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Report of the Secretary-General on personnel policy (A/2364) (*continued*) 647*President:* Mr. Lester B. PEARSON (Canada).**Report of the Secretary-General on personnel policy (A/2364) (*continued*)**

1. Mr. COOPER (Liberia): It should not be surprising to anyone that the difficulties that have confronted the Secretary-General, as outlined in his report [A/2364], have not been reported to the General Assembly much earlier. In an organization such as the United Nations, where the Secretary-General and his staff to a great extent have been elected and appointed in keeping with the size and strength of the nations as regards population, material wealth and resources, geographical situation and world prestige, despite the provisions of Articles 100 and 101 of the Charter, these complications and difficulties were bound to follow in the implementation of these sections of the Charter. This was borne out in the statement recently made by the Secretary-General to the General Assembly [413th meeting], when he said:

"Thus, in an international organization that in most respects faithfully reflects the world as it is—a world of sovereign governments—the Secretariat has exclusively international responsibilities. The Secretary-General and his staff have, in some respects, been placed by the Charter in an advanced—and correspondingly exposed—position. This position while an honourable one, would have been difficult enough if the first seven years of the United Nations had been lived in a period of comparative world stability and good feeling. Even in the best of circumstances it would have taken time and good will on all sides to win unfailing and universal acceptance in practice of the intentions of the Charter" [paras. 10 and 11].

2. In the mounting tension—that we witness every day through the speeches of the representatives—which exists between the western and eastern democracies, it should be clear to everyone that this tension would be reflected in the inner working of the Organization, that is, in the Secretary-General and his staff. Despite the fixed rules laid down in Articles 100 and 101 of the Charter of the United Nations, countries from either side attempt to interpret or misinterpret such rules to suit their own purposes, the victims necessarily being the Secretary-General and his staff. This was further borne out in the statement of the Secretary-General, when he said:

"A second factor that I hope the representative will bear in mind is the wide variation among Member States in concepts regarding the rights and status of any civil service. Because of this, the principles laid down by the Charter and by the General Assembly in the Staff Regulations [resolution 590 (VI)] are inevitably subject to a diversity of interpretations. This is especially the case where questions of powers of dismissal and security of tenure are involved. It is not always easy to find and follow a course that represents a fair and reasonable synthesis of the customs and attitudes of the various Member States" [para. 15].

3. No secretary-general or secretariat will be able to carry out the duties assigned to them under the Charter unless the Members of this Organization are prepared to interpret the provisions of the Charter in the sense in which, and in light of the purpose for which, they were written, and unless the Member States are also prepared to respect and interpret these provisions independently of any question of jealousy, suspicion or infringements upon national sovereignty. If we are not prepared to adopt such an attitude, any secretary-general and staff selected will find themselves in an untenable position. To support this statement, I quote the following from the statement of the Assistant Secretary-General for Administrative and Financial Services [A/2364, annex I]: "no organization dedicated to law and order in world affairs can hope to survive if its own administrative actions are arbitrary and precipitate, based on mere suspicion and devoid of the due process to which all civilized peoples are dedicated." It is from this point of view that we must examine the report of the Secretary-General and his personnel policy.

4. The selection and appointment of staff are dealt with clearly and definitely in Article 101 of the Charter, which states: "The staff shall be appointed by the Secretary-General under regulations established by the General Assembly."

5. Although it is clearly stated in the Charter that the Secretary-General has exclusive and independent authority for the selection of the personnel of the United Nations, the Secretary-General has always thought it advisable and wise to consult Member States in selecting personnel. In his statement before

this Assembly, he singled out two Member States in the case of which he had had some difficulties in this regard—first, the USSR, and, secondly, the United States. In his statement [413th meeting] he said:

“Although the General Assembly has repeatedly affirmed my exclusive and independent authority for the selection of personnel, in spite of all my efforts I have never been able to apply in a satisfactory manner the recruitment procedures which uphold this authority in the appointment of staff from the USSR. Here again is a violation of the international character of the Secretariat as laid down in the Charter . . .” [para. 28].

In the case of the United States, he said:

“Finally, I also knew that it would be necessary to recruit large numbers of staff very rapidly on a temporary basis and that the United States, inevitably, would be one of the principal sources for such recruitment. For all these reasons, one of my first acts was to request the United States Government for help in finding well qualified personnel of United States nationality. The United States Government informed me that it would not be able to provide this assistance, on the ground that it did not want to appear in any way to influence my selection of personnel or to invade the exclusive responsibilities given to me under the Charter and the decisions of the General Assembly” [paras. 29 and 30].

6. We do not know the reasons for the refusal of the USSR to give such assistance, as this is not given in the Secretary-General's statement. But I believe that the attitude taken by the United States, as above quoted, was correct and justifiable, and in keeping with the Charter. Nevertheless, as the Secretary-General pointed out in his statement, he did not ask the United States to tell him whom to appoint, but was only asking for names and information which he was at liberty to use as he saw fit, in keeping with his authority under the Charter. The United States Government could have given such names in a confidential manner and that would have been of great assistance to the Secretary-General in the rapid selection of personnel, especially in the initial stages of this Organization, when life and conditions must have been strange and new to any secretary-general taking up residence here on a permanent basis for the first time. In the circumstances, the Secretary-General must be commended for the staff he was able to select under such adverse conditions.

7. I come now to the question of “subversion”. The first duty of any individual is loyalty to the State to which he owes allegiance. This has been disputed by no one, and this is further enlarged in paragraph 7 of the Secretary-General's report on personnel policy, in which it is stated that the Secretary-General “has always upheld the policy that no member of the Secretariat should engage in subversive activities against the government of any Member State”.

8. It is an accepted rule that a citizen of any State is regarded as patriotic and loyal to that State until the contrary is proved, in which case he is invariably punished. It would therefore not be incumbent upon any Secretary-General to question the loyalty of any individual or to review his political views when he seeks employment in the United Nations, as long as

he has not been apprehended in, or charged by his country of origin with disloyalty or subversion. I think that any individual seeking employment in the United Nations would resent such unwarranted interference, since it would be beyond the scope and authority of this Organization. This might also have influenced the Secretary-General in seeking the assistance of the United States in the employment of personnel from that country. This is clearly expressed in the Charter, which states in Article 101, paragraph 3:

“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, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.”

Even if the Secretary-General had been inclined to judge the loyalty of any individual to his State or to question his political leanings, I am sure that this would have been resented by every Member State. In such matters, each State must be the sole judge.

9. It was not until 1949 that the Secretary-General was able to secure assistance from the United States Government in regard to United States nationals in the United Nations. This is mentioned in annex I of the report. I fully agree with what the Secretary-General said [413th meeting]:

“I think it is necessary for a full understanding of what follows to say that for various reasons there had, in the meantime, been spreading throughout the United States mounting fears of internal subversion by communists, including alleged ‘infiltration’ of United States government departments. The war against aggression in Korea, a war which has cost over 130,000 United States casualties and at one time or another has taken over a million young men from all over the United States to Korea, together with the growing fear of a third world war, had contributed to the prevailing mood in the United States and to the preoccupation with internal security. It was thus in a rather tense atmosphere that two United States Government agencies began to investigate United States members of the Secretariat last year” [paras. 33 and 34].

Such must have been the case, as we read the following in annex I of the report on personnel policy:

“In the early years, because of the necessity of recruiting a large staff with great rapidity, there were many cases in which adequate data could not be readily obtained. Many of the American nationals involved with the recent Senate Sub-Committee hearings came in during that period, and most of them came from the United States Government service without adverse indication from any governmental or other source.”

10. No one questions the right of the United States Government to investigate the loyalty of its citizens from any source or employed in any organization in or outside the country. Any country in similar circumstances, to those mentioned in the passage of the Secretary-General's report which I have quoted would have done likewise, or might perhaps have employed more drastic measures. It is my delegation's considered opinion that each State must be the sole judge in matters in which its security and welfare seem to

be threatened, and any measures adopted must be viewed in this light. Privileges and immunities granted can be withdrawn if it is felt that such concessions are injurious or detrimental to the safety and welfare of the State granting such privileges.

11. What concerns us as an Organization is whether we endorse the attitude and position taken by our Secretary-General in this regard, and whether those investigations, carried on in the manner outlined in the report of the Secretary-General, tend to jeopardize the international character of the United Nations. We are—or at least the majority is—appreciative of the assistance given and zeal shown by the United States in support of the Charter and the institutions of the United Nations, and also of its position as the host country, but I do not believe that the United States would like to have an opinion expressed by this Assembly which was influenced in any way by any consideration other than that of justice and fair play. There are certain courtesies and considerations due to the host by his guest, and likewise by the guest to his host.

12. The Indian delegation has pointed out [416th meeting] that there are many other countries that serve as hosts to United Nations bodies, and might find themselves in circumstances similar to that in which the United States Government is now placed *vis-à-vis* this Organization.

13. The United Nations is a world organization, and meetings of organs of this Organization are held over the entire globe. The views or opinions expressed and the rulings and decisions taken by this Assembly will not apply only to the particular case of United States personnel, but also to personnel from all the Member States of the United Nations. The Secretary-General cannot have a different policy on personnel with regard to the nationals of each country; it must be a uniform policy with regard to the personnel coming from each Member State. These are some of our brief comments on the report of the Secretary-General on personnel policy.

14. It must, therefore, be the consensus of opinion among most delegations that, owing to the lengthy and pertinent questions raised in the Secretary-General's report, it would be advisable to refer it to a body for further study and recommendation. I think such action in the matter would be in keeping with the expressed wishes of the present Secretary-General, and any recommendations made would be a type of guide for any future officer elected to that post.

15. There is no denying the fact that the subject matter contained in this report has become the concern not only of the American public but also of peoples everywhere, especially the people in those countries which have nationals in the Secretariat.

16. I shall make no further comment on this report except to repeat the two fundamental questions involved: first, the charge by the Secretary-General that, owing to the stand that he took on United Nations action against aggression in Korea, the five members of the communist bloc have refused since 1950 to recognize him as Secretary-General; and, secondly, the question of United States personnel in the United Nations Secretariat. These are questions raised in the Secretary-General's statement of 10 March 1953 [413th

meeting], upon which he requests decisions. I quote from his statement, as follows:

"It is for the representatives now to decide whether I have been right or wrong and to take the responsibility for whatever decision they may come to. Whoever is your Secretary-General in the future should have the benefit of this guidance and support from the General Assembly" [para. 74].

17. In view of that request, my delegation is prepared to support any resolution that takes into consideration those wishes by referring the report to any body for further study and recommendation. When such a report is received, it would then be opportune for the Assembly to approve, disapprove or pass its findings on to any panel it may deem appropriate. In the view of my delegation, owing to the lack of time and the need for careful study, no plenary meeting of this Assembly could offer either approval or disapproval of any of the suggestions or grievances set forth in that report which would give adequate credit to the facts contained therein.

18. My delegation has read with considerable interest and concern the thirteen-Power draft resolution [A/L.146/Rev.1]. It sets forth in its preamble the course that should be followed by the Secretary-General and his staff in accordance with Articles 100 and 101 of the Charter. We are all in agreement with this course. I think it has been in keeping with the principles of these Articles that the Secretary-General and his staff have tried to carry out their duties in the past. It is interesting to note, however, that it was by attempting to perform his duties under just such Articles of the Charter that the Secretary-General has become involved in the difficulties mentioned in his report, for the solution of which he is now asking the guidance of the Member States. It would therefore be unfair to the Secretary-General, in view of his request for guidance and direction, to ask the Assembly to adopt a resolution calling upon him to conduct his personnel policy under Articles 100 and 101 of the United Nations Charter.

19. No future secretary-general would feel free to act and speak in the name of the General Assembly on any matter unless he had the confidence and support, not only of the majority of the Organization, but of the Organization as a whole. This is borne out in the Secretary-General's statement [413th meeting] before the General Assembly, which I quote:

"I want the office of Secretary-General to be in a position to wield its constitutional powers with the greatest possible degree of influence and prestige. When the Secretary-General speaks or acts for peace and freedom in some future crisis, he should have behind him, not only the weight of his constitutional authority, but the weight of political influence conferred upon him by the fact that he is in office by the affirmative votes of all five permanent members of the Security Council and is recognized as Secretary-General by all the Member States" [para. 25].

20. As regards the draft resolution sponsored by the delegations of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen [A/L.145/Rev.3], while we approve of the principle of further study by a competent body

of the United Nations, we cannot support that draft if it is intended that during the study of this report the Secretary-General would be hindered from pursuing freely his duties as he sees them under the Charter. We shall, therefore, abstain in the vote on this draft resolution. My delegation is prepared to support any resolution which, while permitting the Secretary-General to continue to carry out his duties under the Charter, does not hinder the General Assembly, through any of its organs, or the Secretary-General himself, in a further study and review of the report during any session of the General Assembly of the United Nations.

21. It is in this light that my delegation will support the draft resolution submitted by the delegations of Belgium, Colombia, Cuba, Denmark, Ecuador, France, Luxembourg, the Netherlands, Norway, Paraguay, Sweden, the United Kingdom and the United States [A/L.146/Rev.1].

22. Sir Gladwyn JEFB (United Kingdom): I am glad to find that among the many speeches which have been made in this debate there seems to have been wide support for the view that this Assembly should deal with general principles and not attempt to go into too much detail on this very complex question, and that is certainly the view of my delegation.

23. This does not mean that no problems of detail will arise. Indeed, I think it is more than likely that there may be such problems in the future.

24. For instance, I know that it has been argued that some of the conclusions of the Secretary-General's report cannot be reconciled with the Staff Regulations as they stand. I would not wish to pronounce on this one way or the other, but I know that it is a point of view which is fairly widely held and which has been mentioned, I think, already in this debate.

25. There is also the position, of course, of the Administrative Tribunal, and the part which it should play in the schemes set out in the Secretary-General's report. It is not, for instance, quite clear what the relationship will be between the Tribunal and the Advisory Panel which the Secretary-General, as we know, has established in accordance with the recommendations of the jurists. I understand that a number of cases are now pending before the Administrative Tribunal and I am sure that we would not wish to prejudge in any way any decisions which the Tribunal may reach. It certainly is not our intention to interfere with due process or, of course, to deprive the Secretariat of its established rights.

26. On these and other points I quite see that real problems may arise, and they may be of such a nature as to make it necessary at some stage for the General Assembly to pronounce upon them. It is certainly quite possible that some of them will have to be considered at the eighth session, next autumn, but I do suggest that at this time, at any rate, the Assembly should not try to anticipate or to legislate for what must at present clearly be hypothetical cases.

27. If, indeed, any attempt were made to examine the matter in detail, there would be grave risk that we should be trespassing on what should, as we see it, be left to the responsibility of the Secretary-General himself. This, we suggest, is a most important principle, which must be preserved. The Assembly has a

part to play and can certainly assist the Secretary-General in the discharge of his great responsibility. What the Assembly, in the view of my delegation, should not—and indeed cannot—do is to try to take over the Secretary-General's job. So I very much hope that this debate will show that there is a broad measure of agreement on the essential principles which should guide the Secretary-General in his personnel policy. Our view is that the Secretary-General should then be given discretion to carry out his responsibility in accordance with these principles and with the support and assistance which I trust Member States will continue to afford him.

28. I shall now deal with the Secretary-General's report [A/2364]. We think that this is a comprehensive and able document, and I can say at once that, with one or two reservations which I shall mention later on, Her Majesty's Government is prepared to accept the report and believes that it will provide a satisfactory basis for the Secretary-General's personnel policy.

29. We have no quarrel with the general policy as stated in the introduction to the report, that is to say, that the Secretary-General should, as he says, try to "provide reasonable assurance with regard to the security of host countries and other Members of the United Nations, while safeguarding the basic requirements of an independent international secretariat pursuant to Articles 100 and 101 of the Charter" [para. 6], and, as he says further on, that he should "uphold the international character of the Secretariat", resisting "all pressures from whatever source which could have the effect of undermining its independence" and, finally, that he should ensure "that no member of the Secretariat should engage in subversive activities against the government of any Member State" [para. 7].

30. These paragraphs set out the essential problem, which is to establish a balance between the requirements of the Organization, if it is to retain its authority and independence, and the requirements of Member States, and particularly of host countries in which the Organization or its branches are situated, that their security should not be endangered. The report itself and the statement made by the Secretary-General to the General Assembly on 10 March last [413th meeting] point out that this might well prove a delicate problem at the best of times, and it has been made infinitely more difficult by the conflicts and tensions which have divided the world since the United Nations was established and which, unfortunately, have become more rather than less acute as time has gone on. This problem, however, must be solved and a just balance must be established, and if we consider the matter dispassionately I do not see any reason why, with the exercise of moderation and goodwill, a satisfactory solution cannot be found.

31. Part I of the report deals with general personnel policy, and Her Majesty's Government agrees with the concept of career service described in paragraphs 17 to 19, with the statement of the Secretary-General's responsibility and authority in paragraph 20 and with the description of the fundamental obligations of staff members in paragraphs 24 and 25. It approves the Secretary-General's recruitment and organization policy to date, as set out in paragraphs 30 to 39, including the principle of geographical distribution and the de-

velopment of a permanent staff, and it concurs in his general policy on these questions for the future described in paragraphs 40 and 43. These basic conceptions of the nature of the Secretariat are those to which Her Majesty's Government has subscribed from the outset. On 8 September 1945, the United Kingdom delegation submitted preliminary observations on the Secretariat to the Preparatory Commission of the United Nations sitting in London at that time, and I should just like to read one extract from that document [PC/EX/SEC/8] because I think it is relevant. It is as follows:

"The duties which will fall upon the Secretariat are not national but international, and the first paragraph of Article 100 of the Charter provides that, in the performance of those duties, 'the Secretary-General and the staff shall 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'.

"This implies that the members of the Secretariat once appointed, will no longer be the servants of the country of which they are citizens but become the servants only of the United Nations. It implies further a Secretariat owing strict loyalty to the United Nations itself—a loyalty in no way incompatible with national patriotism, but involving a detachment from national prejudices and national policies and a breadth of outlook without which the whole concept of a world organization would be meaningless.

"We know from experience that an international administration based upon international loyalty is possible; we know, too, that it can be highly efficient.

"Such a staff, we believe, cannot be composed except in relatively rare cases to which reference will be made later, of officials merely detached for a time from national administrations. Nor can its officials be recruited on a short-term basis, or be appointed or removable at the behest of their governments. One cannot expect officials to subordinate the official interests of their countries to the international interest if their future prospects depend upon the good will of their own national administrations. It would seem, therefore, that an international staff must be essentially a career staff placed on a basis comparable with that of a well-organized national civil service with regard to methods of recruitment, pay, promotion, permanency and pensions."

Those are the basic principles which we thought should be established in 1945. They are the principles which, in our view, are just as valid today.

32. Part II of the Secretary-General's report is concerned with alleged subversive activities by staff members. This is clearly the most difficult and controversial section, since it deals with the immediate problem which has arisen over the employment in the Secretariat of allegedly subversive United States nationals.

33. In view of the developments in 1952, we agree that the Secretary-General really had no option but to take immediate steps to find a solution to the problem.

34. We do not wish to question the Secretary-General's decision to appoint the commission of jurists,

but I do not think that I need comment at any length on the opinion of that commission [A/2364, annex III], since the document has largely been superseded by the Secretary-General's own report. We had some doubt about the jurists' opinion, if only because the manner of its presentation appeared to lay rather greater stress on the obligations of the United Nations towards the host country than on the obligations of the host country towards the United Nations. It may well be, as I think the representative of India suggested, that the jurists made rather too sharp a distinction between the position of the host country and that of other Member States. We also felt that the report was perhaps rather too emphatic about the allegiance of international civil servants to their own governments and made too little allowance for their allegiance to the international organizations in which they worked. Finally, the report suggested that an international organization must in all cases accept without question any definition of subversion or espionage which the host country might adopt—a principle which, if carried to extremes, could obviously, as we think, make it impossible for an international organization to exist in certain countries.

35. Some of these faults are, in our view, corrected by the Secretary-General's report. For instance, the latter document seems to us to strike a much better balance between the obligations of Member States particularly of host countries, and the obligations of the United Nations. It also places in better perspective the relationship between the Organization and the host country, as distinct from its relationship with Member States in general.

36. We are further pleased to note the statement in paragraph 64 of the report that the Secretary-General accepted the conclusions and recommendations of the jurists in relation to the five specific questions he had asked, but that this did not mean that he accepted all the arguments in the jurists' opinion or all the implications which might be drawn from it.

37. The section of the Secretary-General's report which deals with employees who claim the privilege against self-incrimination in official inquiries is perhaps the most difficult and controversial of the entire document. Some speakers have suggested, I believe, that the effect of the Secretary-General's report is that any staff member who pleads his constitutional privilege must automatically be dismissed. The report does not, however, as we see it, provide for automatic dismissal. Paragraph 87 shows that much will depend on the type of question to which an answer is refused. This is, I think, an important qualification which should not be overlooked. I am also quite prepared to believe that some of the staff members who have invoked this privilege may have done so, not because they had some guilty secret to conceal but from entirely honourable motives, such as a desire to protect the reputation of their friends or acquaintances.

38. Nevertheless, it is difficult to contest the conclusion that a staff member who refuses to answer a question when called upon to testify before a United States body investigating subversive activities creates a situation which impairs the relationship of mutual confidence and trust which must exist between the international official and the government of the Member State. In practice, it would be difficult to maintain

the high repute of the United Nations Secretariat if it included members who had invoked this privilege, and Her Majesty's Government is therefore inclined on balance, to support the Secretary-General's proposition.

39. I would not, however, wish, at this time at any rate, to offer too hard and fast a judgment on this particular issue. To some extent it must be considered as being *sub judice*, since I understand that a number of Secretariat members who have been dismissed on these grounds have lodged an appeal and that their cases are now pending before the Administrative Tribunal. I think we can also hope that the last word on this subject has not yet been said. I was impressed, as I am sure many other representatives were, by the suggestion in the Secretary-General's statement of 10 March that members of the Secretariat who had been dismissed on these grounds should submit themselves to the process of investigation prescribed by the United States Executive Order of January last and that, if cleared, they might then perhaps be reinstated.

40. This brings me to the United States Executive Order which, as we know, the Secretary-General has welcomed as "a progressive step toward making adequate information available to him" [A/2364, para. 67]. I believe that this is, indeed, the right approach and that the Executive Order may well prove to be a satisfactory and expeditious way of solving the problem. The Order is designed to furnish information to the Secretary-General, and this is something for which he has pressed, I think, consistently since 1946. The Order does not say that the Secretary-General must dismiss any United States member of the Secretariat against whom the United States authorities express an adverse opinion; of course it does not say that.

41. There is therefore no question of the Secretary-General's being asked to abrogate his responsibility, as it were, for staff policy. He is not being told that in all cases he must automatically apply the standards to United States nationals in the Secretariat as are applied by the United States Government to United States federal employees; he is not being told that. I am sure that the United States Government would be the first to admit that any such demand on its part—a demand it would not of course make—would be contrary to Article 100 of the Charter, by which each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and his staff and not to seek to influence them in the discharge of their responsibilities. It seemed to me, indeed, that Mr. Lodge's statement of 28 March [416th meeting] on this point was clear and satisfactory. On the other hand, the report shows that the Secretary-General will decline to employ, or will terminate the employment of any United States national who can be shown to be engaged or to be likely to engage in subversive activities.

42. Her Majesty's Government agrees with the Secretary-General's proposed policy, set out in paragraphs 92 to 98 inclusive, of the report, for dealing with future cases of accusation or suspicion of subversive activities as regards a staff member. I know that some doubt has been aroused by the suggestion that staff members should be dismissed, not only on the ground

that they are engaged in subversive activities, but also on the ground that they are likely to engage in such activities. It has been said that this contravenes the principle that a man is innocent until he is found guilty and that he should be judged on the basis of past or present acts and not on what it may be thought he will do at some date in the future. While I have the utmost respect for these principles, I do not myself think that they refute the argument that a man about whom there is reasonable ground to believe that he will engage in subversive activities is not a suitable member of the Secretariat. It is clear that such a judgment should not be lightly reached. Indiscretions committed ten, fifteen or twenty years ago should obviously not be decisive if the man's record in the present or immediate past shows him to be reliable. Everything depends, therefore, on there being "reasonable ground", a term which must be a matter of judgment and cannot be precisely defined. In so far as standards can be laid down, we find those in paragraphs 98 and 99 perfectly satisfactory.

43. It is essential, in our view, that the machinery for assessing the evidence should be adequate. The Executive Order provides that the evidence should be made available and it also provides that the individual concerned should be able to challenge or appeal against derogatory information. The machinery within the Secretariat for weighing the evidence also seems satisfactory. In this connexion we attach particular importance to the proper functioning of the Advisory Panel established by the Secretary-General. We assume that in considering individual cases the Panel will take into account all the relevant circumstances, including those specified in paragraphs 98 and 99 of the report.

44. We have no comment to make on part III of the report, concerning privileges and immunities, which is indeed largely factual. But I would just emphasize the importance which we attach to the maintenance of the immunities which the United Nations enjoys, not only, of course, in this country, but elsewhere. These immunities have been granted because they are regarded, and rightly so, as essential to the proper functioning of the Organization as a whole. The Secretary-General has power to waive them, as we know, in specific circumstances, but in our view he should do so only for the most compelling reasons.

45. A practical point has arisen, I think, in connexion with the inquiries which the United States Federal Bureau of Investigation wishes to make in the Secretariat. The Secretary-General has decided that agents of the Bureau may, under certain conditions, enter the Headquarters building for this purpose. I can quite understand that the decision was based on grounds of practical convenience, but I am by no means convinced that these grounds justify, as it were, a waiver of the immunity enjoyed by the Headquarters building. It seems to me that a dangerous precedent might be set, and I hope, therefore, that the Secretary-General may perhaps reconsider his decision on this particular point.

46. This completes my survey of the Secretary-General's report, and I think it will be clear from what I have said that Her Majesty's Government is prepared to accept the general principles outlined therein.

Before concluding my statement I should like to take up one or two further points.

47. Paragraph 97 of the report states that the expression "subversive activities" is used "not with any special technical meaning, but in its ordinary sense, which denotes activities directed towards the overthrow of a government by force, including conspiracy towards such overthrow and incitement and advocacy of it." I willingly accept such a definition, but I should like to pause for a moment to consider what members of the Secretariat could in fact do in the way of subversive activities. It is scarcely necessary for me to make this point to the delegations here present, but I do it in order to correct, or to help to correct, certain misconceptions which, I think, are prevalent outside the United Nations, where the way in which we work is not perhaps so evident as it is to us ourselves.

48. The governments of Member States do not, as we know, entrust their vital secrets to the United Nations Secretariat. Since the Secretariat is drawn from almost all the Member States, this is understandable and, indeed, self-evident. The Secretariat works in the full glare of publicity. All its members are peculiarly open to observation, both literally and metaphorically. It is therefore difficult to see how there could be espionage in the ordinary sense in which the word is understood, namely, the stealing of secret documents or the transmission of confidential information about the policy of one government to another and, perhaps, hostile government. Indeed, I should have thought that a potential spy might be expected to choose almost any position other than membership of the Secretariat if he wished to remain, as he presumably would wish to remain, inconspicuous. This is a factor which must not be ignored when we are considering both the extent of the present problem and the measures which should be taken to deal with it.

49. I should like to take this opportunity of stating in the clearest terms my own confidence in the Secretariat. I have seen suggestions that the whole Secretariat is permeated by subversive elements. This seems to me to be manifestly unfair and is contradicted by all the evidence in our possession. In his statement on 10 March, the Secretary-General referred to the difficulties he had experienced in recruiting at short notice the large number of staff required to establish the Secretariat in 1946 and early 1947. I do not at all underestimate these difficulties, but I am sure the Secretary-General did not mean to imply that all those who were engaged at that time, or indeed any significant proportion of them, were unreliable or that they had failed to maintain the very high standards required of an international civil service. Paragraph 46 of the Secretary-General's report shows that, of more than 2,000 United States nationals whose names were submitted to the State Department, adverse comments were made on less than 3 per cent. Some additional names came up in the course of the Grand Jury and Senate Sub-Committee investigations last year, but so far as I know, the total does not amount to more than forty or fifty persons. It is surely elementary justice that the whole Secretariat—indeed, the United Nations itself—should not be condemned for the presumed aberrations of a handful of Secretariat members.

50. The delegations to the United Nations are in the best position to know the Secretariat and to judge

the quality of its work. The organization of our meetings, the interpretation—which to a layman often seems miraculous—the high standard of the records, the quality of the great volume of reports and studies which are produced to help us in our deliberations—all these things are the mark, I think, of an efficient Secretariat, and are no less impressive because so much of the work is necessarily unobtrusive. Familiarity may often lead us to take things for granted and to overlook the skill and the labour which lie behind them.

51. In spite of the disappointments and frustrations, the members of the Secretariat, I am sure, have not lost faith. They are not called upon to abandon their allegiance to their own countries, but they also have a positive allegiance to the United Nations and to the great ideals for which the United Nations necessarily stands. They deserve, and I am confident that they will receive, our full support in their labours.

52. I think that from what I have said it will be clear why we support the thirteen Power draft resolution [A/L.146/Rev.1]. This draft resolution reaffirms the Charter provisions concerning the organization and character of the Secretariat. We see no reason to modify or amend these principles. We believe that, if faithfully observed, they will satisfy the legitimate requirements of all Member States and will at the same time preserve the international character of the Organization.

53. We cannot support, and shall therefore have to vote against, the alternative draft resolution [A/L.145/Rev.1]. This would, in our view, undermine the position of the Secretary-General and cast doubt on his authority to act on personnel matters between now and the eighth session of the Assembly. The effect of this would inevitably, in our opinion, have the most damaging consequences for the Organization.

54. The most unfortunate aspect of the present problem is the uncertainty which it has created in the Secretariat. The members of the Secretariat are fully justified in asking that this uncertainty should be ended as soon as possible and that they should all know exactly where they stand. It seems to us that this can best be achieved by allowing the scheme outlined in the Secretary-General's report to be carried through as rapidly as possible. This scheme may not be perfect in all its details, but it seems to us to be generally acceptable in its main provisions, and if it were rejected we should certainly be left with no scheme at all. There may be consequential problems which will have to be considered, but the amendments now incorporated in our draft resolution provide for this. At the next session we shall have available the findings of the Administrative Tribunal on the cases now pending, a report by the Secretary-General on developments between now and then, and the comments and recommendations of the Advisory Committee on Administrative and Budgetary Questions, which is, after all, the expert body best qualified to consider questions of this sort. We are convinced that this is the best way to proceed, and I hope that this view will be shared by the majority of my colleagues.

55. Mr. BAKR (Iraq): The speakers who have preceded me have gone into the subject of personnel policy thoroughly and clearly. I shall not repeat what has

already been said, but, like other delegations, we thought we should like to make our position clear in regard to a question which has exercised the public mind in all countries. This question has various aspects, but we do not believe that the strictly legal one is the aspect best calculated to secure the best policy for personnel. Undoubtedly political considerations play a great part, but again, these are not the only considerations in the case. It should therefore be the duty of the United Nations to find a golden rule which would satisfy all these elements and, above all, make of the Secretariat an honest, efficient, and internationally loyal instrument of the United Nations.

56. My delegation deplores the unhealthy publicity that has been given to the question of personnel through the media of propaganda. Such publicity could not be expected either to settle the problem or to enhance the prestige of the United Nations. Many misunderstandings have arisen as a result of the news and views on personnel policy which have been presented in one colour or another. The silence of the Secretariat itself in making the situation clear during that public controversy has not helped the situation. It was at least reasonable to expect that an organization which was the centre of a storm, and whose head was taking important decisions on personnel which had deep political implications, should explain itself properly to the world. That unfortunately was not done, at least not satisfactorily. The result is that the United Nations has erroneously come under fire from public opinion in many countries.

57. But in no country has public opinion been so agitated on this questions as in the United States. The people of the United States are entitled to be concerned about the safety of their country. Moreover, it is difficult for them to hear suspicious rumours and allegations about an organization existing in their midst and enjoying special privileges, and remain inactive, considering that it is their safety as a people that is at stake. They had every right to inquire and speak out. That was legitimate. The Secretary-General should have striven to remove such apprehensions from the public mind by explanations, the absence of which added to the already existing suspicion in the public mind.

58. From this I turn to what we consider to be an important point in personnel policy. Notwithstanding the neutrality and integrity of the Secretariat, a question which I shall touch upon presently, this Organization, or similar organizations, have no business to harbour subversive elements working against the interest and the security of its Member States. The very structure of the Organization being international, it stands to reason that the machinery should be free from persons working against the safety and welfare of its Member States, or, for that matter, any other country in the world. Members of the Secretariat should not be conspirators, or engineers of destruction; they are there to help the Organization carry out plans and policies arrived at by democratic methods among its Members. Any subversive elements, therefore, which are contrary to the interests of any Member of the Organization, should be rooted out at once.

59. Here we lay a special emphasis on the safety and security of the host country. No matter what we say about the integrity of the Secretariat, such integrity

must not be in conflict with the precept that the Secretariat should contain no element harmful to the security of the host country. The host country has every right to demand that its nationals in the Secretariat should be acceptable to it and should not be of the type to militate against it.

60. The United Nations is a vast and far-flung organization. Imagine if the Secretariat in every branch of the United Nations, in various countries, were free to engage in activities harmful to the host countries. A large number of Member States would have their interests flouted and their security violated. It is easy to infiltrate the Secretariat of the United Nations in a certain country, under cover of its privileges and neutrality, in order to carry on secret destructive activities against the host country. That should in no way be acceptable to the United Nations, for it touches on the very foundation of the Organization, namely, peace and harmony among Member States. Here we applaud one of the conclusions of the Secretary-General, stated in paragraph 7 of his report:

"He has always upheld the policy that no member of the Secretariat should engage in subversive activities against the government of any Member State. This does not mean that a staff member must agree with the government of the State of which he is a national. But so long as he remains in the Secretariat, it is his clear obligation under the Charter and the Staff Regulations to take no part in any activity, either open or secret, aimed at subverting or overthrowing the government of a Member State."

61. With all this said, we must affirm the principle of the integrity of the Secretariat. I need not dwell on either the legality or the importance of this principle. It is stated repeatedly in the Charter and acknowledged by all Members of this Organization. In order that the Secretariat may carry out its obligations in an efficient, honest and neutral manner, it should have an integrity based on its determination to refrain from any harmful activities against a Member State. By such neutrality it can hope to maintain its integrity. Without such neutrality, it cannot maintain its integrity. It follows that the personnel should be selected carefully. In order that its members may feel secure and give their best to the Organization, they must have contracts and safeguards in order to ensure their best services. Insecurity among the personnel does not help either their morale or their work.

62. My delegation believes that a great deal of the havoc that overtook the Secretariat could have been avoided if the Secretary-General had followed in the past a just and equitable policy of geographical distribution in the appointment of personnel. We have great respect for the work of the Secretary-General in this regard, but we think that the geographical distribution in the Secretariat, and the quota system among the Member States, have not been adhered to in an equitable manner. There were many appointments on a certain quota, but the man appointed did not represent the country culturally or in its general outlook. Indeed, there were cases where an official had engaged secretly and actively in actions distinctly against the interest of the country under whose quota he was appointed. There were cases when representations were made to the Secretary-General drawing his attention to them. Such requests were sometimes of the very

minimum, asking that the official in question should at least not be counted on that country's quota. Nothing was done to meet that objection. Consequently, such officials were left in their positions and concluded that they had nothing to fear in carrying on their unsavoury activities against the countries which the Secretary-General, unilaterally, said they represented. Therefore, if an equitable policy in their appointments had been followed, or to say the least, a logical one, much of the storm that broke out later on could have been avoided.

63. We can only say in this connexion that it is right and just that the Secretary-General, before appointing an official, should ask the candidate's government whether it has anything against him from the point of view of security and the basic interest of that country. While we do not dispute the competence of the Secretary-General to appoint personnel to the Secretariat, it is impossible to overlook the fact that such staff members do belong, after all, to certain countries, that they may engage or have engaged in certain political activities which may or may not be good for that country and that such matters do have a bearing on the efficiency and honesty of the Organization and should therefore be considered.

64. With these considerations in mind, I may now say a few words about the development of personnel policy in the last few months. The Secretary-General appointed a committee under Mr. Walters to review the temporary appointments of all staff members and to report back to him. While this was a commendable action in principle, we find that one aspect of the work of this committee is open to question. I quote from annex II, section C, of the report of the Secretary-General [A/2364] as follows:

"The work of the Committee has been carried out in an entirely confidential manner, as regards both the oral proceedings and the records kept by the Committee. At its initial meeting the Committee agreed that the Secretary would keep minutes of a temporary nature for the use only of the Committee, and that these would be destroyed when the Committee's report was submitted to the Secretary-General. The Committee's report to the Secretary-General will therefore constitute the only record of its work."

65. This procedure of destroying the minutes of the committee was certainly unorthodox and wrong. The whole thing comes to this, that any one of the staff might be investigated, judged and convicted in this committee without the United Nations being able to refer to the proceedings of the case if necessary, and without the official himself having the documentary evidence to review his case if he wanted to appeal against the ruling of the committee. As matters turned out, this committee looked into 400 cases and recommended dismissal in sixty of them, most of whom were actually dismissed.

66. But of all the developments on the question of personnel in the last few months, one in particular was baffling—and indeed unforgivable. The Secretary-General either requested or allowed the United States Federal Bureau of Investigation to conduct its investigations inside the Headquarters. I lay stress on the word "inside", because this is the point of objection.

67. We believe that the United States authorities have the right to investigate the political activities of their nationals in the United States and in the United Nations if they have reason for suspicion. We also believe that the Secretary-General is justified in helping the United States authorities, in as much as he can, to clear certain members of the Secretariat of the stigma of suspicion and subversion. All this is legitimate.

68. But what seems to be an unnecessary action is that the Federal Bureau of Investigation should conduct its investigations within the limits of the Headquarters. That at once violated the extra-territoriality of the Organization. It conveys the impression that the United Nations is being prompted by a police department, and this has lamentably lowered the prestige of the United Nations. The Secretary-General took the decision to allow the Federal Bureau of Investigation to conduct its investigations inside the Headquarters, with little regard for the Charter, which guarantees the inviolability of the Organization, moral more than material. The Bureau could have conducted its investigations across the avenue and no questions asked. But for a police investigation department to fingerprint members of an international organization within the boundaries of that organization—and all this with the blessing of the chief of the organization—was truly outrageous, and the Secretary-General should never have taken that decision. Nor do we think that the Secretary-General should consider the power vested in him under the Charter and the Staff Regulations as being in any way an autocratic power.

69. I say these things not in anger but in sorrow. My delegation has great respect for the Secretary-General. We also have much understanding for the great burden he is carrying. We realize that in some cases he has an unenviable duty to perform and always a difficult one, but at times it seemed to us that he made a point of complicating issues rather than solving them. We have not always agreed with him on every question. In our opinion he has occasionally unduly pressed the weight of his personality and position in a certain direction, without regard to the views and interests of several governments. We did not and could not agree with him when he singled out for special praise one recommendation of the United Nations which has caused the destitution of a whole people. Nor could we applaud him when he referred to this as one of the great achievements of the United Nations.

70. One more word concerning the joint draft resolution [A/L.145/Rev.4] of which my delegation is a co-sponsor. We introduced this draft in complete honesty, as we believe that the question is too complicated and too important to be disposed of by lengthy speeches from the rostrum of this General Assembly. The question of personnel policy has implications of a political and legal nature concerning all Member States. It also concerns the efficiency and integrity of the United Nations Secretariat and the standing and even the good name of many of its members. This haste to dispose of the matter in a summary way is not fitting to the United Nations nor to those who are directly concerned with the question. We believe that there is no harm in a committee of fifteen studying the question and presenting its report to the next session of the General Assembly. We think that this

is the most appropriate way, and we hope that the General Assembly will find it possible to adopt such a course.

71. Mr. ORTEGA (Chile) (*translated from Spanish*): Unquestionably, this debate has been interesting and useful. The well-documented report of the Secretary-General and the additional information which he gave us in his statement [413th meeting], as well as the interesting comments made thereon by various representatives, have combined to make it so. The report and the statements have brought out an encouraging fact; they have shown that the few years of the existence of the United Nations have sufficed to create what I may be permitted to call a kind of United Nations conscience, in full process of development and showing a vigorous determination—at least on the part of many of the Member States—to maintain in their integrity the principles and ideals proclaimed in the historic days of San Francisco.

72. None of the representatives, nor, indeed, the Secretary-General, has forgotten that it is essential to maintain inviolate the international character of the Secretariat, its independence, the inviolability of the United Nations Headquarters, the principle of the equality of Member States, and universal respect for human rights and fundamental freedoms, all of them principles to which the report before us refers in one form or another.

73. We have said that a United Nations conscience has come into being, and we should add that it has been tested in this debate and that its strength and unity have enabled it to survive this test unharmed. It is profoundly satisfactory to observe that, in the moral atmosphere created by the United Nations, there has come to prevail a valuable combination of fundamental principles; those principles are an expression of the moral conscience of our time and, by virtue of their lofty nature, they have been incorporated in the provisions of the Charter. We know too that many men, representing peoples and countries throughout the world, are deeply interested in the maintenance of those principles.

74. Neither distance nor differences of race, language, religious feelings or political convictions have been able to prevent them, impelled more than anything else by the unspoken mandate of grief and tragedy, from unifying their thoughts and wills in an effort to press forward, despite the gravest difficulties, towards the attainment of their common desire to ensure the peaceful coexistence and the economic and social progress of all peoples. That is the meaning which it seems to us logical to deduce from this debate. My delegation has considered it its duty to come to this rostrum to pay a tribute to the representatives of India, Belgium, France, Sweden, Mexico, Indonesia, Argentina, Uruguay and to many others who, moved by a deep regard for these principles have felt it their duty to appraise the actions of the Secretary-General; they did so without animosity, without using many adjectives, and altogether in a very admirable fashion. They all realized that there was no need to do anything more, since their aim was merely to point out the undoubted wisdom of correcting any possible mistakes, in order that the United Nations might become a beacon, as it were, to guide mankind towards freedom and peace of mind.

75. Having duly paid this tribute, we shall hearken to the counsels of prudence that tell us that it would be otiose to repeat arguments which others have already so clearly and eloquently adduced to show that this or that action may possibly have been mistaken, or that this or that decision by the Administration may perhaps have been unwise.

76. Instead, we must crave the indulgence of the representatives while we refer to the manner in which the Secretary-General has applied the principles laid down by the Charter concerning the rights and duties of the staff, since compliance with those duties and enjoyment of those rights may affect the efficiency of the Organization and even its prestige.

77. There can be no doubt that the measures which the Secretary-General deemed it his duty to put into effect have created a feeling of uncertainty and have caused demoralization among the staff. The Secretary-General himself acknowledges that quite frankly. The staff, he says, has experienced very difficult times; we would add, for our part, that we should be making a serious mistake—if we thought that the morale of the body of officials serving the Organization has come through the test to which it has been subjected unharmed. It is not enough for them to know that their chief recognizes that “they have gone right on doing their duty and doing it well, as loyal and competent international civil servants, dedicated to the United Nations and the principles for which the Organization stands” [413th meeting, para. 75]. It cannot be enough for them, simply because they themselves have suffered directly from the disadvantages of staff regulations which clearly lay down their duties and obligations, but neglect to protect their rights.

78. This natural disquiet is aggravated by the fact that the bodies established to give effective protection to these rights do not provide the guarantees they should.

79. There are two tribunals to which staff members who think that their rights have been infringed by a mistaken or arbitrary measure can have recourse: the Joint Appeals Board, which is an advisory body, and the Administrative Tribunal, which is called upon to act as a final court of appeals as it were.

80. The first body, the Joint Appeals Board, lacks the independence requisite for action, since it is composed wholly of persons subordinated to the Administration, that is, to the very authority against which the appeal is lodged. We must add that this organic defect is not the only one; it is no less strange that the Board should be vested with the extraordinary faculty, set forth in article 7, paragraph 3 of the Statute of the Administrative Tribunal [resolution 351 (IV)], to declare, if it deems fit or so decides, that the case is frivolous, and when that occurs, no kind of plea can be adduced in favour of the staff member concerned, since that opinion is final.

81. This would not be extraordinary or serious, perhaps, if these bodies for the protection of rights existed simply to take note of the cordial relations between employer and employed, between chief and subordinate; but it is really serious and even extraordinary when it is considered that these bodies exist for the very purpose of elucidating, and, if need be, adjudicating upon, disputes in which strong feelings may be har-

boured by the parties. In this event—which not only is not exceptional, but is in fact usual in most cases—the weaker party, that is to say, the applicant, is compelled to submit his claim or complaint to a tribunal which acts both as judge and as party. Everyone would of course agree that such a body would of its own accord be inclined to favour the respondent, that is to say, the strong as against the weak. This body is thus of doubtful value.

82. The Administrative Tribunal is another matter. There can of course be no possible doubt about its independence. Its jurisdiction, however, is limited by the provisions of article 7 of its Statute which, as we have said, empowers the Joint Appeals Board to declare that a case is frivolous, which is tantamount to denying subsequent recourse.

83. But that is not all. A more serious fact, in our opinion, and equally extraordinary and anomalous, is that the decisions of this high court are only apparently binding and only apparently final. Even more extraordinary, if possible, is the fact that the decision handed down may be voided and applied in a manner prejudicial to the staff member alone. For, even if the Tribunal decides that the Administration committed the error or injustice of which it was accused and orders the rescinding of the measures which caused the claim to be lodged, it is the Administration itself which, although found guilty, finally decides whether the Tribunal's decision shall be given effect or not. Provision is made for such a case, which cannot be regarded as exceptional, since it is not made subject to any conditions, in article 9 of the Statute of the Tribunal. By virtue of this original and curious provision, the Administration, the party affected by the decision, may simply state, in exceptional circumstances, which it alone determines, that it believes that compliance with the decision would be inadvisable, and, if it does so state, the Tribunal can do no more than offer compensation in cash.

84. The machinery with which we are concerned has yet another serious defect, of a procedural nature, relating to the intervals at which the Tribunal meets. The Statute contains no provisions on this matter. This omission is important because it may happen—and in practice has happened—that not weeks but months may elapse between one meeting and the next.

85. No one can be unaware of the fact that this may be ruinous for the staff member who is appealing against the termination of his contract, for example, since this official, who is not being paid, must continue to meet the high cost of living in New York, if the dispute occurred in this city, besides the other expenses inherent in any court case. The guarantee to pay the staff member his travelling expenses to the place where the Tribunal meets, should he be out of New York, is of very limited value, because he will in any case be unable to look for other work during the waiting period.

86. Another matter which directly affects the interests of the staff and which warrants the Assembly's attention is the question of appointments.

87. Staff regulation 2.1 provides for the classification of posts and staff according to the nature of the duties and responsibilities required. Staff regulation 4.1 pro-

vides that the letter of appointment shall state the nature of the appointment.

88. Nevertheless, the contractual commitments are not properly defined, since staff regulation 1.2, which states that "staff members are subject to the authority of the Secretary-General and to assignment by him to any of the activities or offices of the United Nations", makes the relevant provisions largely nugatory.

89. This text is so loosely worded that, if it were to be interpreted without restriction, the provisions to which we have referred would in fact become altogether devoid of meaning, or would assume the character of advice or suggestions on which the Administration was free to act or not to act, at its good pleasure.

90. This is a really serious matter, since it results in destroying the value of contracts of work. Can anyone claim that this is reasonable and that it would thus be wise to go so far as the letter of this provision allows? That would entail recognizing that the Administration might, by virtue of these powers, order a staff member to be assigned to an activity of any sort, regardless of how different it might be from the type of activity for which he was appointed.

91. It would seem better to say that we do not understand this provision; otherwise, we should have to accept a state of affairs where, for instance, a lawyer who offered his services to the United Nations as such and was appointed as such might nevertheless be sent any day to work as a typist in a typing pool, and even receive a bad report for his bad typing.

92. No one can overlook the seriousness of this matter, for it leads to the conclusion that the letters of appointment, in which the commitments assumed by the parties are—or should—be stated, are valueless. We believe that such a state of affairs is more intolerable in the United Nations than anywhere else, and that the moral leadership of the Organization in the mission entrusted to it would be seriously damaged if it forgot that it was in duty bound to set an example in respecting the established principles of law.

93. Similarly, it is easy to understand that if the members of the Secretariat lack even the most elementary security and stability in their posts, it will be extremely difficult to achieve the objective of constituting a staff with the "highest standards of efficiency, competence and integrity", as stipulated in Article 101 of the Charter.

94. The Chilean delegation believes that the machinery for protecting the rights of staff members should be so amended as to secure the following: first, a clear and explicit statement in the letter of appointment of the mutual commitments assumed under it by both parties; secondly, the continuance of staff members in their posts so long as they observe the terms to which they committed themselves in their contracts, which should be the law binding the parties; thirdly, the establishment of independent and qualified organs to hear and adjudicate upon any appeals lodged by staff members against measures taken by the Administration; and, fourthly, adequate speed in the procedures of the bodies responsible for adjudicating upon any disputes that arise.

95. We venture to think that, if those who will have to give further consideration to the problems brought

out in this debate are good enough to bear in mind these suggestions, as well as others adduced by other representatives, we shall have made some progress in the task confronting us in the field of administration; we shall thus have succeeded in making the Administration function with greater efficiency, so that it is able to make a more useful contribution to the success of the mission of the United Nations to promote the noble ideals of peace and justice.

96. It is, then, really important that our Organization should have an administrative structure of proven technical and functional efficiency, if the ideals of the Charter are to be given better effect.

97. Actuated by this conviction, the Chilean delegation will vote for the twelve-Power draft resolution [A/L.145/Rev.4] which, it believes, provides greater facilities for a thorough and serious study of the question in the light of the documents we already possess and the experience we have already acquired, both from the report of the Secretary-General and from the observations made during the debate by the representatives who have preceded me on this rostrum.

98. To prevent or defer such a study would benefit no one. To give up the idea of making such a study would mean to give up the chance we now have of bringing to the General Assembly's attention certain reforms in the administrative machinery which experience clearly shows to be necessary.

99. We do not wish to bring our statement to a close without reiterating that our remarks have not been actuated by any petty intention of censuring anyone, but rather by a healthy determination to do our best in the moral undertaking to make the United Nations a body endowed with increasing efficiency, repute and prestige.

100. Mr. MATES (Yugoslavia): The problem which has now come before us in the comprehensive report of the Secretary-General is obviously of the utmost consequence for the United Nations as a whole, and it is therefore only proper, in the view of my delegation, that it should have been given earnest and dispassionate consideration by the General Assembly. It is thus—and thus only—that we may assist in removing some of the basic causes of what is admittedly the present *malaise* in the Secretariat of our Organization, and chart a course for future policies in this field which will make it possible to avoid the resurgence of the conditions that have led to a situation which most of us, I think, view with concern.

101. Moreover, as it was the General Assembly which in 1946, laid down the lines along which the staff policies in the United Nations Secretariat were expected to evolve, it is only fitting that the General Assembly should be called upon to look into the matter once again, now that the entire problem has reached a rather disturbing stage.

102. It is, I think, hardly necessary to emphasize the fact that the general level of ability and integrity in the Secretariat, and the manner in which it discharges the numerous and onerous assignments incumbent upon it, are of tremendous importance for the satisfactory functioning of the United Nations as a whole. Upon the competence of the United Nations staff, upon its spirit of dedication to the principles

and purposes of the United Nations Charter, there will to a very large extent depend the degree of success with which the other United Nations organs will perform their tasks in the different spheres of the Organization's activities. And I should like to stress at the very outset, as most speakers before me have done, that the Secretariat members, in their overwhelming majority, entirely live up to the high standards that have been set for them.

103. On the other hand, it is only natural that the setting up and functioning of an international civil service should have given rise, by the very nature of things, to a number of complex and delicate problems. The very fact that we have a body of men and women with widely dissimilar backgrounds, with outlooks moulded by different circumstances, with national ties which they have not severed and are not expected to sever—men and women who are required to act as a team for a common cause and to give their ultimate loyalty to an Organization which is international without being supra-national, which is a world body without being a world government—all this poses questions of an order and magnitude unknown to the less closely-knit international community of the days before the League of Nations and even before the United Nations. These problems, intricate enough in themselves, have, of course, been further complicated by the general trend of post-war world relations. The cold war hardly provides a propitious climate for the healthy growth of an international civil service. In other words, the tensions which have had so regrettable an impact upon the work of the other United Nations organs have, naturally enough, been reflected in the Secretariat also.

104. Those responsible for the framing of the Charter in San Francisco were, of course, not unaware of the problems with which the necessity of establishing an international staff for the United Nations confronted them. And they sought to find an answer to these problems, more particularly in Articles 100, 101 and 105 of the Charter. The principles thus laid down are not only constitutionally still binding upon us at the present time; their practical validity seems, if anything, increased by the changed conditions in which they now have to operate. Indeed, it is more than ever imperative, in the atmosphere of tension now prevailing, that the United Nations should have at its disposal a staff on which it can fully rely in its endeavours to re-establish conditions of international peace and security. That is why the best course for us to follow would, I feel, be to scrutinize these basic principles once more, in the light of our present difficulties.

105. The fundamental principle which we find stressed in these Charter provisions is that of the international character of the Secretariat, which means its independence of the governments of Member States. This principle, significantly, was not mentioned in the Dumbarton Oaks proposals, which constituted the first draft of the Charter, worked out by the great Powers alone. It was inserted in the Charter at the San Francisco Conference, at the insistence especially of some of the smaller nations represented there. These smaller nations were clearly aware of the alternative facing them: either the United Nations staff would be a genuinely international one and thus serve the interests of all, including the smaller Members, or it would

inevitably come under the sway of this or that great Power.

106. This principle—the principle that the United Nations Secretariat should be truly international and independent in character—is set forth, either explicitly or by implication, in at least three different contexts in the relevant articles of the Charter.

107. In the first place, there is the obligation of Member States—of all Member States—to “respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities”. This obligation implies quite a number of things.

108. It means, in a general way, of course, that governments should refrain from any course of action which might be of such a nature as to divert the Secretariat from its sole devotion to the purposes of the United Nations. Such action could assume two different, but equally pernicious, forms. There could in the first place, be direct attempts at interference with the functioning of the Secretariat as an international civil service. There could also, however, be attempts at what might be termed indirect interference, which would consist of various forms of pressure and intimidation, of surrounding the United Nations staff with an atmosphere of fear and insecurity in which it could not possibly be expected to perform its functions with the degree of independence required by the Charter.

109. Nor are the obligations flowing from this Charter provision of a solely negative nature. They imply the positive duty of States to create the necessary conditions of security without which the United Nations staff can hardly be expected to live up to the exacting standards set by the Charter.

110. I am, of course, referring to the questions of privileges and immunities for members of the United Nations Secretariat. The Secretary-General was, I feel, fully justified in calling attention to the urgent need that States which have not yet done so should ratify the Convention on Privileges and Immunities. However, even in the absence of ratification, Article 105 of the Charter creates a very definite legal obligation for Members to respect “such privileges and immunities as are necessary for the fulfilment of its”—that is, the Organization’s—“purposes”.

111. These privileges are obviously more than mere technicalities: they are one of the safeguards—one of the essential safeguards—against the various forms of pressure which I have just mentioned and which, if pressed too far, would spell the ultimate ruin of the United Nations. They should be fully established legally, and strictly observed, so as to help create that feeling of security against any type of pressure which is essential to the proper functioning of the United Nations Secretariat.

112. It also should be made perfectly clear in this connexion that neither the Secretary-General nor members of his staff should be permitted to waive the privileges and immunities granted them under the Charter and the relevant convention. Otherwise, of course, there would always be the danger that their effectiveness might be seriously reduced or even destroyed.

113. A logical corollary of the obligation of Member States to respect the exclusive international character of the Secretariat, and to refrain from seeking to influence it in the discharge of its responsibilities under the Charter, is the duty imposed upon the Secretary-General and members of his staff not to “seek or receive instructions from any government or from any authority external to the Organization”. This amounts to an obligation upon the Secretary-General and his staff to act, for their part, in a manner designed to ensure that the independence which they are granted under the Charter, in the interests of the Organization as a whole, should be a living reality. The implications are clear. They signify that the Secretary-General should conduct his policies—and this, of course, includes his policies in staff matters—with a full measure of independence of any influence that Member States might seek to bring to bear upon him in violation of their obligations arising under the same Article of the Charter.

114. To confine ourselves for the moment to the question of staff policies, this Charter provision does not, of course, preclude the Secretary-General from seeking information from or consulting with the governments of Member States—and this naturally applies to all Member States—with regard to those of their nationals whose employment he might be contemplating. Indeed, in this as in other cases, co-operation between Member States, on the one hand, and the Secretary-General and his staff, on the other, is eminently desirable, provided encroachments on the independence of the latter are scrupulously avoided. It does, however, in our opinion, caution the Secretary-General against going any further than that—against acting upon opinions or advice of Member States in a manner which would in fact leave little room for distinguishing between such opinions or advice and the instructions which the Charter expressly forbids.

115. This, of course, applies even more to the continued employment of Secretariat members. Here, too, any acceptance of mere adverse comments or opinions from a government on a staff member as a sufficient ground for dismissal could hardly be considered as compatible with the Charter provisions I have just quoted. This further means that the Secretary-General should not, in his employment policies, be guided by considerations extraneous to the standards set forth in paragraph 3 of Article 101 of the Charter, namely, “efficiency, competence and integrity”, as well as recruitment of the staff on as wide a geographical basis as possible, a factor to which due regard should be paid. Least of all should he gauge a person’s eligibility for employment, or even further employment, by standards which might at a given moment be held by this or that Member State.

116. Last, but by no means least, the Charter provides for the obligation of the Secretary-General and his staff to “refrain from any action which might reflect on their position as international officials responsible only to the Organization”. This obligation appears, to some extent at least, to be covered by the one I spoke of a moment ago, namely, the obligation not to seek or receive instructions. However, it goes beyond that obligation in the sense that it applies to the conduct of staff members in general. This obligation, in its broader sense, has many aspects, some of which

are inherent in its very nature, while others are explicitly laid down in the Staff Regulations.

117. Without going into the details of this rather intricate problem, I should like to say just a few brief words on a matter which has been raised in this connexion and to which recent developments seem to lend particular significance. I am referring to the question of alleged subversion, espionage and disloyalty within the United Nations Secretariat. I shall dispose of the allegations of disloyalty first. It is sufficient, I think, to point out that the only disloyalty for which United Nations staff members could be held accountable would be disloyalty to the purposes and principles of the Organization, and such disloyalty, if proved, would, needless to say, call for the dismissal of any staff member guilty thereof. As regards subversion or espionage against any Member of the United Nations, participation in activities of this nature would certainly reflect on a staff member's position as an international official, and his continued employment could hardly be considered as serving the best interests of the United Nations.

118. However, in order to maintain the proper perspective which is essential in matters of this kind, and to avoid errors whose consequences in so delicate a field might be of the utmost seriousness, it is essential to bear certain basic considerations in mind. First, both these concepts, that is, subversion and espionage, should be taken in their generally or internationally accepted sense, which also coincides with their etymological sense. They should, of course, be equally applicable to all Member States, not least the State whose national is involved and the State harbouring the United Nations service in which he is employed. In the second place, the fact that a staff member has been engaged in subversive or espionage activities in the above sense should be established by the State concerned in a manner which would leave no reasonable doubt as to its veracity in the mind of the Secretary-General. In other words, something more tangible than the mere "likelihood" that someone might engage in such activities should be expected. Nor can non-compliance with investigation procedures of Member States be considered relevant here from the United Nations point of view.

119. I should like to say a word here with regard to the feeling expressed in the Secretary-General's report that a "glass house", such as the United Nations Secretariat, is "not a profitable place for spies and saboteurs" [A/2364, para. 10]. We, of course, entirely share this feeling. One cannot, however, disregard the possibility of individual misconduct on the part of Secretariat members engaging in, for example, espionage or subversive activities outside the "glass house". It is from activities such as these that all Member States, and especially those where the major United Nations services are located, are entitled to a full measure of protection. This, of course, applies in particular to the United States, where the Headquarters of our Organization and its large staff are situated. This is something which is surely obvious in itself, and it is in no way incompatible with the independence or international character of the Secretariat.

120. This right to protection from subversive or espionage activities does not, however, imply any claim

on the part of the States concerned to a particular influence in matters of staff policy as such. Indeed, any attempt to establish special categories of States on such grounds—an attempt which appears to underlie the entire approach of the panel of jurists, for instance—and to grant these States a say in matters of staff policies which other Member States are denied, would, in our opinion, not only be lacking any foundation in the Charter but might be fraught with grave dangers for the future of the United Nations as a whole.

121. The enlightening discussion which has taken place here so far on the question of personnel policy in the United Nations Secretariat has revealed a broad area of agreement on some of the major aspects of the problem. It has shown in particular that the overwhelming sentiment in this Assembly is that it is imperative, especially in the difficult times we are traversing, to maintain and respect the independence and genuinely international character of the United Nations staff as laid down in the Charter. This wide consensus of opinion should, I submit, provide the Secretary-General with adequate guidance, pending a further consideration of this matter at our next session, in his efforts to steer United Nations personnel policy clear of the reefs which have been imperilling its course.

122. The PRESIDENT: As no other member wishes to speak in the general discussion of the Secretary-General's report, I shall call on the Secretary-General, who wishes to deal with one or two of the points that have been raised during the debate.

123. The SECRETARY-GENERAL: I had hoped that my successor would occupy my chair when the General Assembly came to the consideration of the problem now before it. It is to the future, not so much to the past, that the attention of all of us should be directed. But since I am still Secretary-General for a few days more I feel it my duty to say a few words at the conclusion of the Assembly's debate on this item.

124. First of all, may I express my thanks to all those representatives who have so clearly affirmed their confidence in the Secretariat and who have given their support, in the main, to the principles and policies set forth in the report on personnel policy. On the whole I feel that this discussion has reflected a constructive and understanding attitude towards a very difficult problem on the part of the overwhelming majority of Member States. Beyond this, it is important that the results of the Assembly's consideration of this question should be as helpful as possible to the new Secretary-General. It is for this reason that I should like, with permission, to comment on a few points that have arisen in the course of the discussion and which seem to reflect some misunderstandings and might cause confusion.

125. Let me first take the question of the jurists' opinion, which has been mentioned by several representatives. I am personally grateful to the three jurists who agreed to help me when I was left alone by the Member States to deal with a situation which all delegations have since come to recognize as an extremely difficult one. However, I should like to point out again that there are a number of recommendations of the jurists which I have not accepted. My report on personnel policy, and not the opinion of the jurists, contains the policy which I believe should be followed.

126. Some delegations have opposed the notion advanced by the commission of jurists that special consideration should be given to a host country in determining the employment of its nationals. While, on practical grounds, this is not altogether an unreasonable principle, I should like to point out that the report on personnel policy makes it clear that this is one of the recommendations of the jurists which I did not accept. I believe that subversive activities against any government are a serious violation of a staff member's obligations and that all governments have the right to expect that persons guilty of such activities will not be retained in the Secretariat.

127. A number of delegations have also emphasized that it would not be proper for the United Nations to adopt a national standard in determining whether to discharge staff members. With this provision I wholeheartedly agree. For this reason the report of the Secretary-General sets out a United Nations standard, to be applied in cases of accusation or suspicion, which I believe is a reasonable one. This standard should, I believe, be applied by the Advisory Panel, and the new Secretary-General—and secretaries-general to come—in complete independence of any national proceeding. The standard is a United Nations standard and it would be applied by United Nations organs. I hope that national governments will give the Secretary-General information which is pertinent to United Nations criteria rather than to national standards. Moreover, the Secretary-General should receive from national authorities such facts, and facts only—not conclusions and instructions.

128. A number of delegations have referred to the effect on United Nations employment of the exercise of the privilege against self-incrimination in national investigations concerning subversive activities. May I point out that the United States Government has agreed to supply information to the Secretary-General, under the United States Executive Order, which, in my opinion, will make this problem almost unlikely to recur in the future.

129. As to the past, delegations are familiar with my opinion. Some disagree, but I do not think it appropriate to reopen the discussion, since cases involving this question are pending before the Administrative Tribunal. When the Administrative Tribunal has rendered its judgment, the question can be reconsidered, should that then seem necessary. I think, nevertheless, that representatives would be interested to know that I have received confidential information from reliable sources against the nine permanent staff members who were terminated for invoking the privilege, that adverse comments had previously been made by the United States Department of State against five of them, and that two of them had been refused United States passports when they applied for them. Furthermore, representatives will remember that in my statement of 10 March [413th meeting] I offered these former staff members the possibility of reappointment if they would go through investigation by the United States agencies, as two thousand other United States nationals have done, and if they would come before the Advisory Panel, which I have appointed, if necessary. But all of them rejected my offer, as is stated in document A/2376.

130. A few representatives have stated their belief that the premises of the United Nations should not be used for the carrying out of national investigating measures with regard to staff members. May I remind representatives that the limited facilities which I offered were for the benefit, not of the United States authorities but of the United Nations. The interests of the Organization, as I saw them, lay in the speediest possible completion of the investigation, so that the United Nations should be provided with facts and with information that would permit the Organization to deal effectively and in an independent manner with the many charges that had been levelled so often and so unfairly against United Nations staff members. It has happened in the past, when the interests of the United Nations have required it, that national police and other officials have been admitted to United Nations premises. This was not the first time, and I think we have some of them here today too. At the first part of the first session in London, British security police were admitted to Church House for the purpose of protection, and French security police were invited and admitted to the Palais de Chaillot during the third and sixth sessions of the Assembly in Paris, both for security and for investigative reasons. Any secretary-general must have some latitude or discretion in specific circumstances to admit national officials to United Nations premises when he believes that the interests of the United Nations require it.

131. I should have liked to comment on the statements of a number of other representatives, and especially upon certain remarks upon personnel policy and administration by the representative of France and upon the charges of illegality levelled against me by the Foreign Minister of the Byelorussian SSR, but I shall refrain because I do not believe that it would serve any constructive purpose in the present circumstances. I would, at this time, only express to the representative of France my surprise and my regret that he should have chosen to make so unnecessary and, in many respects, as I believe, so unfair an attack upon the character and integrity of loyal and devoted international officials. I do not want to take the Assembly's time by trying to enter into any discussion about it, but I would suggest that, in all fairness to those who are involved in the problem, I should send to the representative of France a letter containing a full statement of the facts from the Assistant Secretary-General concerned with administration and his two top-ranking directors for administration and for personnel, and that this letter should also be circulated to all delegations. On the other side, I was not surprised that charges of illegality should emanate from Soviet representatives, but I am really and truly grateful to them for refraining at least from declaring illegal and a grave violation of the Charter my resignation as Secretary-General.

132. In all seriousness, this is almost the last time I shall speak to the General Assembly as Secretary-General. As I told the Press last night, I believe that by agreeing upon the nomination of Mr. Dag Hammarskjöld as the new Secretary-General the Security Council has reaffirmed the central role of the United Nations in working for peace and understanding and has provided new reason for hope for the Organization's future.

133. It was in the hope that such an agreement could be reached at this critical time in world history that, last November—fifteen months before my term expired—I submitted my resignation. Now, that agreement has been reached, and I am deeply thankful. The new Secretary-General will need all the guidance, support and understanding that the General Assembly can give him in the discharge of his heavy and difficult responsibilities—and not least as regards the question before the Assembly today. I am confident that, both by its action now and by its future consideration of the problem, the Assembly will give him what he needs in this respect.

134. The PRESIDENT: The representative of France has asked to comment on one point raised by the Secretary-General.

135. Mr. HOPPENOT (France) (*translated from French*): Since of all the speakers who have taken the floor here, and who have expressed reservations and even criticisms in respect of the Secretary-General's report, Mr. Trygve Lie has seen fit to single me out for reply, I should like to tell him, briefly, that it would be impossible to distort my statement more completely and more unfairly than to call it, as he did, an attack upon the integrity, loyalty and efficiency of the entire Secretariat.

136. I shall confine myself to saying that the expressions of approval I have received from all quarters and levels of the Secretariat during the last two days are sufficient to reassure me on this score.

The meeting rose at 12.55 p.m.