CHAPTER II
A. THE GENESIS OF THE UNITED NATIONS ADMINISTRATIVE SYSTEMS

The UN system is not a single body but more than that. It includes the United Nations itself, the five regional economic commissions, and 20 other major programmes and organizations. In addition, there are 17 separate inter-governmental Specialised Agencies.

The United Nations Charter, containing 111 articles, divided into 19 chapter, signed on June 26 and enforced on October 24, 1945, was not quite a new and sudden development, it was rather the actualization of the ideas of international unity that had been germinating during the past several centuries. The desire for an organization of nations dated just as far back as any thing like distinct nations or states could be found. Traces of diplomacy, treaty-making and arbitration dated back several thousands of years, though there is not much record of recognised inter-state organizations during that period.

It was in Greece that the idea of making an organization of states was felt as back as 1400 years ago. Isidore of Seville (560-631 AD), dreamed it a world which being free of disunity, would be a "Society of nations". The pacific settlement of disputes by submission to an impartial third party was quite frequent among the Greeks. Controversies were often submitted to the arbitration of the Delphic Oracle, the Amphictyonic League, or a tribunal of individuals, chosen by the disputants. The Amphictyonic League was the Greek prototype of the League of Nations. These Leagues failed, the reason being that the members failed to subordinate their special interests of the local polis (i.e. city, states) to the general interests of all. However the actual concept came into being in 1306, when Pierre Dubois, a political philosopher articulated the need for a confederation of the princes of Europe with a council and a court under the rule of the Holy Roman Empire. He proposed co-operative action to protect the Holy Land from the infidel. Several attempts were made in the medieval period in general and in the 19th century in particular for the same. Examples are to be found in Sully's "The Grand Design" in the early 17th century, and in William Penn's essay to 1693 on "Present and Future Peace in Europe", In 1712 St. Pierre presented his "Project to Bring Perpetual
Peace in Europe - a union of 24 Christians States of Europe.

The Quadruple Alliance came into being at the Congress of Vienna in November 1815 by four big powers - Britain, Russia, Austria and Prussia to discuss any problem that might arise, and settle them without going to war. This alliance gave birth to the "Concert of Europe" and inaugurated the era of Congresses - Congress of Troppau in 1820, Laibach in 1821, Verona in 1822, and Congress of St. Petersberg in 1823. But the Concert of Europe failed after 1822 on the issue of intervention in Latin America to suppress the revolts of the people there, against Spanish domination. France wanted to intervene while England did not like the revolts to be suppressed. However, the process was revived in 1852 by the Congress of Paris. Later on the Hague Conferences were called for the same objective in 1899 and 1907.³

All the above efforts could be deemed to be fruitful for future developments leading to the two of the most comprehensive and complex of all international organization, the League of Nations and the United Nations, in the twentieth century. The process of creation for the league of Nations

became stronger, when Woodrow Wilson, president of U.S.A., enunciated his Fourteen Point Peace Programme on January 8, 1918. The last point declared: "A general Association of Nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike". The result came on April 28, 1919 when a draft was accepted by the Peace Conference, and became the covenant of the League of Nations, which came into force on January 10, 1920 the day when the Versailles Treaty aslo came into effect. Thus the covenant of the League of Nations was a treaty signed as a part of another treaty, the Treaty of Versailles, which was a dictated treaty of peace with Germany.  

As an organ of peace and security the League of Nations failed. However, it succeeded in promoting cooperation in certain economic and technical areas, the reason being that the build-up of armaments and the subsequent aggression could not be stopped. Consequently the League lost respect and potency as an instrument of collective security.

Those, who worked for the creation of the United States

Nations opined that the unbearable tragedies of the World War II might have been avoided if the League was given such authority and force, which would have made it competent for stopping aggression.

Hence the United Nations seemed to be the only hope to serve the purpose with the required authority, consequently, the final form of the Charter was worked out at the San Francisco Conference in the spring of 1945, 75 days after Franklin Roosevelt, the Chief architect of the UN, died. It was the result of the following previous efforts the Atlantic Charter of August 14, 1941; The UK Declaration of January 1, 1942; and the Yalta Agreement of February 11, 1945.  

Moreover, we may say that:

"many of the ideas found in both the covenant and the Charter came from the minds of men of past centuries. One could refer to the writings of such men as Mo Ti of ancient China, of William Peun of England, of Kant and Asoka and Henry IV, of Germany, India and France respectively and of Semon Boliver of Latin America."  

To understand the United Nations in its proper perspective, it is necessary to go through its

5. Ibid. pp 9-10.
6. Ibid. pp. 10
basic characteristics. These are:

1. The United Nations is a system of international organization.
2. Its chief purpose and function lie in the field of collective security.
3. It developed as an extension of a war time alliance.
4. It gives special recognition to the principle of joint action by the Great powers.
5. It is primarily an association of member states.
6. The United Nations has a legal status and international personality of its own.

Any system can be identified as an international organization if a minimum of four criteria are fulfilled. These are, the system should be definitely constituted, an established continuity, generality of membership and a broad scope of functions. All these criteria are found in the United Nations. The charter is the constitution of the United Nations. It makes it an international agency with specified powers to carry out certain assigned functions. There are provisions in the Charter that the United Nations includes an institutionalized system of regularly securing meetings and conferences to remove great obstacles from

the common discussion of matters of international concern. Universility of membership is a third test of a system of general international organization to enable the agency to function on a global basis. There are now 179 nation-states which are members of the United Nations including all the Great Powers. On the contrary the United States was never a member of the League, and the Soviet Union did not join until 1934. In addition, there is a provision in the Charter for later admission of peace-loving states. The fourth criteria is the wide scope of functions. The areas assigned to the United Nations for its functions, are as broad as the activities and possibilities of international political, economic and social cooperation. Its obligations are to maintain international peace and security, to develop friendly relations among nations and to take appropriate measures to preserve universal peace, and to work for international cooperation in the social, economic, and related fields and in encouraging respect for human rights and fundamental freedoms. 8

The areas of the United Nations' functions can be better understood from the following facts. There was a staff of 15000 working in the UN secretariat alone in 1986 and there were 56000 civil servants in the entire UN System.

8. Ibid, pp 94-95.
in 1982. Persons of about 155 nationalities were employed on the staff of UN organisations till October 1985 for helping nation states, especially the developing countries, in their march towards socio-economic progress. The staff also helped the UN to tackle new problems, circumstances and issues that the world community faced. These personnel are posted in more than 700 duty stations in all parts of the world. The growth rate of UN work can be better understood from the fact that it had a $1.6 billion biennial budget in 1985-86. Whereas, the high point of the aggregate of the League budget was only $12 million. 9

The second characteristic of the United Nations was its chief purpose and functions in the field of collective security. The collective security is a method of maintaining peace and avoiding war between two or more states. It pointed out that any country which started a war would be resisted by the rest of the world. All other countries would come to the help of a victim of aggression. A potential invader, knowing this, would never dare to launch an attack. In Jan, 1991, the US under the aegis of the United Nations took action in the Gulf war under the principle of collective security against

9. UN Doc. A/41/627.
Iraq to get Kuwait freed.

Thirdly, the extension of a war time alliances characterizes the United Nations in terms of its historical development. The United Nations was the product of the great alliance against the fascist powers during world war II. The states and powers gathered at a common platform to defeat the aggressors, also agreed to cooperate in maintaining peace after winning military victory. Evolution from the stage of dream to the reality of institutional embodiment may be traced through a series of:

declarations and conferences, beginning with the Atlantic charter and proceeding to the United Nations Declaration, the Moscow Conference, the Dumbarton Oaks Conference, the Yalta Conference, and the San Francisco Conference. 10

Fourthly, the joint action by the Great powers under the flag of the United Nations was deemed to be necessary for the guarantee of world security. Under the league principle of the Here and Cry implied that:

Any war or threat of war whether immediately affecting any of the members of the league or not is hereby declared a matter of concern to the whole League. 11

Thus under the League, it was the responsibility of some thing like world community, while under the U.N. System, leadership of the responsibility for peace rests with the Security Council under the Big Five. It can be expressed in the simplest terms:

If the United States, Great Britain, the Soviet Union, France, and China remained United and in basic agreement, how could a third world war occur? If, on the other hand, they disagreed to the point of fighting among themselves, what could the result be, except a third world war?"\(^\text{12}\)

These Big Five were given permanent membership in the Security Council under the Charter, while the other members are elected by the General Assembly for two-year terms. These great powers are also authorised to use veto power on substantive matter in stopping the taking of any decision by the Security Council. The question whether an issue is substantive or procedural is itself declared to be a substantive question and is, therefore, subject to the veto. This is called the "Double Veto". However, the permanent members of the Security Council can not by themselves make affirmative decisions under the Charter. Nine votes are needed, and they are having only five, so at least four of the nonpermanent members must be with them if action is to be taken. In other words, we can say that any seven of the ten nonpermanent members acting as a group may exercise a "collective Veto"\(^\text{13}\).

12. Amry Vandeubosch & Willard N. Hogan, The United Nations, p.95
13. Ibid., p.100.
Fifthly, the United Nations is basically an association of its member-states. It is seemed to be a device or instrument of cooperation for the achievement of certain common objectives by joint international action. It is not said to be a super state or a world government, but somehow, it can be classified as a confederation, since most of the powers of government are retained by the member-states. However, in a unipolar power system in which the dictatorship of only one super power is decisive in taking any action, the United Nations may be classified as more than a super state in a case like the gulf war and less than an effective institution in any other case, like Bosnia-Herzegovina. In the latter case the intention of Great Powers in general and the super power in particular is the deciding factor.

Lastly, the United Nation is not called to be only an association of member-states. It is more than that, as has been said above. It has an international legal personality on its own account, the reason being that it has the authority to make treaties. It has a headquarter, a legal status, a staff, and even a flag of its own.14

B. THE UN CHARTER AND THE CONCEPT OF AN INTERNATIONAL SECRETARIAT

Any international secretariat comprises the Secretary General or the Director-General or whatever his title may be and his officials organized to perform international functions of a continuing or temporary nature. It is not of recent origin. It was common before the establishment of the League of Nations. An international secretariat has its history since the international conferences were held. The need of such a body was felt to perform some essential duties like, making physical arrangements for meetings, preparing conference documents, and keeping records. At that time it was of temporary nature, small in size in comparison to modern standards and were generally provided by the host country from among its own diplomatic officials. It was temporarily arranged, the reason being the conferences were of temporary purposes and called to perform specific functions and ended once their purposes had been served or failure had become certain.

The convention of temporary international secretariat was changed with the establishment of permanent international organizations such as the International Telegraphic Union (1865) and the Universal Postal Union (1874). To provide regular services to these organizations, permanent secretariats
became necessary in order to perform a variety of functions. These Secretariats were made responsible not only for traditional functions like organizing and servicing conferences, but also for doing a variety of jobs in the periods between conferences, such as making studies, publishing statistical and other informations, maintaining registries, and performing certain roles in connection with disputes between national governments. However, the officials were lent by states for the purpose. Thus until the establishment of the League of Nations, the secretariats could not be truly regarded as composed of international civil servants and Sir Eric Drummond, designated in the Covenant of the League as the first Secretary General is deemed to be responsible for the decision to organize an international secretariat distinct from a multinational secretariat. As Mr. Frank P. Walters has written:

"The creation of a secretariat international alike in its structure, its spirit, and in personnel, was without doubt one of the most important events in the history of international politics—important not only in itself, but as the indisputable proof of possibilities which had hitherto been confidently denied". 1

The second example of an international secretariat was set when the International Labour Office came into being as the administrative organ of the International Labour Organization under the effective leadership of Mr. Albert Thomas.

Originally the League Secretariat was established to play a modest role in the work of the organization. However, some multidimensional factors became responsible for making it an indispensable part of the League system. The most important factor was that, the secretariat was the only source to provide continuing information to all organizations. The Secretariat in a very short duration developed a very sufficient amount of diverse nature of expertise. Of all the league organs only the Secretariat was in a position to provide the needed guidance in every field of the functioning of the Leagues. To a degree beyond expectation, the League organs got successes, particularly in the field of economic and social cooperation and the development of the colonial territories. This was due to the officials of the League Secretariat and their authority to do their duties. They were proved to be more effective in the case of the International Labour Organization. The successes, which the secretariats get in the above organizations induced the drafter of the charter of the United Nations, to accept the desirability
in fact the necessity, of having a strong secretariat composed of international civil servants. The only question raised, was the extent of its political power and was supported that its political role would be under national control in some respect, like top positions held in the committees of the UN were concerned.

After the examination of the constitutional basis of the secretariat, it was found that the secretariat which consisted of the Secretary General and his staffs, were having very important part in the work of the United Nations. In the eye of the Charter, the Secretariat occupies the same position as other principal organs of the United Nations. (Article 7). It may be called as the executive and administrative arm of the UN. The Secretariat prepares the ground for the meetings of the deliberative organs (the General Assembly and the three councils) so that they may more readily arrive at agreed international policies. Its importance lies in the fact that it is a continuing organ comprising expert personnel and also a permanent body of career officials. In other words, the Secretariat transforms the United Nations from a series of periodic meetings of Assembly and councils into a permanent and cohesive organisation.
Without the Secretariat the UN would be deprived of its centre of communication and coordination, its international core as distinct from the national character of the delegations which make up the Assembly and the Councils. The UN Secretariat may be said to be the all pervasive cylinder on which the UN machine functions. On the efficiency and honesty of the Secretariat largely depends the effective functioning of the UN and the extent to which the objectives of the Charter are realised.  

To make the Secretariat as effective as possible, the first question raised by the framers of the UN Charter was as to whether the Secretariat would be multinational or international in character and composition. They clarified that the pattern of multinational meant that there would be seconded officials of member states with fixed term contracts, paid for by their respective governments, but in the second case, there would be international officials on the pattern of the officials of the League Secretariat. However, in Article 101.3 it is provided that the paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, 

2. Ibid. pp.132-33.
and integrity. But, as the very next sentence goes on to say, "Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible". The members of the Preparatory Commission in their reports clarified the contents of this article. They pointed out that the fixed term appointees to the Secretariat must tender their resignation from any post whether public or private in their respective states. Preparatory Commission further recommended for a provision in which the staff from national civil services would be given a chance to work in the Secretariat for periods not longer than two years under a system of secondment or leave without pay so that personal contacts between the Secretariat and the national administration might be strengthened and a body of national officials with experience in international administration created. Here the preparatory Commission said about the short-term appointments of the candidates from geographical regions inadequately represented in the Secretariat. It means preference would be given not to "particular states" but to "regions" which are inadequately represented. Moreover, the Commission concluded that the principle of merit in recruitment could be reconciled with that of recruiting staff on as wide a geographical basis as possible.

The chapter XV (Article 97 to 101) of the UN charter deals with the Secretariat. Article 97 says that the secretariat
comprises a Secretary General and such staff as the organization may require. The Secretary General is the chief administrative officer of the United Nations. The Secretary General himself, or by deputy, acts as Secretary of all the meetings of the General Assembly, of the Security Council, of the Economic and Social Council and of the Trusteeship Council and performs such other functions as are assigned to him by these organs.

The original signatories of the Charter made it clear that the success of the United Nations depends upon supra-national loyalty, impartiality and independence of the officials of the organisation. As Article 100 provides:

"1. In the performance of their duties, the Secretary General and staff should not seek or receive instructions from any government or from any 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".3

The first part of the report of the preparatory Commission is related to the general position of the Secretariat in the charter of the UN, while the second part dealt with the Secretary General. The main functions entrusted to the Secretary General by the charter were classified by the preparatory Commission into six groups-

i) General, administrative and executive;

ii) Technical,

iii) Financial;

iv) Organisation and Administration of the Secretariat,

v) Political; and

vi) Representational

In this report, the importance of the roles of the Secretary General in multidimensional fields are also realised. He is the chief appointing authority for all the staff under the regulations formulated by the General Assembly. He is also responsible for the financial administration of the United Nations (Article 101, paras 1 & 3). He has the responsibility to make available the qualified staffs as per requirement of the various organisations of the United Nations (Article 101, Para 2). He is the only source of motivation and has a duty to create and maintain team spirit in a body of officials recruited on a multinational basis.
The Secretary General is also given special importance as regards his role-

"as a mediator and as an informal advisor of many governments.... he will undoubtedly be called upon from time to time, in the exercise of his administrative duties, to take decisions which may firstly be called political, under Article 99 of the Charter. Moreover, he has been given a quite special right which goes beyond any power previously accorded to the head of an international administration ....... It is impossible to foresee how this Article will be applied, but the responsibility it confers upon the Secretary General will require the exercise of the highest qualities of political judgement, tact and integrity".4

An international secretariat identical to a national administration, must be organized along certain lines defining functions and responsibilities to be an efficient working instrument. The Preparatory Commission was required to consider as one of the first questions as to whether the Secretariat should be organized on a functional basis or in relation to the organs which it had to serve. Theodore Meron opined that the Founding Fathers neither clarified the exact relationship of merit to geography nor they gave exact thought as to what was meant by geographical basis. They might have been in

favour of the widest possible representation of different nationalities in the secretariat. All these questions are being discussed in the next chapter, THE STRUCTURE OF THE SECRETARIAT.