no place for anyone who so dishonours his pledge of employment as to be actively hostile to his own or to any other member state. The personnel policy of the Secretary-General should be directed to the protection of all employees who are conscious of their responsibilities to the United Nations and who carry them out faithfully; it should also provide for the dismissal of anyone who is unworthy of employment and for fair and effective procedures by which his worth can be determined. That may be difficult to agree upon. Above all, it must be scrupulously fair. The United Nations should be pre-eminent in its respect for human personality. Our success in reconciling the sometimes conflicting interests involved in these personnel matters can be a measure of our success with the larger conflicts to the resolving of which this Organization is dedicated.

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