

THE ORIGIN OF THE POST OF THE INTERNATIONAL PUBLIC OFFICIAL

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Abstract: This study established that the International Public Official (IPO) exists as a result of international agreements between sovereign states. Secondly, IPOs function exclusively in the interest of the international community, which comes about as a result of such agreements. Thirdly, IPOs do not belong to the administrative system of any state and have a special status.

Keywords: International Public Official, the role and functions of the IPO.

1. INTRODUCTION

This Article reviews the variables that influence the milieu of the international civil service (ICS). The Article explains the concept of an “international public official”. It also describes the origin, development, nature of the international public official (IPO), and how this post evolved. The differences that exist between an IPO and a national public official are explained. Finally, the role and functions that are performed by this official are also discussed. The IPOs discussed in this Article relate to those that were engaged by the League of Nations at its inception and the United Nations (UN).

2. THE CONCEPT OF AN INTERNATIONAL PUBLIC OFFICIAL

IPOs are those employees who are employed in an international civil capacity (Ademoleku 1999).[1]. They could also be described as officials appointed by the international community based on an international treaty and are under its control to exercise various functions continuously in the interest of the international community (Kruger 1982).[2].

The establishment of the League of Nations and the UN and hence international public administration created demand for personnel who were recruited internationally and these officials were called “international public officials”. The international system was an organized whole in a dynamic interaction. The main units of an international system were the sovereign and independent states (Olatunde *et al.* 1985).[3] International public administration comprised activities of groups of states that were directed at the implementation of policies that affected other states or institutions in the international political system. IPOs in the international system had and still have, diverse historical, cultural and social backgrounds. Therefore, no IPO could expect only gains for his/her own position. He/she had to recognize that in the international system, there are gains and losses to be experienced, compromises to be reached, and conflicts and threats to be faced (Olatunde 1985).[4] The concept of a true IPO who had his/her primary responsibility to the institution rather than to his/her national government came into play with the establishment of the League of Nations in 1919, with the experience and far-sightedness of Eric Drummond who was the then Secretary-General of the League of Nations (Bennett 1995).[5].

Since the days at the birth of the League of Nations in 1919 to-date, there has been a growing number of men and women from a longer and longer list of independent nations being appointed for service in international governmental institutions (IGIs) (Macy 1970:258). An IPO must be able to detach from narrow national or special interest allegiance and must accept the idea of working for all member countries and peoples in the interest of the global community and collective goals. IPOs are those people who cannot find jobs in their home countries and they turn to international institutions. Some of these officials take up international jobs to get away from problems at home, for example marital or political problems (Balk 1970).[6]

IPOs are recruited from all countries of the international system to perform duties in the different IGIs, and these include the UN and its specialized agencies, the Commonwealth, the African Union (AU), and the European Union (EU). There are many other IGIs all over the world and it is not possible to mention all of them here. Despite some possible differences in the types of duties performed in any given secretariat, certain common duties may be identified. Hence, the author will be discussing the UN Secretariat in Chapter Three in order to give some understanding of the conditions of service of IPOs and the work they carry out. Other IPOs include those employed by regional institutions such as the African Union and the North Atlantic Treaty Organization (NATO) (Kruger 1982).[7]. As regards temporary employees who are given contracts ranging from one to two years, they cannot achieve the same degree of loyalty to the institution to which they are briefly assigned.

There are various types of IPOs, namely those who serve their home countries as diplomats or are on secondment to international institutions, or international public officials who, through their own initiative, have been employed by these institutions and can be put on a continuous employment until they retire, or they can be asked to sign a contract with the international institution for an agreed number of years which could be renewed at the end of term or terminated depending on prevailing circumstances. There are also those IPOs who work on a voluntary basis. These would mainly be found in the humanitarian arena like the Red Cross and also the United Nations Volunteer Services. Advertisements are placed in international and local newspapers to recruit qualified people. These positions are based on values of free will, commitment, and solidarity. Areas of engagement include disaster management, peace building/conflict resolution and HIV/AIDS (United Nations: The Daily Nation Newspaper, June 4, 2004). Volunteers do not receive a salary. Instead, they receive a minimum volunteer living allowance plus insurance benefit. Within the UN, in addition to the normal administrative staff, economists and other professionals, there is the peace keeping force which is composed of a military component consisting of a commander and a number of contingents provided by selected member states of the UN upon the request of the Secretary-General and the civilian component which consists of civilian administrative staff which is provided by the Secretary-General from among existing UN staff (United Nations 1990).[8]. Then there is the transient IPO who, apart from operating at headquarters, travels on missions to member countries for either technical support or meetings. There are also those IPOs who come into the institution as a result of secondment whereby an official is posted by his government to an IGI for a specified period under defined terms and conditions with the expectation that at the end of that period, he/she will return to the service of origin (Tessitore *et al.* 1991).[9]. Apart from facing challenges, IPOs enjoy certain privileges and immunities specified in their contracts. The Secretary-General and Assistant Secretaries-General and their families are accorded full diplomatic privileges and immunities (Bennett 1995).[10].

Different IGIs have different names for the head of the Secretariat. At the UN headquarters, the head is called the Secretary-General. Other UN agencies have different names for those individuals at the top of the hierarchy. For instance, the World Bank has a President as its head and the International Monetary Fund has a Managing Director. The International Prisoners Relief Organization, another IGI, has a Director-General at its helm.

3. ORIGIN AND DEVELOPMENT OF THE POST OF THE INTERNATIONAL PUBLIC OFFICIAL

After the First World War in 1919, the world needed an institution that could police it and maintain law and order. The League of Nations was created to meet this need (Olatunde 1985). [11]. At the same time, the revolutionary concept of an international civil service came to be accepted (Mailick 1970).[12]. This brought the notion of recruiting international public officials that bore loyalty to the institution, rather than to their original home country (Archer 1992).[13].

The origin of ICS can be traced back to the deliberations during the first session of the General Assembly of the League of Nations on 17 December 1920. Considering the state of the world at that time, and the objectives of the League of Nations, the Assembly unanimously voted for the establishment of an international bureaucracy and the appointment of staff. Article 6.1 of the League Covenant called for the establishment of a permanent secretariat at the seat of the League in Geneva. The Secretary-General, Sir Eric Drummond, who was responsible for organizing the Secretariat was instructed by the Organizing Committee to begin recruiting staff for the Secretariat. The Secretary-General defended the introduction of the British secretariat system into the League of Nations in 1924. He pointed out that international conferences sometimes failed because of a lack of organized preparations. It was in this field that it was felt that a new

system was required to allow the League of Nations to function in such a way that it could serve its purpose. It was argued that it would be useful if an expert and impartial organ was to be established, which, prior to the discussion of a matter by national representatives, could compile objective declarations on the problems that had to be discussed and could also indicate points on which governments seemed to disagree. In addition, it was maintained that the implementation of decisions had to be entrusted to people who served the members of the League of Nations, and who could be trusted to implement such decisions entirely independently of national interests. Drummond was a competent administrator and someone of unimpeachable integrity. These qualities coupled with his experience in the British civil service of impartial service, made him a successful administrator and his idea was accepted and he established the first truly international public service (Kruger 1993).[14].

The secretariat was to comprise a Secretary-General and such secretaries and staff as were required. A commission was set up to study and make recommendations to the League of Nations on matters relating to the recruitment and remuneration of the staff (Udom 2003:4). It was at the birth of the League of Nations that the framework for the modern ICS was initiated (Udom 2003).[15]. The League of Nations had a small number of staff members who were drawn mainly from the Western European countries as opposed to the secretariats of the IGI's today that truly represent the geographical distribution of the member nations themselves (Mailick 1970).[16]. The League of Nations Secretariat had a staff not exceeding 706 in the years before 1939. With the Second World War and the establishment of the UN and its agencies, the numbers of IPOs increased enormously and the increase has continued as larger and wider responsibilities have been placed upon the UN. However, there was the danger of seconded civil servants for a one- or two-year term, as these types of IPOs could not achieve the same degree of loyalty to the institution to which they were briefly assigned. This was because their loyalty lay with the national governments (Bennett 1995).[17]. The solution was to establish a secretariat that was truly international in composition (Bennett 1995).[18]. The development of an ICS, independent of the influence of member states, was therefore the answer to the problem of divided loyalties. However, this was not possible because interferences cropped in as senior members of the League of Nations Secretariat were political appointees. To complicate matters even more, these officials were responsible to their respective foreign offices and not to the Secretary-General (Rovine 1970).[19].

The first generation of ICS, which never exceeded 3,000 members and established in two cities, namely Geneva and The Hague, carried out the collective will of about 50-member states (Lengyel 1992).[20]. Soon after the establishment of the League of Nations, a committee chaired by a French diplomat by the name of Georges Noblemaire met in 1921 to set the salaries of the staff of the League of Nations. Officials were recruited internationally and were subject to common rules and pay scales according to the Noblemaire formula of tax-free salaries adjusted to the highest prevailing national civil service levels, which were based on those of Britain at the time, plus a margin for expatriation. It was believed that the salaries paid to the employees of the League of Nations were too high and the Noblemaire committee was under considerable pressure to reduce the salary scales. However, the committee maintained its position that the League of Nations must be able to recruit from the civil service of all its members and thus, it was imperative that the salaries be pegged to the highest paid civil service. The Noblemaire formula as applied by the League of Nations, consisted of three distinct elements, namely the civil service salary scales of the best-paying country; the difference between the level of the cost of living in the best-paying country and the headquarters of the League of Nations; and the expatriation factor (FICSA/C/57/PSA/4 Geneva, 9 January 2004). [21].

The tasks entrusted to the first-generation ICS concerned peacekeeping, arbitration, and conflict resolution. In essence, the primary objective was to make the world a better place for humanity. Principally, this meant working with member states to prevent wars and to carry out humanitarian activities wherever these were needed. To carry out this global mandate meant that an international civil service had to be created and IPOs had to be recruited (Udom 2003).[22]. This generation of ICS functioned for 18 years until 1939 when the Second-World war broke up, ending in 1945.

After a break of about five years at the end of the Second-World War, the second-generation IPOs began to be recruited from 1945 to serve the UN and its specialized agencies, with the object of mounting a full-scale attack on all the major problems confronting humanity. Though it was to staff the scattered institutions established according to functional principles, the ICS in the UN family was only partly conceived as a closed career system, and partly to include experts on short-term assignments. It was to respect national quotas of officials, reflecting the financial contributions of member states.

The second-generation ICS that was employed by the UN and its agencies inherited much from its predecessor, including the Noblemaire formula, to govern remuneration. The ICS has graduated from being a somewhat hastily assembled set of states to a coherent body of 180 member states today (Lengyel 1992).[23]. Officials recruited serve both at headquarters and in the field. Today there are an estimated 100,000 IPOs of whom 60 percent are employed by the 17 specialized agencies of the UN (Lengyel 1992).[24]. The other 40 percent serve limited-membership IGI's such as the European Community, the Arab League, the African Union, North Atlantic Treaty Organization, and Organization of Petroleum Exporting Countries. The omnipresence of the UN and the multifaceted activities in all countries of the world would not have been possible without the men and women who have willingly agreed to relocate themselves to foreign countries in the service of IGI's (Udom 2003).[25]

4. THE ROLE AND FUNCTIONS OF AN INTERNATIONAL PUBLIC OFFICIAL

The first section in this segment gives a structural functional analysis of the Secretary-General of the United Nations as an IPO and section two deals with IPOs of other IGI's.

4.1 The role and functions of the Secretary General of the United Nations as an IPO:

The role of the Secretary-General has expanded beyond the intentions of the architects of the Charter in response to demands that have come about through broad interpretation of the general and specific terms of the Charter, through the delegation of responsibilities by the Security Council and the General Assembly (Bennett 1995).[26]. The Secretary-General intercedes between the political and administrative arenas and exercises his leadership skills in both sectors.

The major functions of the Secretary-General include being the Chief Administrative Officer of the UN, to act as Secretary to all the major delegate bodies of the UN, to perform functions assigned to him by the General Assembly and the three Councils, namely the Security Council, the Economic and Social Council, and the Trusteeship Council. The Secretary-General also prepares annual reports and submits them to the General Assembly on the work of the UN. He brings to the attention of the Security Council any matter that threatens international peace and security (Bennett 1995).[27]. He acts as Secretary to the principal organs of the UN. In addition, the Secretary-General functions as an elected political official. The political nature of his post derives from the way in which he is appointed.

The Secretary-General bears personal responsibility for his actions and also bears responsibility for the work of his subordinates (Barros 1972).[28]. The Secretary-General is responsible for the work of the Secretariat and for the decisions that activate the Secretariat. Although the staff of the UN Secretariat and the Secretary-General are interdependent in their functions, the Secretary-General's position and responsibilities are, in many ways, unique, and he is assigned a central role as the Chief Administrative Officer and leader of the institution (Bennett 1995).[29]. The Secretary-General maintains a staff of personal advisors and assistants.

4.2 The Administrative role of the Secretary-General:

The Secretary-General's strategic position at the intersection of the political and administrative sectors of the institution provides him with opportunities for offering initiative and leadership in both sectors. He appoints the Secretariat staff under regulations established by the General Assembly. Apart from appointing heads of department on a representative basis and handling short-term contracts for some employees, the Secretary-General oversees the internal institution of the Secretariat so as to establish an institutional structure. He appoints Secretariat personnel and is the primary source of plans for restructuring the administrative framework, a process that improves the administrative effectiveness and efficiency. The Secretary-General and the other Executive Heads are responsible on a daily basis for the recruitment, induction training and subsequent further training, task-assignment, performance review, promotion, and all other aspects of the composition and productive management of the ICS. The Secretary-General inspires his staff by his leadership and by seeking their support in their common efforts. He performs most of his administrative duties through delegation (United Nations 2000).[30].

The function of the Secretary-General as provider of conference facilities has roots in the ad hoc diplomatic conferences that were so common in the nineteenth century (Barros 1972).[31]. He maintains contact with governments and their delegates at the UN. He has an independent communication system including all forms of communication, namely e-mail, telex, cable, telephone, and fax and he has an extended documentation system.

In preparing the budget, the Secretary-General is addressing both political and administrative implications of the document. The Secretary-General 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 (Auriacombe *et al.* 2000).[32].

4.3 The Political Arena of the Secretary-General:

The most significant and controversial extension of the Secretary-General's power has been in the political arena (Bennett 1995).[33]. Politically, the Secretary-General speaks for the collective interest of the UN as a whole. This provision is made in Article 98 of the Charter that the Secretary-General shall perform such other functions as are entrusted to him by the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council. He also brings to the attention of the Security Council any matters, which in his opinion may threaten the maintenance of international peace and security (Bennett 1995).[34].

In three main ways, the Secretary-General becomes an actor in world politics. He serves as an operator in political and security matters by giving early warnings of peril, by carrying out programmes designed by other bodies and initiating action of his own or stimulating other bodies to act. Secondly, he heads a vast network of institutions, policies, and field programmes in economic and social fields. Thirdly, he directs a Secretariat of more than five thousand officials and through it, influences other international secretariats (Barros 1972).[35]. However, the Secretary-General can never be regarded as an entirely autonomous actor. He remains the servant of his institution. He has to get backing for his work from the member governments (Barros 1972).[36].

In addition to his published annual report, the Secretary-General makes several speeches each year in which he gives his views of international problems. Although the Secretary-General has limitations as regards initiating policies, ironically, in matters of war and peace, everyone regards these to be his business. However, the recommendations of the Secretary-General may barely get beyond the suggestion stage or get partial adoption (Barros 1972).[37].

4.4. Roles and Functions of other International Public Officials:

Activities that IPOs engage in are divided into five broad areas, namely general service, exchange of communication, synthesis of information, negotiation, and keeper of collective conscience. IPOs who function with a high content of these five areas involve resource allocation, power and exchange (Balk 1970).[38].

4.5 General Service:

This category of IPOs embraces a wide range of activities including housekeeping and administration, facilitating and servicing of conferences and meetings held in various parts of the world. They prepare documentation, reports and provide highly competent language specialists and translators for speeches and debates as well as written reproduction of documents in the six working official languages of the UN, namely English, French, Russian, Chinese, Spanish and Arabic (Bennett 1995).[39]. IPOs also provide technical assistance and economic aid and take care of the internal housekeeping chores necessary in all complex administrative institutions. These activities include financial and accounting, personnel services, maintenance of physical facilities, supplies, records, library, transportation, and security (Bennett 1995).[40]. Technical experts recruited for field missions in particular countries are often on short-term contracts. However, the main burden of the continuous work of IGIs 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 institution and its purposes (Mailick 1970).[41].

4.6 Exchange of Communication:

The IPO is able to collect and distill both facts and attitudes from the outside world and to retransmit information to the outside world. The IPO is also able to keep in touch with his/her own home country. The most difficult part is that the IPO may have problems to decide when and when not to give information to his/her home government. In certain cases, it proves difficult to use certain nationalities in certain situations even though they are excellent IPOs with no links to their governments. Premature disclosures may result in the breakdown of negotiations. However, a national has far more influence with his/her government than a foreigner and this has made many IPOs end up being given jobs of little or no political sensitivity and are merely used as informants regarding their governments' interest and attitudes (Mailick 1970).[42].

4.7 Synthesis of information:

The third function is that of synthesis of information. IPOs have to synthesize fragments of information into something coherent. A key task is to translate into precise forms the elements of cooperation, which can be discussed between members of the IGIs. One example of reports that are bound together is the World Economic Report or the World Social Report, where data from all over the world are analyzed and formed into meaningful patterns. Obviously, it means that IPOs who undertake this type of work are professionals who have an international outlook (Mailick 1970).[43].

4.8 Negotiation:

The fourth function is negotiation whereby an IPO makes an effort to bring about an agreement between two or more states or between the institution and member states so that the purposes of the institution can be fulfilled. The responsible secretariat official discusses the matter in question with delegations and negotiates back and forth to ensure a balanced slate. When special meetings or conferences are scheduled, IPOs travel to the capitals concerned to negotiate material arrangements, participation, and agenda. IPOs are deployed on various fund-raising activities, for example, delinquents who have not paid their annual dues and governments that might increase their voluntary contributions to the work of the institution. Fund raising demands the art of persuasion. Personnel recruitment involves constant negotiations with governments or private institutions on the nomination or release of individuals to join the institution. At a higher level, for example that of the Secretary-General, there are familiar political negotiations. Hammarskjöld's negotiations with the People's Republic of China to obtain the release of United States of American pilots, who had been downed on UN missions and imprisoned in that country, is one example (Mailick 1970).[44]. The General Assembly permitted Hammarskjöld to use the means most appropriate in his judgement and he exercised his diplomatic talents. He visited Peking to negotiate for the release of the pilots, spending four days in the country and he used his general authority as General-Secretary. The pilots were released within the next seven months. Hammarskjöld, from Sweden, was the second Secretary-General of the UN and he served from 1953 to 1961 (Bennett 1995).[45].

Political negotiation requires an IPO to have the ability to listen, the ability to appear as a buffer and yet be almost non-existent, and the ability to see and seize any opportunity to lessen the area of disagreement. A mediator must be of a nationality and type acceptable to the disputants and must be able to function within the cultural environment involved (Mailick 1970).[46].

4.9 Keeper of the Collective Conscience:

The final category of functions of an IPO is that of keeper of the collective conscience or defender of the Charter of the institution or other constituent instruments. This role falls mainly on the head of the institution, but percolates down in various degrees throughout the professional hierarchy. IPOs working in personnel administration are deeply involved in this function. This does not mean that other departments are not involved. To the contrary. The leader's job is to test the environment to find out which demands can become truly effective threats, to change the environment by finding allies and other sources of external support and to guard his/her institution by creating the means and the will to withstand attacks (Mailick 1970).[47].

5. CONCLUSION

ICS has been in existence for more than 80 years from 1919. It was created after World War I to run the League of Nations and subsequently, the United Nations in 1945 after World War II. The establishment of these two bodies as well as other IGIs created demands as regards international officials and these demands were met by the formation of secretariats as part of their structure. Through these secretariats, programmes were efficiently administered, leadership and guidance was provided for the world community, and an international perspective on international problems and programmes were provided. ICS operates within a political, social, economic and cultural environment that is diverse. The environment is comprised of neutral IPOs, recruited on the basis of merit and subject to uniform standards of appointment. However, this should be viewed as being more of an ideal rather than a reflection of reality as it is fraught with problems as will be seen in a later chapter.

The future of IGIs service depends on IPOs. On the basis of their existence and functioning, every IGI becomes a part of the international political domain. Because of their autonomy or semi-autonomy, every IPO brings a new personality into the international community. IPOs recognize that the eventual development of a single unified ICS is desirable from the standpoint of effective administrative coordination.

Although ICS and national civil service belong to different systems, there is constant interaction between them. ICS will continue to be a viable tool for the work of IGI in the years to come. With the growing scope of multinational operations in the development of economics, in technical assistance and many other fields, the recruitment of the international force must become more extensive.

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