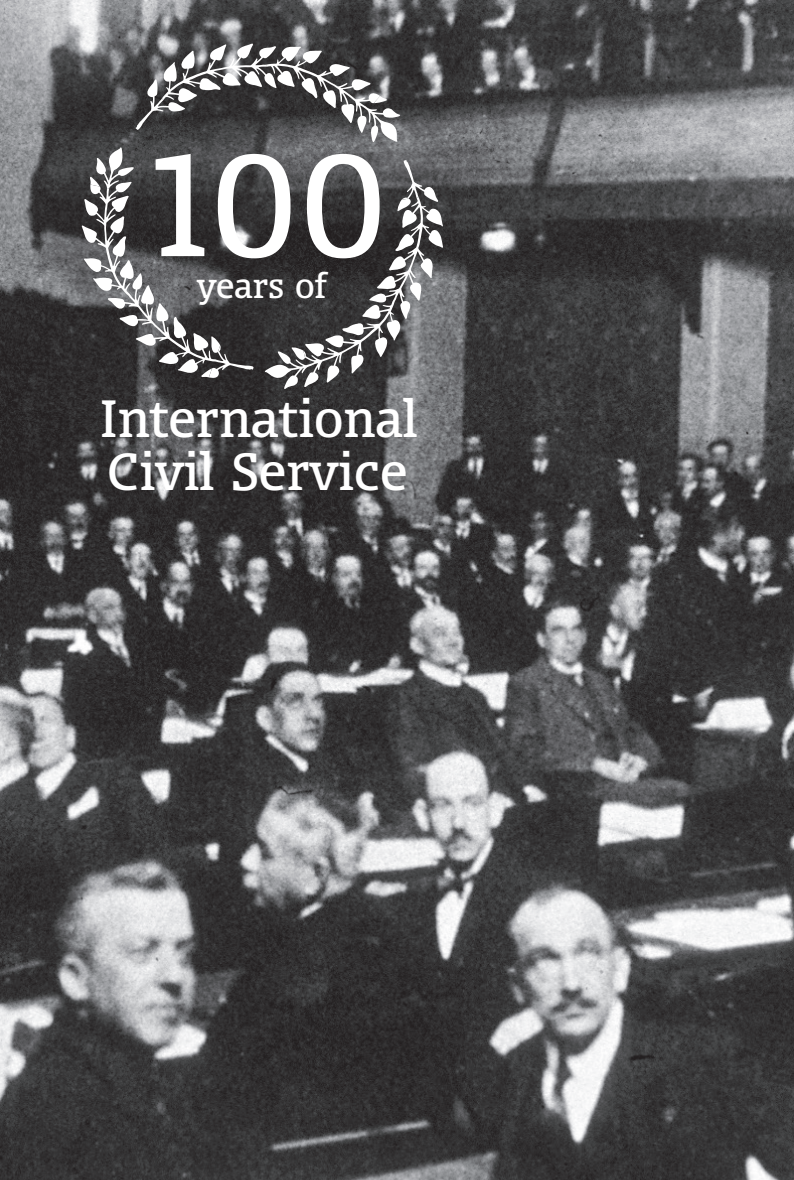




100
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From the League of Nations to the United Nations

Milestones for the International Civil Service

Karen Gram-Skjoldager

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Milestones for the International Civil Service

For any multilateral organisation today, an international civil service is crucial. Without diverse, independent and loyal professionals to manage its day-to-day operations, it is impossible to plan, promote and implement international policies and agendas. Indeed, ideas of *internationality*, *independence*, and *loyalty* were recognised as crucial cornerstones when the first professional international civil service was established 100 years ago with the creation of the League of Nations.

The League of Nations was founded as part of the Versailles Peace Treaty in June 1919, which also saw the creation of the International Labour Office (ILO) and the Permanent Court of International Justice. However, the statesmen and diplomats who created these new international organisations had given little thought to the form and function of the largest administration of this new multilateral system: the League Secretariat. Article 6 of the League's founding document, the Covenant, merely stated that a secretariat should be created comprising 'a Secretary General and such secretaries and staff as may be required'.¹

While the creation of the League Secretariat itself marked a critically important **initial milestone** in the development of a modern international civil service, the first Secretary-General of the organisation, former British senior diplomat Sir Eric Drummond, more or less had a free hand to organise the Secretariat the way he saw fit. Working out of small office in Cumberland House in London with a staff of just three, Drummond started designing his new administration.² The humble beginning of the Secretariat stood in stark contrast to Drummond's ambitious vision, which would have an impact on the role of international civil servants over decades to come.

Warranting internationality

The League Secretariat marked a clear break with previous forms of international administration such as the International Telegraph Union (1865), the Universal Postal Union (1874) and the International Health Office (1909). While these earlier international intergovernmental agencies and unions had been staffed either by

nationals of the host country or by officials seconded to the organisation by their governments, Drummond believed the Secretariat should be international not only in its responsibilities but also in its composition. In his own words, it should be 'a truly international civil service' in which officials from many different member states 'would be solely the servants of the League and in no way representative of or responsible to the Governments of the countries of which they were nationals'.³ In order to realise this vision, Drummond organised the Secretariat along functional lines, creating a number of sections, each dealing with a particular policy area and each staffed with civil servants from different national backgrounds.⁴

Realising this vision was a slow and gradual process. From the outset, only a limited number of nationalities held posts in the Secretariat, which was largely dominated by the victorious great powers. However, the first set of staff regulations, published in 1922, marked an important **second milestone** as it asserted that when hiring officials for the Secretariat, 'special regard [should] be had to the maintenance and development of the international character of the organisation'.⁵ Thus, gradually the number of nationalities in the administration grew from 15 in 1920 to 43 in 1938. As the number of Member States also grew during this period, the percentage of Member States represented in the Secretariat increased from 36% to 62%.⁶

When the UN was created after the Second World War, the principle of national diversity became enshrined in the UN Charter, where article 101(3) today states that '[d]ue regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible'.⁷ However, as was the case after the First World War, the UN started out being heavily dominated by one benevolent hegemon: in 1919 Britain had dominated the Secretariat, in 1946, the US held 50% of all posts in the Secretariat – a number that only gradually dropped to 25% in 1961.⁸

Why was the issue of national diversity critically important from the earliest beginnings of modern international civil service and remained so in the UN system? Two answers present themselves. At one level, the competition over representation in the Secretariat can be seen as a symbolic struggle over international prestige and relative power among member states. An international administration that wished to create ownership and legitimacy for itself needed to take this symbolic economy into account and make the staffing of the Secretariat reflect the geopolitical power structures it operated within.

At another, more practical, level, a broad multinational representation secured a wide range of competencies in the Secretariat and created a multitude of valuable contact points between the Secretariat and different national elite networks and public opinions, which were key to the efficient running of the Secretariat.⁹ However, attempting to achieve broad representation and close interactions with its surroundings was inherently at odds with the principles of institutional independence and undivided international loyalty. Balancing out these principles was a continuous challenge that, as will be demonstrated below, became increasingly difficult when the League was faced with the aggressive, totalitarian regimes of the 1930s.

Ensuring independence

The multi-nationality of the League Secretariat could only function if at the same time the Secretariat had a high degree of institutional independence that could keep it one step removed from member states pressures and conflicts. As indicated above, Drummond was aware of this, aiming as he did to foster international civil servants who were servants of the League and not representatives of the countries of their origin.

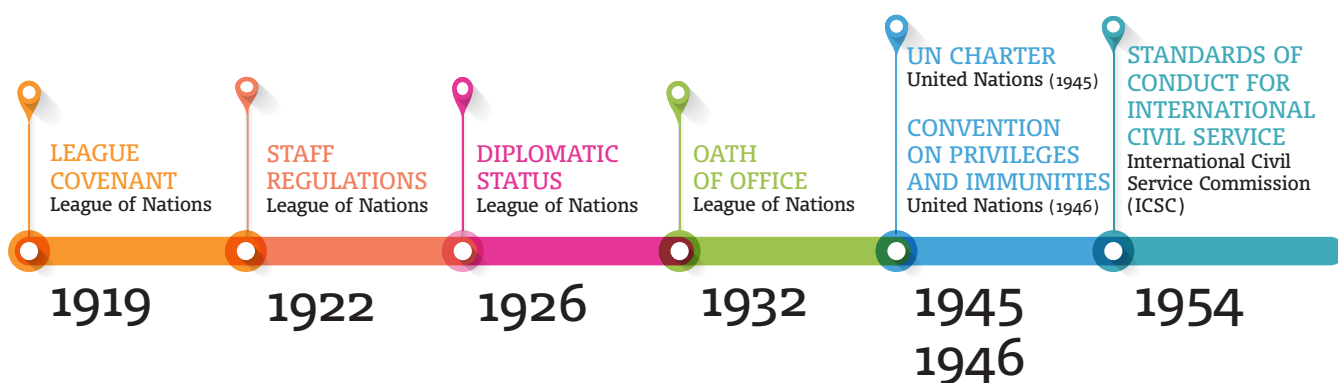
The Secretariat's independence was only scantily described in the Covenant. The only regulation of the League's authority and relationship to the other League bodies was Article 6, which stated that the Secretary-General had the authority to appoint Secretariat staff – with the subsequent approval of the League Council, the equivalent of today's UN Security Council.¹⁰ Given the high level of member-state interest in pushing candidates for positions within the Secretariat, it was key to the independence of the administration that the Secretary-General was able to uphold this provision and assert his authority to set his own team.

However, while the Council rarely used its right to veto appointments, the Assembly pushed to break Drummond's monopoly on staff appointments from the get-go. At the 1920 Assembly, South African representative, Sir Reginald Blankenberg, proposed to set up a joint committee consisting of Drummond and two Council members who were to approve all new appointments. Drummond managed to fight off the suggestion¹¹, but throughout the inter-war years, the Assembly kept close watch over and continuously debated the national composition of the Secretariat. Based on this experience, the UN Charter (Article 101) set up a new and clearer work division, asserting the General Assembly's right to draw up the regulations of staff appointments but specifying the sole autonomy of the Secretary-General in appointing his staff within this framework.¹²

However, establishing the Secretariat's independence vis-à-vis the other League bodies was not the only element in building its autonomy. The Covenant also addressed and boosted its external independence towards members states by granting League officials diplomatic privileges and immunities when "engaged in the business of the League".¹³ The motivation behind this principle, tabled by the British government, was to enable League officials to perform their functions without fear of interference, pressure or reprisal from national governments. Additionally, it was seen as a way of boosting League officials' prestige and enabling them to deal with national diplomats on an equal footing.¹⁴

Like in most other matters relating to the Secretariat, the Covenant's provisions on diplomatic privileges and immunities were underspecified and had to be fleshed out during the first years of the League's existence. Shortly after his arrival in Geneva in 1920, Drummond got to work on the matter and entered into negotiations with the Swiss government on behalf of the League and

Milestones for the international civil service from 1919 to 1954:



the ILO Secretariats. In 1921, an ‘initial and provisional’ modus vivendi was reached and in 1926 a **third milestone** in the creation of the international civil service was reached when a formal agreement on the League and the ILO’s diplomatic presence in Geneva was concluded.¹⁵

The essential principle of the agreement was to give the League and its officials the same status and prerogatives as the diplomatic missions in Berne. The League premises and archives were declared inviolable, as were the homes of the Secretary-General, the Deputy- and Under-Secretaries General and League Directors who were all considered equal to the heads of missions. All League officials above a certain pay grade were granted immunity from civil as well as criminal jurisdiction and all League officials enjoyed tax exemptions. The highest-ranking personnel also had complete customs exemption, enjoyed freedom from luggage searches on entering and leaving Switzerland and were allowed to mark their cars with CD (Corps Diplomatique).¹⁶

Despite its detailed description of the League official as a fully-fledged diplomatic agent, the agreement still left the new international civil servants in a somewhat precarious legal position. The problem was that the bilateral agreement between Switzerland and the League did not bind member states in their dealings with League officials. This turned out to be a problem during the Second World War when France and Spain did not always respect the diplomatic status of League officials trying to make their way out of Europe. These shortcomings were picked up on and remedied after the Second World War and a **fifth milestone** was reached in 1946 when the UN drew up a multilateral *Convention on the Privileges and Immunities of the United Nations*, which systematically described and specified the many legal rights and obligations of the organisation and its staff.¹⁷ The convention is still in operation today and has currently been signed by 162 member states.¹⁸

Building and upholding loyalty

The formal institutional independence of an international civil service is worth little if the civil servants inhabiting the administration are not loyal to the organisation. The League officials had, to return again to Drummond’s phrasing, to be ‘solely the servants of the League’.¹⁹ As the Covenant was entirely silent on this issue, Drummond established and fleshed out this principle in the Secretariat’s 1922 staff regulations, which opened with this poignant phrase:

*The officials of the Secretariat of the League of Nations are international officials, responsible in the execution of their duties to the Secretary-General alone. They may not seek or receive instructions from any other authority.*²⁰

The regulations went on to spell out what this undivided loyalty to the organisation entailed: League officials, according to the staff regulations, could not hold any kind of political office or side job without the Secretary-General’s consent; they were not allowed to receive any honours or decorations while serving in the Secretariat; they could not publish or lecture on matters relating to the League without the Secretary General’s permission and they were to maintain strict secrecy on all confidential matters relating to the League.²¹

In 1932 the **fourth milestone** in the creation of the new international civil service was reached when an explicit oath of loyalty was introduced. From then on, all new League officials were required to sign a declaration in which they swore:

*...to exercise in all loyalty, discretion and conscience the functions that have been entrusted to me as an official of the Secretariat of the League of Nations, to discharge my functions and to regulate my conduct with the interests of the League alone in view and not to seek or receive instructions from any Government or other authority external to the Secretariat of the League of Nations.*²²

The background for the formal declaration of loyalty was bleak. In the late 1920s and early 1930s, German and Italian members of staff had started taking directions from their Foreign Ministries and leaked information from the Secretariat back to Berlin and Rome. This problem of personal loyalty was embedded in a broader Italian and German criticism of the Secretariat for having become too independent and powerful. During the 1930s, the economic crisis and political tensions further crippled the Secretariat and it was given a final, devastating moral blow when, in the summer of 1940, the French Secretary-General, Joseph Avenol, responded to the German invasion of France by claiming that the only viable option for the League was to ‘work hand in hand with Hitler in order to achieve the unity of Europe’ – something that involved fending off British influence on the continent and expelling all British members of staff from the Secretariat.²³

After the outbreak of the Second World War, it was clear to most political observers that the damages the League had suffered were critical and irreversible and that the organisation would not serve as the institutional centre of the post-Second World War international order. Nonetheless, the victorious powers at the San Francisco Conference fundamentally agreed that the institutional invention of an international civil service responsible only to the organisation had proven workable and efficient. This is why we see the League’s notion of loyalty making it almost verbatim into the UN Charter.²⁴

Here, Article 100(1) states that '[i]n the performance of their 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'.²⁵ With this Article, the issue of international loyalty had moved from being an internal staff matter and become part of the foundational treaty of the UN – a clear expression of the importance ascribed to it.

The inter-war experience with German and Italian attempts to curb the independence and loyalty of League officials also left its mark²⁶ as the Charter now stressed the obligation for 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'.²⁷

From the League of Nations to the United Nations – Ensuring and expanding the legacy of the international civil servant

The creation of the League of Nations meant the creation of the core principles of the modern international civil service: the idea of multinational staffing, the notion of institutional independence and the principle of undivided institutional loyalty. As we have seen, these ideas came into being in an incomplete and improvised form and developed gradually through the inter-war years. With the creation of the UN, the experiments and experiences of the League were transformed into fully-fledged, formalised concepts and principles and lifted to the highest legal level enshrined in the UN Charter and other multilateral treaties.

The new and enhanced legal status of the international civil servant was substantiated by the creation of a new UN Standard of Conduct for international international civil servants. In 1949, the International Civil Service Advisory Board was set up to develop a standard of conduct for international civil servants. Here too, the continuities from the League, are clear. The Board was chaired by the long-term League official Thanassis Aghnides and in its work the Board drew heavily on the so-called London Report, which had been drawn up by Drummond and other leading ex-League officials in London during the war. In the report they collected what they considered the most important institutional know-how of the League Secretariat to subsequent international organisations. The work of the Board resulted in the **sixth milestone**, the 'Report on Standards of Conduct in the International Civil Service' (1st Ed 1954), which came to serve as a handbook for international civil servants in the UN, the ILO, the WHO, GATT and many other international organisations.

It is not possible to go into all the details of the report here, but if we were to sum up its main points, we see that it confirmed and developed the principles of multinationality, independence and loyalty from the League but with a somewhat stronger emphasis on the rules and procedures that enhanced the institutional autonomy of the international civil service. Thus, it confirmed the principle that the Secretary-General (and the Executive Heads of the specialised agencies) had the sole authority in appointing staff, now highlighting how this needed to be 'maintained in practice as well as in theory'.

When addressing the issue of multinationality, the board also made it clear that while a broad geographical representation was desirable, the Secretariat leadership should be accorded a high degree of flexibility and room for manoeuvre. The Board thus expressed the 'firm conviction that the fixing of any rigid quota for geographical distribution would be extremely harmful to an international secretariat', recommending 'a regional approach to geographical distribution' and that 'corrections' to imbalances should be made gradually and without rigid scrutiny. The 'Standards of Conduct' remained relatively unchanged until 2001, getting its last major update in 2013. It is still an important document for international civil servants today.²⁸

The new and robust legal framework for the international civil service was reflexive of a more general strengthening of the Secretariats political role. Unlike the League Secretaries-General, the new Secretaries-General of the UN were authorised to bring issues before the Security Council that they considered to be a threat to international peace and security (Article 99). They could now also be assigned any function that the Security Council or General Assembly, the Economic and Social Council or the Trusteeship Council decided on (Article 98), thus transcending the purely administrative function as head of the Secretariat.

This boost to the Secretariat's political role was initiated by the American government and was embraced in particular by the UN's second Secretary-General, Dag Hammarskjöld (1953-61). In May 1961 he gave a lecture on 'The International Civil Servant in Law and in Fact'. Here he acknowledged how the League had shaped the institution of the international civil service but also distanced himself from its legacy, highlighting the enhanced political role of the UN Secretary-General and contrasting it to the 'self-restraining role' played by Drummond and his League successors who never addressed the Assembly or the Council. As Hammarskjöld pointed out '[For them] to have entered into political tasks which involved in any substantial degree the taking of a position was regarded as compromising

the very basis of the impartiality essential for the Secretariat.’

The point of this observation was not that the UN international civil service was not neutral but that the concept of neutrality itself had changed after the Charter had given Secretary-Generals a more prominent political role to play. Under these conditions, neutrality according to Hammarskjöld meant that ‘the international civil servant, also in executive tasks with political implications, must remain wholly uninfluenced by national or group interests or ideologies’. Or put differently the critical point was that the international civil service maintained its institutional independence.

Unsurprisingly, this independence had come under growing pressure as Cold War tensions had risen and concerns for national security grown. As soon as the

Secretariat was set up, member states sought to place certain nationals in it and bar others from joining. In 1952–53 the pressure on the Secretariat had reached a critical point when the US government conducted a series of highly publicised investigations into the loyalty of its nationals in the Secretariat. Hammarskjöld’s 1961 lecture itself was a response to criticism raised by Nikita Khrushchev against the Secretariat for its lack of neutrality.³²

While the Secretariat managed to fend off these attacks, the early years of the UN Secretariat highlight tensions that were already observable in the League and that are still with us today: How the international civil service achieves broad geographical representation and close interactions with its surroundings, while also maintaining the undivided loyalty of its officials and securing its institutional independence.

Endnotes

¹ https://avalon.law.yale.edu/20th_century/leagcov.asp (last visited 17 June 2019).

² Raymond B. Fosdick: *The League and the United Nations after 50 years*, Newton, Connecticut, 1972, pp.23–4. For a recent introduction to Drummond and his work, see: D. Macfadyen, M. Davies, M. Carr, and J. Burley: *Eric Drummond and his Legacies: The League of Nations and the Beginnings of Global Governance*, Palgrave Macmillan 2019.

³ Eric Drummond, ‘The Secretariat of the League of Nations’, *International Public Administration*, ix (1931), pp. 228–35, quote p.229.

⁴ Drummond 1931, p. 232; see also Karen Gram-Skjoldager and Haakon A. Ikonou: ‘The Construction of the League of Nations Secretariat. Formative Practices of Autonomy and Legitimacy in International Organizations’, *International History Review*, vol.41, 2, 2019, pp. 257–279.

⁵ League of Nations Archives, Geneva(LONA)-R1460, Staff Regulations 1st Edition, Geneva, 1 June 1922, Article 15.

⁶ Egon Ranshofen-Wertheimer: *The International Secretariat: A Great Experiment in International Administration*, New York: Carnegie Endowment for International Peace 1945, pp.355–8.

⁷ <https://www.un.org/en/sections/un-charter/chapter-xv/index.html> (last visited 17 June 2019).

⁸ Sydney D. Bailey, *The Secretariat of the United Nations*, New York: Carnegie Endowment for International Peace, 1962, p. 82.

⁹ Gram-Skjoldager and Ikonou 2019, pp.12–14; Bailey 1962, pp.80–81,

¹⁰ https://avalon.law.yale.edu/20th_century/leagcov.asp#art6 (last visited 18 June 2019).

¹¹ Gram-Skjoldager and Ikonou 2019, p.7.

¹² UN Charter, Article 101(1) <https://www.un.org/en/sections/un-charter/chapter-xv/index.html> (last visited 18 June 2019).

¹³ Covenant of the League of Nations, Article 7 https://avalon.law.yale.edu/20th_century/leagcov.asp#art23 (last visited 18 June 2019).

¹⁴ Martin Hill: ‘Immunities and Privileges of Officials of the League of Nations’, *Studies in the Administration of International Law and Organization*, Washington: Carnegie Endowment for International Peace, 1945, pp.1–2.

¹⁵ Hill 1945, pp.9–12.

¹⁶ Hill 1945, pp.13–39

¹⁷ Convention on the Privileges and immunities of the United Nations <https://www.un.org/en/ethics/pdf/convention.pdf> (last visited 18 June 2019).

¹⁸ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=III-1&chapter=3&lang=en (last visited 18 June 2019).

¹⁹ Drummond 1931, p.229.

²⁰ LONA-R1460: Staff regulations, 1922, Article 1.

²¹ LONA-R1460: Staff regulations, 1922, Articles 1–4.

²² Staff regulations, edition issued in 1933, Geneva 1933, Article 4; Ranshofen-Wertheimer 1945, p. 245.

²³ James Barros: *Betrayal from within. Joseph Avenol, Secretary-General of the League of Nations, 1933–1940*, Yale University Press 1969, p. 219 (quote), p. 238. The League had three Secretaries-General: Sir Eric Drummond (1919–1933), Joseph Avenol (1933–1940) and the Irishman Seán Lester (1940–46).

²⁴ Dag Hammarskjöld: *The International Civil Servant in Law and in Fact*, Oxford: Clarendon Press, 1961, p.7.

²⁵ Article 100(1), United Nations Charter <https://www.un.org/en/sections/un-charter/chapter-xv/index.html> (last visited 20 June 2019).

²⁶ Hammarskjöld 1961, pp–7–8.

²⁷ Article 100 (2), United Nations Charter, <https://www.un.org/en/sections/un-charter/chapter-xv/index.html> (last visited 20 June 2019).

²⁸ Gram-Skjoldager and Ikonou 2019, pp.274–5.

²⁹ <https://www.un.org/en/sections/un-charter/chapter-xv/index.html> (last visited 28 August 2019).

³⁰ Hammarskjöld 1961, p.7.

³¹ Hammarskjöld 1961, p.14.

³² Hammarskjöld 1961, pp.1–2, 16–17.

About this publication

This publication is part of a series issued by the Dag Hammarskjöld Foundation commemorating 100 years of international civil service, which originated in 1919 with the birth of the League of Nations.

The series features inspirational and reflective think pieces on the concept of the international civil service by former and present United Nations' officials, as well as representatives from civil society and academia.

It relates to the Foundation's work on leadership, which strives to kindle a constructive dialogue on how to foster and secure visionary and principled leadership in the UN.

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