

BEHIND THE SCENES

As noted under the subsection on Staff rights? , behind-the-scenes "justice" at the UN began to emerge in the very troubled "loyalty" investigations of the 1950s, and although it has operated in a much lower key since, it has always a hidden element in UN operations. Now, with the strong new behavioral and conduct emphases on accountability; waste, fraud and abuse; harassment and misconduct; and "freeing the managers", the hidden activities seem to be growing again.

These devious processes create a hidden subculture of ignored, abused, or forgotten UN staff around the world. There is little public, documented knowledge of this process. IO Watch's analysis of its workings is an informal, open-ended and very incomplete survey based on the experiences of many people who are familiar with this subculture, or at some point in time have themselves had the misfortune of being trapped within it.

The observations that IO Watch makes here, both general and specific, are not anecdotal, but are backed up by direct experiences and documentary evidence submitted by appellants to the UN internal justice system. Although that system has evaded or ignored almost all of this, these records still bear witness to what actually goes on "behind the curtain". It is available for use whenever a independent, expert examination of these serious problems finally ever comes.

IO Watch apologizes for some repetition with the Staff Rights? subsection above. The harsh UN staff experiences of the 1950s not only set the tone for overall UN staff rights, but underscore the entrenchments of the habits that allow the subculture to continue on as actively as it still does to the present day.

Very problematic "behind the scenes" UN personnel practices took only a few years to emerge during the Cold War period. In 1949 the UN Secretariat decided to allow the US Government to screen US citizens being considered for UN employment. Shirley Hazzard, who has provided an invaluable chronicle of these pivotal early years, cited this decision as the "least mentioned

official transaction in UN history." Although it ultimately led to Secretary-General Trygve Lie's resignation when it was exposed, other countries were quick to establish a pattern so that they too would closely monitor UN staffing choices for their country's candidates. The secret agreement was thus:

" ... the ascertainable point at which the [the UN Secretariat] conclusively delivered itself into the hands of national interest ... in direct violation of the [UN Charter insistence on] a scrupulous independence from national pressures. ...

Staff representatives who [spoke out against the] collaboration with the FBI and the United States State Department were among the earliest and least ceremonious departures. The dismissals were accompanied by intimidating and abusive statements from the administration to those remaining. ...

The squalor of these conditions, punctuated by announcements of summary dismissals, acted on the staff with a combination of attrition, confusion and violence. ... Each department had its informers, and its victims.

The total of United Nations employees affected ... undoubtedly runs into the hundreds ... [but is difficult to determine] ... since employees were permitted to resign with extra indemnities, 'in exchange for their silence' ... [or in] terminations disguised as 'economies,' or ... deportations to the field, or careers shunted [permanently] into sidings ... [or] a secret blacklisting ...

Above all, there is no accounting for the deterrent effect of Trygve Lie's policies on those who might have wished to serve a differently administered United Nations secretariat."

Shirley Hazzard on the situation in the UN Secretariat in the **early 1950s**, in Chapter Two, "The purgatory of the investigations," in her Defeat of an ideal: A study of the self-destruction of the United Nations, Atlantic-Little, Brown, Boston-Toronto, **1973**, pp. 15, 23, 34-35. [emphasis added.]

The seriousness of these abuses of staff rights was not lost on some of the delegates to early General Assembly sessions:

"An end must be put to everything that seems to make the Secretary-General's post an autocratic one, to everything that tends to make the staff subject to the whims and caprices of their superiors and makes careers -- and even employment -- dependent on blind obedience to such absolute power."

chief French Delegate Henri Hoppenot, protesting abuses threatening the creation of a legitimate international service, during a debate in the U.N. General Assembly in **March 1953**, as quoted in Shirley Hazzard, "Breaking faith: I", The New Yorker, October 2, 1989, pp. 74-96, [86].

Nevertheless, the autocratic attitudes that still dominate UN operations were very firmly established:

"During his first year in office, [Secretary-General Dag] Hammarskjöld sought and largely obtained from the General Assembly administrative powers that, invested in the Secretary-General, were at variance with the intentions of the [United Nations] Charter toward the international civil service. (His attempt to modify the authority of the Administrative Tribunal was acceded to only in part, but the standing and importance of that body declined.) [These] actions were condemned in a searching study, by Claude Julien, of erosion of rights at the United Nations [in 1953] -- a study that may be read with much interest today, when history has exposed the inadequacies of successive

Secretaries-General.

The renewed insistence on unconditional loyalty to a personality, whose requirements are equated with those of the United Nations, again illustrates the remoteness of the U.N. service from democratic procedures. Hammarskjöld's inaccessibility to rational opinion is disquieting. his failure to recruit or retain persons of talent, or to expel sycophants, were part of a striking remoteness from realities by then besetting the U.N. service....."

Shirley Hazzard, on Dag Hammarskjöld's policies on assuming office in **1953**, in "Breaking Faith, Part I", The New Yorker, September 25, 1989, pp. 63-99, [82.]

The autocratic pressures were heightened by the underlying complexities of life in the international civil service:

"Like most of his deputies, Hammarskjöld had no sustained contact with the staff body, and his pronouncements concerning the organization's condition and morale were misconceived. The abstractions set forth on paper as administrative policy during his U.N. years did nothing to mitigate the alienation of a body of persons deprived of a merit system, uncertain of their rights, intimidated by procedures of surveillance and by the network of secret files maintained on its employees by the organization itself; and conscious, above all, that adherence to the explicit principles of their appointment would result in their victimization or dismissal. The separation of United Nations affairs from normal legal and ethical accountability had left the international staff quite without the 'effective protection from external pressure and internal domineering' called for as a matter of urgency by Henri Hoppenot of France in 1953. Many of those original fifty-one member states against whose interference the U.N. Charter had provided were bound, by watchful populations in their own land, to an observance of basic rights under laws and regulations far more exigent than the policies applied within the United Nations."

Shirley Hazzard, on the **1950s** situation, in "Breaking Faith, Part I", The New Yorker, September 25, 1989, pp. 63-99, [82-83]. [emphasis added.]

Staff groups began very early to note the negative impacts on Secretariat operations:

"Staff morale is [central] to any organization. [and particularly] to the international career service. The 1956 Salary Review Committee prescribed [some essential] conditions for maintaining staff morale : each staff member must feel that he can rely upon his leaders, that the personnel policy of his organization is sound and fair, that the whole administration is activated by a sense of equality, and that he has protection against arbitrary action. [It] warned that 'If these elements are missing, [morale problems] and low productivity are probable consequences.' The experience of the [subsequent] 13 years has proved the soundness of this warning.

[Applying the] geographical distribution principle to ,,, promotion and placement contributes to slacker discipline and poorer morale. It [seems] that hard work tends to be less appreciated than flattering words uttered to the right person at the right time The fairly frequent clashes in administrative philosophy and habits among [staff from] so many different cultural and social backgrounds often cause tensions. As the international organizations live to a large extent in a kind of political vacuum, their staff often [feel] they are lost in what they are inclined to consider a vast bureaucratic machine."

Tien-Cheng Young, reflecting on a **1956** staff assessment in "The international civil service reexamined", Public Administration Review (US), May/June 1970, pp. 217-224 [223].

In 1958, a UN Joint Disciplinary Committee of senior officials, considering a case of staff insubordination, declared that "the staff member must accept the findings of the higher authority or leave the service", and went on to state:

"While recognizing that the obligations of staff members of the Secretariat are basically the same, whatever the nature of the duties which may be entrusted to them, the Committee considers it particularly important that the staffs assigned to the secretariats of political bodies, operating either at Headquarters or in the field, should not only subordinate their personal views to the decisions of their responsible supervisors in the Secretariat, but also understand and accept the overriding authority in all matters of substance of the bodies themselves."

UN Note to Correspondents No. 1840", **9 July 1958**, as quoted in Shirley Hazzard, Defeat of an ideal: A study of the self-destruction of the United Nations, Atlantic-Little, Brown, Boston-Toronto, **1973**, p. 134.

Shirley Hazzard makes the following critically important point on this pivotal JDC judgment:

"This important statement goes far beyond the obvious requirements of impartiality and professional rectitude: it abrogates conscience. Although ... [it emphasizes] 'secretariats of political bodies' at the UN, it concerns itself with the conduct of all United Nations personnel, and perfectly reflects the attitudes, as they have evolved since 1950, of administration to staff. It does away with at least the first five of Mr. Jenks' requirements, and substitutes in their place the philosophy of Adolf Eichmann.

The 'personal view' of a reasonable being is not a mere hodgepodge of latent partiality over which some arbitrarily designated 'responsible superior' may confidently assume supremacy, but necessarily includes the dictates of justice, of humanity, and of self-respect. No organization or person is entitled to command, from any human being, a spiritual subservience of the kind required by the 1958 [UN JDC] ...

... "Responsible superiors,' in the UN Secretariat, are very often geographical appointees with a greatly varying regard for international scruples. There are any number of regulations defining the propriety of the international civil servant without ... [the JDC's] totalitarian statement; there are ample restrictions on the career of a United Nations employee without depriving him of his immortal soul."

Shirley Hazzard, Defeat of an ideal: A study of the self-destruction of the United Nations, Atlantic-Little, Brown, Boston-Toronto, **1973**, pp. 134-135.

[At this point, and "one more time", IO Watch must insert the guiding language about UN staff from the UN Charter:

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. ... "]

Charter of the United Nations, **1945**, Article 101, para. 3.

[emphasis added]]

In 1974 a group of UN system staff representatives met to launch the first campaign to reform the UN internal justice

system. Their key question still reverberates today, because it is still unanswered:

"Given the diffidence accorded 'executive privilege,' the difficulties of staff organizations in establishing themselves as a countervailing force to that privilege, and the disinterest ... of those whose help can make a difference-- for instance, members of delegations and the press -- then, what are the chances for review and reform of the system of due process?'

That question asked 18 years ago [in 1974] needs to be raised again. For, as put by the distinguished professor of international law, M. N. Akehurst (University of Paris):

'In the early days of the 20th century, it may have been possible to regard legal relations between international organizations and their staff as operating outside any known legal system; such a view is no longer tenable.'

Peter Ozorio, [who was a member of the 1974 staff working group] "Legal rights revisited," UN Special (Geneva), October 1992, pp. 24-25.
[emphasis added]

The 1974 staff analysis also disclosed, *inter alia*, the basic facts that:

"social justice [to which international agencies are committed] stops short for one segment of mankind -- the international civil servant, a member of a virtually unprotected minority.

The existing system of due process suffers from an absence of important elements: it leaves out values. It ignores needs ... It pretends that the 'rule of law' can stand independent of the society in which an international civil servant lives and functions. All too often, the appeals procedure, which is conceived of as an instrument to raise a staff member's hopes, buries it instead.

... the machinery of due process is slow and ponderous, and thus fails to provide a true safeguard against administrative absolutism and arbitrariness..."

"Appeals procedures for international civil servants," Federation of Civil Servants Associations (FICSA), FICSA Studies and Policies NO. 2, of 1974, as quoted and discussed in Ozorio, Peter, "Tribunal trouble: Legal rights revisited", UN Special (Geneva), October 1992, pp. 25.

Shirley Hazzard also observed that it was (and is) often only the UN staff, not UN top management or the General Assembly, that seems really concerned about UN performance issues and mismanagement (see also the closely-related entry of October 1993 below) :

"During [Secretary-General Kurt] Waldheim's second term [in the late 1970s], ... [and] thwarted in their negotiations with the United Nations administration, [UN staff representatives] were enabled to express their disquiet to the Assembly by a special provision enacted by the Assembly itself in consequence of staff agitation. ... these efforts failed in their object of generating wide concern and consequent reforms ... The spectacle of a staff body vainly seeking the proper use of its resources in the organization's service and soliciting, in effect, the intercession of the organization's governing council to prevent continued mismanagement by its appointed leaders was not new at the United Nations."

Shirley Hazzard, on the Waldheim era of staff relations in the **1970s**, "Breaking Faith: II", The New Yorker, October 2, 1989, pp. 74-96, [85-86].
[emphasis added.]

By the late 1970s, any earlier possibilities of openness and a healthy climate for staff and their legal protection was already fading. As Theodor Meron noted:

" ... recently there appears to have occurred a marked decline in the number of requests for legal opinions from the Secretary-General and various departments, including the Office of Personnel Services. This may be another indication of the politicization of the Secretariat, of the diminishing role of law in the Organization, and of the increasing power of the various departments that want to be free to establish policy ..."

Theodor Meron, The United Nations Secretariat: The Rules and the Practice, Chapter 4, "Selected legal questions", D.C. Heath, Lexington, Mass., **1977**, p. 83.

Several early cases show the ease with which even the most serious punishments can suddenly be inflicted on UN Secretariat staff. Informal investigations within the Secretariat can unleash such actions (especially at present with the activities of the newly-unleashed dozens -- or hundreds of UN managers/investigators and security staff (the "Inspector Clouseaus") -- now active in the Secretariat, as discussed in subsequent subsections on the serious current problems of Unleashed Managers and Manager/Investigators .

Investigative activities can even lead to "summary dismissal," a drastic step whereby the Secretary-General fires staff members with immediate effect, ruining their careers, disrupting their lives, and voiding some significant separation payments, in a decision which can be taken without any disciplinary proceeding.

The Secretary-General (and his legal and administrative staff's) summary dismissal powers can of course be appropriate for very grave misconduct or misbehaviour which requires immediate separation. On the other hand, these absolutist powers can and have been used quite abruptly for even minor matters, including a case of summary dismissal in 1980 for "making illicit telephone calls" and another in 1993 for "personal use of a photocopying machine." [If these two verdicts were to be applied worldwide, about a billion people would be thrown out on the streets.] The article on the 1993 incident also noted that:

"In cases of summary dismissal, which U.N. sources say have been on the rise in recent years, the Secretary-General can fire an employee on the spot for "serious misconduct", although this term has never been satisfactorily defined in the last 40 years."

"Summary dismissal", letter of the New York Staff Committee president to the ASG, OPS [personnel] of 5 May 1980, UN Staff News (New York), **July 1980**, page 11, and
Jay Axelbank, "Administrative injustice at the UN", UN Special, (Geneva), **December 1993**, pp.14-15.

In the 1980 case the Secretariat personnel office promptly responded to the Staff Committee president's letter, confirming the blunt nature of summary dismissal but assuring that it would only be invoked in extreme circumstances. It made no apology or explanation for its application to illicit phone calls, and indeed remarked instead that the UNAT had upheld summary dismissal in a very similar case.

[Of course, IO Watch must note, spattering mud on a wall, and then washing it away by saying that it happens only rarely and when the authorities found it imperative, still leaves an ugly smear that certainly heightens the "fear factor" and UN staff cautiousness about speaking out on contentious (which usually reads "management-threatening) issues.]

"Summary dismissal", response from OPS official, 3 July 1980, UN Staff News (New York), **July 1980**, page 11.

A critical report by a former UN senior legal officer in 1981 also cited the fundamental attitudes of the Administration toward staff rights, and the failings of the administration of justice system to correct them:

" ... the UN Administrative Management Service [hired a consultant to review continuing crises in Secretariat administration of justice and remedies therefore], who stated in a detailed report in November 1981 that]:

The delays in the Joint Appeals Board at Headquarters are now so serious that they cast doubt on the willingness and ability of the United Nations to provide effective means for settling disputes with the staff. The situation has already had a bad effect on staff morale ... The United Nations enjoys immunity from the jurisdiction of States ... [but has undertaken] to provide effective means of settling disputes to which it is a party ... a failure to do so could have grave effects. It is therefore vitally important and urgent to remedy the present situation."

Mark A. Roy, on a **1981** study by an outside consultant, in "Administration of justice in the United Nations Secretariat", Secretariat News (New York), 19 June 1984, pp. 4-7, [5-6]. [emphasis added]

[Note: Mr. Roy was the Chairman of the Legal Committee of the Staff Council, and the consultant referred to was Mr. Gordon Wattles, former Principal Officer in the UN Office of Legal Affairs.]

In 1984 Donald Dunham provided a vivid example of the way that some UN staffing decisions simply throw people adrift (a persistent problem which still continues today in the UN "gulag"):

"If one independent [UN] fiefdom should lock horns with another independent fiefdom and staff members are caught in the middle, their demise is assured. No machinery exists to force either one to take responsibility to resolve the issue; and no top official will pull the horns apart, free the staff members and then knock their heads together. [Curiously,] when the first unit has issued termination notice on the staff member and the second unit countermands it and arranges for work continuation without a contract against retroactive reimbursement. According to UN regulations, the countermanded assumes no responsibility for staff members by its action, while the terminator does not lose its responsibility because it was on its payroll that they were last listed. The butting back and forth is pretty exhausting [and can go on for years.] since there is no liberator in sight, the literal demise may beat the administrative one to the punch."

Donald Dunham, "Management by personnel action", Secretariat News (New York), **November 30, 1984**, p. 11. [emphasis added.]

[Note: this kind of muddled and irresponsible management still goes on, leading to the continuing phenomenon of a group of UN 'floaters,' who may be suspended between units, or sitting somewhere with no work at all, for years at a time -- an enormous waste of funds and work skills, and a matter which is discussed further below.]

Dunham also emphasized the hazards of formally challenging a stubborn or arrogant manager who will not reasonably discuss and resolve problems:

"A complaining staff member is immediately classified as a 'personnel case', presumably because he or she has had the temerity to intervene. If the complaint has to do with management direction, all hands in OPS [Personnel] and its affiliates close ranks to gather material to fashion as strong a personnel case as possible, and no recognition whatsoever is made of the key management issue.OPS has scant choice but to bypass the administrative implications of the case and propel it rapidly to the quasi-legal restraints of the Joint Appeals Board where it can be confined. The upshot is that a staff member must sue to force a management director to do his administrative duty.

The guilty persons can get away with this kind of irresponsible performance more readily in the bureaucratic system of the UN than in any foreign office, however small. There is no really effective vertical responsibility upwards within the UN table of organization, nor effective direction downward ..."

Donald Dunham, "Management by personnel action", Secretariat News (New York), **November 30, 1984**, p. 11. [emphasis added]

In the mid-1980s the UN staff also began to pressure the Administration to be more forthcoming about its handling of disciplinary and fraud matters, again with little or no success. One such effort observed that:

"The Administration has recently dealt with a number of cases of alleged fraud relating to taxes and education grants within the Secretariat. In the process, different administrative actions have been undertaken ... [including] summary dismissal, referral of cases to the Joint Disciplinary Committee, resignation and recovery of overpayment.

- What are the criteria according to which summary dismissal -- the hardest penalty -- has been meted out to some, but not to others?
- Under what circumstances it is decided that a case should be submitted to the [JDC]?
- What are the circumstances under which the Administration accepts the

resignation of staff involved?

- By what criteria is it decided that only the recovery of the overpayment should be made?

We are concerned that the established judicial procedures which are intended to guarantee staff a minimum of due process should not be undermined. ... There is a need to explain to the staff the circumstances governing the choice of measures being invoked. In cases that are similar, justice will require that staff are not only equitably treated but that they are seen to be equitably treated."

From a "Group of concerned staff", "Fraud and due process," Secretariat News (NY), **16 July 1986**, p. 2. [emphasis added.]

In 1987 the UN's top manager warned of the grave consequences which continuing acceptance of the poor internal justice system could have for the UN as an organization:

"... Lamenting that 'Something has gone very wrong with our processes', [UN Under-Secretary-General for Administration and Management Martti Ahtisaari] stressed that justice was not only important in itself, but was also a basic aspect of good staff-management relations. Justice was a 'primary defense against the buildup of feelings of arbitrariness and discrimination' which, he warned, could undermine staff morale and finally destroy an international organization however high its ideals and purposes."

"Staff-management meeting to discuss justice administration reform and performance reports", Secretariat News [New York], **31 August 1987**, p. 5. [emphasis added]

However, over the next few years the UN's expanding field operations, in particular, provided many more instances of abusive senior officials, who were protected and retained by the UN leadership, while the situations were condemned by staff to no effect, as shown by the following four quotes.

" ... [The UN programs which eat] up the great bulk of U.N. resources ... the economic, social and humanitarian programs aimed at development, emergency relief and 'better standards of life' around the world ... [get little scrutiny.] ...

Clearly, the United Nations employs many hard-working and idealistic people. [but] ... Parts of the system are overstaffed and lethargic, while others, particularly field offices in unpleasant places, are overstaffed and overworked. ...

Local employees tend to bear the brunt of disciplinary action ... when fraud or abuse are discovered ... while erring international professional staffers often survive and even advance in the organization. At the same time, U.N. employees who complain about irregularities [lose promotions or must transfer elsewhere.]

It is a system that tends to cover up its abuses and discourage whistle-blowers.

...

A European U.N. official, who recently left his agency in frustration, [said] 'A certain enabling environment ... allows [fraud] to happen. The question is not whether you do it or not, but whether you're stupid enough to be caught.'

"Basically, there's a lack of determination to combat the sleaze factor' he said. 'In an environment where mediocrity has a strong self-protective interest, these things flourish."

William Branigin, "The U.N. empire: polished image, tarnished reality", "As U.N. expands, so do its problems: Critics cite mismanagement, waste", Washington Post, **September 20, 1992**, pp. 3-4. [emphasis added.]

"UN officials who advocate a cleanup ... say that management by ... top officials has been inept and, occasionally, corrupt. 'There is no [regular] supervision of any agency' ... said [a senior official.] Governing councils ... are 'basically rubber-stamp bodies.'

The U. N. Board of Auditors ... cites numerous [problems] and 'weak internal controls' ... during 1990 and 1991 ... [in a] 136-page report that enumerates irregularities or deficiencies in hiring, cash and property management, internal audits and purchases of everything from project equipment to airline tickets. ...

Many anomalies [that they report] 'appear to be recurring' and point to a 'lack of determination to enforce regulations and rules and make the heads of units of the organization accountable,' the report says.

A recent confidential internal paper circulating in the U. N. Development Program ... put the problem more bluntly. Citing 'a deplorable vacuum of basic ethics' in the system, it noted widespread criticism of 'prolific structures, pompous-Byzantine attitudes of ranking officials, operational inefficiency and ... gross mismanagement of financial and personnel resources.'

The 10-page paper listed a dozen cases of corruption involving the development agency's staffers or programs that totaled millions of dollars in pilfered funds."

William Branigin, "The U.N. empire: polished image, tarnished reality", "As U.N. expands, so do its problems: Critics cite mismanagement, waste", Washington Post, **September 20, 1992**, p 4.

"[Concerning allegations of corruption at UNHCR in articles in the Washington Post in September 1992] with respect to discipline in UNHCR, a courageous staff member in Angola immediately brought the Boubakar wrongdoing to my attention. The case was airtight, and U.N. headquarters found it impossible to avoid our recommendation for dismissal.

In the more complicated Lukika case in Uganda, UNHCR's recommendation for dismissal was equally strong. The Secretary-General's office rejected it (on grounds that the United Nations lacks precedents in firing for incompetence) and forced UNHCR to take Lukika back. Threats and intimidation in no way dampened our efforts in UNHCR to deal with corruption and incompetence. The Secretary-General at the time just did not support us. Ensuing troubles with Lukika after headquarters directed that he stay in UNHCR should surprise no one."

Arthur E. Dewey, "No laxity", UN Special (Geneva), **November, 1992**, p. 31.

[Note: Mr. Dewey was deputy high commissioner of the United Nations High Commissioner for Refugees from 1986-1990.] [emphasis added.]

"On the very day the Sunday Times [(UK published a very critical report on UN mismanagement] ... I received the news of the killing of one more UNHCR colleague, Boris Zeravcic, in Bosnia. The report failed to mention the sacrifices that the vast majority of the United Nations staff make, particularly the loss of life, while working in conflict situations.

The Staff Council in UNHCR agrees with the thrust of the criticisms. **The staff wants to weed out corruption, mismanagement, nepotism, double-dippers, desk-warmers, and all other irregularities ... Staff representatives have been tirelessly pointing out unsavory management tendencies and reported to the governing body of UNHCR ... on how to strengthen the organization and to ensure the effective use of its human resources.** The question is: what do these government representatives do with these reports when they return to their capitals ...

UNHCR ... staff on the ground work with dedication and have twice won the Nobel Peace Prize, but they are demoralized when subjected to unjustified criticism. UNHCR staff needs the help of the media to further strengthen its humanitarian

commitment to work for refugees."

Nasr Ishak, "HCR staff replies", UN Special (Geneva), **October 1993**, p. 20.

[Note: a reply letter to the Sunday Times, by the Chairman of the Staff Council, UNHCR]. [emphasis added.]

Erskine Childers and Brian Urquhart added one more very authoritative expert view, and excellent summary, of the debilities of UN staff rights and the underlying causes of the gulag, [leading to another excessive "emphasis added" for which IO Watch apologizes]:

"The debilitating atmosphere and the rise of cronyism have sapped staff confidence in justice within secretariats. Even peer appeal boards lack full trust because **no staff member seeking redress can feel confident any longer that he or she may not be intimidated. This state of affairs has been well known. ...**

[There should be] a resort system whereby staff can report malfeasance without fear, staff seeking redress can have proper counsel, and all staff can have the requisite measure of protection from imperious behavior by poorly-chosen superiors. ...

The [50th UN] anniversary should be a fitting occasion for a solemn reaffirmation of Article 100.2 by all governments in all prime organs of the system. 1995 should begin a new era of respect by member-states for the integrity and independence of a civil service upon which the future effectiveness of the organization in large part depends."

Erskine Childers, with Brian Urquhart, "Renewing the United Nations System", Development Dialogue, 1994:1, Dag Hammarskjold Foundation, Uppsala, Sweden, **1994**, pp. 169-170. [emphasis added.]

Unfortunately, however, abuses of staff seem only to have increased in the new "accountability era" of reforms under Secretary-General Annan, with "respect for integrity" left behind. For years, UN staff have formally complained about disruptive and unexplained administrative intrusions by the Administration in various units. In 1997 New York staff discussed concerns about the conduct of investigations of wrongdoing:

"In 1993 a study revealed that not only were investigations taking months to complete, but that all ... [staff] of the department concerned, including the staff member, also knew about the investigation. ... Staff were being denied access to their desks or offices without any semblance of due process. Summary dismissal was also used in cases where patent misconduct had not been established.

OHRM agreed that a ... [department's preliminary review] should not exceed two weeks, provided it was done in a discreet manner. If it became clear that an investigation was being conducted, the staff member would be informed immediately of the allegations. It was further agreed that summary dismissal would only be used in cases where misconduct was ... [very serious.]

"Abuse of authority", UN Staff Report (New York), **September 1997**, p. 6.

The article also discussed improper practices in the Security Service:

"... including external investigations of private citizens, illegal use of authority to obtain confidential documents, interviews without proper authorization and identification

and the ability to file adverse material and maintain confidential files on staff without regard for the established rules and procedures.

... police officers are trained in the law, whilst UN Security is not. ... they do not know the limits of their authority, and in consequence those limits must be clearly defined for the protection of all parties. ...

Clear guidelines should be established as to the scope of its [Special Services] Unit."

"Abuse of authority", UN Staff Report (New York), **September 1997**, p. 6.

[Note: since 2001, OIOS has been enlisting the (now supposedly trained) Security Services in the expanded investigatory work of the many newly-unleashed UN managers/investigators, and many of the same complaints about overzealous and improper investigation procedures seem again to be emerging.]

In another 1997 article, the President of the New York Staff Committee commented that:

"... staff dream of an Organization where decisions are taken according to clear rules and guidelines. The real situation is far different. Staff representatives are mandated by ... the Staff Regulations and Rules to defend staff interests and welfare ... [but are often] denied access to the information and documentation needed to perform this essential function. Staff are switched from core posts to short-term funded posts without their knowledge, placing their continued employment in jeopardy. Decisions are unilaterally taken in isolation and under a cloak of secrecy.

We continue to hear about the need for accountability along with stories of physical and verbal abuse against staff members by senior officials which remain unaddressed. A steady flow of appellants in the internal justice system attests to the faulty managerial decision-making which continues unabated."

"Standing up for our rights," UN Staff Report (New York), **December 1997**, p. 2. [emphasis added.]

In 1998 the Secretary-General provided a required but very brief summary of the handling of financial malpractice cases. He reported that such cases not involving misconduct and not reported to OHRM can be handled at the departmental level. When received at OHRM, such cases are handled as are all other disciplinary cases: OHRM examines whether the case is a disciplinary one, and whether suspension from duty is warranted. If disciplinary, written allegations are prepared and a reply obtained from the staff member, and then OHRM decides whether it warrants summary dismissal, or submission to the JDC, or can be closed. If closed, it may be pursued by the department as a performance issue, with in some cases a letter of caution or reprimand (which are non-disciplinary matters.) The report concluded with the very opaque statement that:

"Of the 61 cases ... submitted in 1997 to the Assistant-Secretary-General of [OHRM], 7 were referred as a result of an audit/OIOS investigation. Four of those seven resulted in a decision of summary dismissal, one is being handled by the [unit] ..., one is being prepared for submission to the [JDC], and one is ...[being considered as a possible] disciplinary matter."

"Actions taken against staff resulting from findings of malpractice discovered by

the Board of Auditors: Report of the Secretary-General", A/52/864 of **2 April 1998**.

[Note: *the report conspicuously ignored what happened to the other 64 reports*, and whether the 71 cases were for New York only or the entire global UN, and the pattern and consequences and recovery (if any) from the "malpractices." Also, if 1997 was typical, there should have been about 500 such cases in the seven years since. How did they come out?]

In an August 2000 report, on progress made in the administration of justice system as part of reforming UN human resources management, Secretary-General Annan expressed confidence that the UN has "a comprehensive system in place" but then surprisingly pointed out its major failings:

"While there is currently a comprehensive system of justice in place, its highly formalized nature leads to protracted and lengthy proceedings that are in the interest of neither justice nor of the staff or management. At present, the decision makers whose administrative decisions are questioned are very rarely directly involved in defending the cases. This has resulted in the perception that the system shields managers from being held accountable for their decisions."

"Human resources management reform: Report of the Secretary-General," UN document A/55/253 of **1 August 2000**, para. 51. [emphasis added.]

In 2000 the OIOS provided its own (and only) burst of candor about the trend and extent of mounting corruption, fraud and management abuse cases in the UN:

"The United Nations has been hit by an unprecedented wave of fraud, waste and corruption. Officials at its antifraud investigation unit say they are expecting to have to run more than 350 inquiries by the end of the year -- nearly twice the total for 1998, and a 50 per cent increase on last year. Thousands of staff, contractors, and consultants have been interviewed in scores of countries. ...

The revelations will embarrass Kofi Annan, the UN Secretary-General, who is to welcome national leaders ... to the 'Millennium Summit' in New York next week. ... Annan is hoping to convince skeptical heads of state that the UN has provided value for money and that its role should be expanded. ...

One senior investigator said last week that the UN investigations unit's workload was greater than ever. "We are seeing more and more frauds and abuses of authority. ...

The OIOS's annual report, due out next month, will reveal cases of sloppy management, lax enforcement, harassment and outright criminality. ... OIOS is working with dozens of international police forces -- including Scotland Yard -- on inquiries into the activities of UN personnel."

Jason Burke, et. al., "UN rocked by flood of fraud cases: Officials were 'addicted to luxury," The Observer International (UK), **September 3, 2000**.

[emphasis added.]

[Note: Mr. Annan may or may not have been embarrassed, but in any event the public reporting of UN anti-corruption activities and findings has been vastly more subdued ever since, as discussed throughout this website]

Most recently and widely, a quite significant and up-to-date UN-wide staff survey, released in June 2004 and cited in several concluding parts of this archive, criticized the

"ingrown" UN leadership and its lack of response to reports of corruption:

"A new survey of ... [UN integrity perceptions has found that] while structures for reporting and combating corruption exist, most staff members are either unaware of how to use them or afraid to do so for fear of high-level retaliation.

'The UN has a 'phone book' of rules and regulations which are totally useless as they are never practiced', a staff member is quoted as saying in the report.

'Senior leaders caught in serious breaches of ethics should be punished, not promoted as usual.' another says.

'Get rid of the old boy network,' one staff member is quoted as saying. That network is wide, tenacious and powerful. It is the ruin of UN officers. So long as you can wind your way into that network, you are OK. If not, you are doomed. Opposing the network is certainly the end of a UN career.'

Warren Hoge, "Report criticizes the way UN fights corruption", International Herald Tribune, June 16, 2004. [emphasis added]

The above set of quotations shows how a rather harsh system of staff treatment in the UN became entrenched a half-century ago, but has continued on rather relentlessly with no real change over the years, UN staff were, and still are, disappearing into the UN subculture of suspension, pressure to leave the organization, forced transfers, or threats of summary dismissal. IO Watch wishes to add some further overview information (partly experienced-based, partly subjective because it is so dark in there) on how this process presently operates.

International civil service employment has always been demanding, "rootless", and rather risky. Staff entering UN service are pulled out of their national governments or job markets. They, and their families, gradually lose touch with a "home culture" of shared careers and professions. They operate instead with the insecurities of a UN culture which does not particularly recognize or value their work, and may drop them suddenly in a financial crisis, or force them from UN service.

An added complication (both in finding UN jobs in the first place and putting them on one's later resumes) arises from Member States' tendencies over the years to use the UN as a dumping ground for people whom they wish to get rid of, or as a retirement assignment for senior people, or to provide favors for people who cannot succeed in building careers at home. This reputation not only blocks UN job opportunities and posts for the qualified seeking to enter the UN, but can undermine the credibility of those who eventually leave the UN service for other jobs.

These problems are accentuated by global dispersal and mobility. UN employees are almost always assigned away from their

home countries, off in a distant and unfamiliar part of the world (or assigned to multiple destinations over the years). The major increase in UN emergency field operations for peacekeeping, humanitarian, and special programmes in the past decade or two, and the grand new staff rotation processes now in development (see the subsection of this archive on Mobility) greatly expands the bounds (and the risks) of this nomadic life.

More and more, the UN seeks and needs people who are ready to move almost anywhere on short notice. This may mean opportunities and challenges for the staff member, but it can create much personal stress and family difficulties as well, with serious problems of adjustment to new cultures, longer-term separations, divorce, and added difficulties in raising and educating children.

Further, more and more UN staff are now short-term or temporary employees. Most attention on UN staffing matters has traditionally focused on the "permanent" staff of the international civil service. But short term staff are increasingly needed to meet the UN's large, fluctuating and unpredictable workloads in the field. As a result, most UN employees are already on fixed-term contracts, or "temporary assistance" contracts (at headquarters locations, particularly for conferences, as well as in the field).

The thousands of people working on these shorter-term assignments are subject to frequent or almost continuous contract renewal pressures (often they may serve for many consecutive years in total, but only about one year at a time). They can be fired abruptly (or pressured by bosses into all kinds of compromises by threats of withholding a future job or renewed contract), without even having even the vague and inadequate "internal justice" rights and status of other UN staff.

IO Watch believes that powerful elements of the initially-established autocratic attitudes of UN management remain embedded in the Secretariat today, and serve to increase all the fundamental vulnerabilities of the international civil service. This is evidenced by the arrangements introduced in the past five years for amateur managers to "investigate" and control UN fraud, waste, and abuse cases, the punishment of UN whistleblowers, and the dawdling and very flawed "internal justice" system, , which helps maintain senior UN managers' impunity even in the face of mounting scandals and major field programme decision-making failures.

The defects and weaknesses of the UN personnel and management systems and culture already discussed only add to the hazards. The non-implementation of the 1993 management accountability reforms is unfortunately "business as usual", as discussed in the UN Management Accountability Struggles section of this website.

All these UN management defects and pressures, as formidable as they are, pale against the further extraordinary powers granted to the UN Secretary-General, and his many duly-delegated and empowered staff, to arbitrarily "separate" and "terminate" staff, or to shuffle staff among posts (or non-posts) or to grant various types of "special leave", either with or without compensation, now abetted not only by the traditional wishes of the "barons" but of the newly-freed managers in general. These actions, not as infrequent as one might think, often stem directly from problems of mismanagement and the politicised nature of UN staffing.

The battles of 190-some Member States, and the many barons, over staff posts and empires in the Secretariat mean that many unwary staff can be suddenly put in jeopardy because:

- they occupy posts that senior officials or their cronies covet;

- they have been cast adrift when their patrons depart from the organization or transfer out of the unit and leave them defenseless;

- they encounter abusive managers who, for whatever reason simply "do not like" them or have cultural frictions with them, and wish to get rid of them;

- they object, as their obligation as staff members requires them to do, to the managerial problems and abuses occurring in their units and undermining their work (the whistleblower syndrome, but on a much more modest and face-to-face basis in their work unit).

In addition, UN global operations are extreme complex. UN personnel officials know what is going on -- in all types of units scattered all over the world and encompassing all types of contract and post variations and situations -- but staff simply cannot. If they are thrown out of their units, they enter a jungle of possibilities, false hopes, confusions, and potentially devastating career and personal disappointments.

A merit-based UN performance appraisal system would in most cases show that these people are qualified and competent, and an effective system would help them find other assignments. The UN has now apparently undertaken to establish or is establishing (in a "phased" approach) both of these processes. But without firm monitoring and oversight to ensure that these processes are being properly and firmly applied, and with continuing feeble staff rights protections, these people will remain perpetually vulnerable when one of the above situations occurs, or when they come up for a contract renewal.

In 1993 the problem of "abandoned" staff got so bad that the UN's top manager had to formally announce that the personnel office would no longer accept staff sent to it by managers "for reassignment" as if they were pieces of used furniture. The managers had actually and arrogantly shipped the staff member off to the personnel office, while retaining the posts that they occupied, but the manager stated firmly that in future the post must accompany the staff member.

This refusal presumably greatly reduced the practice, (that is, if it is still being applied). But the larger problem of UN staff who are arbitrarily threatened, bounced around, transferred, shifted to temporary duty and duty locations, put on the shelf, pressured to leave, harassed, or simply sit doing nothing, continues on.

This UN subculture of lost souls gets little attention from the outside world. Member States, the General Assembly, or even most UN staff know little of its existence (although many staff do know somebody, or of somebody, who was caught and chewed up in the process). But the UN internal justice system is too slow and too manipulated to solve these matters in any reasonable way.

People whose UN careers have been uneventful or even quite positive can quite suddenly be caught up in some very serious and large-scale or pervasive and punitive processes, including the following.

-- The UN has conducted several LARGE-SCALE "REDEPLOYMENT" PROGRAMMES which pay millions of dollars to get people to leave the Organization in staff "downsizings" during the past two decades. The processes were turbulent, not well organized, and caused great concern among staff at the very erratic way in which their staff right "protections" evaporated in defending their jobs and some unfortunates

were rushed through a flawed "selection-out" process. This process will undoubtedly be resurrected, in another rather hurried and still poorly-planned, if (when?) another major UN funding crisis erupts and funds shrink.

As noted, the redeployments can turn ugly, since they provide a fine opportunity to "clean house" and seek to minimize due process during the "rush to cut." If another such exercise should arise, IO Watch would immediately switch the topic from this subsection to become one of the Other Major Problems under Recent Developments , given the past redeployment irregularities. In fact, if the recent initiatives to "free the managers", unleash amateur managers/investigators, launch a new global mobility programme, and make a major redeployment were all to occur simultaneously (and in a "phased approach,") the UN management culture and credibility might self-destruct in a "perfect storm" of grave hazards and abuse for UN staff.

A critical element of duplicity inherent in such "downsizing" schemes was nicely described by an article in 2001:

"[In an] info-tech based economy, people are all that's left, and for most companies that's a big problem because it means underperformers -- and especially under performing managers -- have to be moved aside or moved out. The great majority of companies can't handle it.

Keeping poor performers means that development opportunities for promising employees get blocked ... productivity and morale fall, good performers leave, the company attracts fewer A players, and the whole miserable cycle keeps turning. ...

It gets worse. Employees [and top executives] know who the underperformers are. So every day the top team fails to address the problem, it's sending a message: We're not up to managing this outfit. ...

Most companies have serious work to do here. Where to start? That's easy: at the top. Dealing systematically with under performers is hard ... [but] Successful companies deal with underperformers systematically, every day; unsuccessful companies don't. As the economy slows, a company does absolutely no one any favor by showing it can fire people 1,000 at a time but can't one by one."

Geoffrey Colvin, "Make sure you chop the dead wood: Mass layoffs won't work if you can't get rid of weak managers", Fortune, **February 2001**.

[emphasis added]

[Note: UN veterans know from past 'downsizings" and the prevailing culture that UN managers would fire every staff member before touching even their worst brethren (unless a fantastic "separation payment" was offered.)

-- Some UN staff who get bogged down in serious disputes are offered AGREED SEPARATIONS on an *ad hoc* basis to leave (often shortly before retirement, or even as they move directly to a new job outside the UN). Others are forced

out under heavy pressure, and still others are paid to leave in return for promising not to file any legal appeals against their treatment by the UN: thus public funds are being used to "buy them off" from making any embarrassing disclosures about the organization.

This entire separations and negotiation process is quite costly to Member States, not only because of the actual separation payouts, but also the costs of holding people "on the shelf" while the negotiations are underway, and of having to recruit replacement staff (and the often significant cost of expertise lost as veteran staff are forced out).

The Secretariat has asserted that such separations are, politely, for those who "have lost their way", but it appears that in many cases the process -- because of the continuing lack of a merit-based culture -- serves only to reward friends by opening up posts, to settle scores with enemies, and to punish conscientious staff "troublemakers" who question their defective working environments, while leaving the poor performers alone.

-- The UN also has a (not inconsiderable) category of lost souls known as FLOATERS, as discussed at various places throughout this archive. These people have no regular duties for various reasons. They work at "temporary" tasks or may even simply stay at home, often for months or even years in extreme cases.

The UN currently refers to these people as "SIBA's" (staff in between assignments), and some of this type of gap of course occasionally occurs.

However, the floaters may be SIBA for months or even years, and thus testify to very bad UN management and are a great waste of money. If, say, 100 such professionals are "on the payroll but not on the job" at any given time, this represents some \$10 million of UN funds wasted every year, using estimated salaries and benefits of at least \$100,000 for each of them. There may be more because this "disease" exists in the large UN voluntary-funded programmes as well as in the Secretariat.

Whether the cause is autocratic programme managers who "suspend staff from duty" -- a power that is supposedly granted only to the Secretary-General and then only for brief periods pending a firm decision on how to proceed -- or poor personnel placement which leaves some people hanging for long periods of time, the result is the same.

The staff member, the UN, and the Member States pay (in different ways), but the managers responsible for this sorry situation are never held to account or sanctioned in any way.

The senior UN who manager stemmed this tide in the early 1990s determined that the new rule would "person plus post" or not at all. Whether this reversed the situation is not known, as are so many things that occur behind the scenes, and more importantly apart from the staff rules, in the UN Secretariat.

- Finally, the UN has many "WALKING WOUNDED", staff on longer-term medical disability leave, often due to work-place stress, managerial abuse, or "mobbing" disputes which the "internal justice" system cannot handle. An OIOS review in 2000 found the UN sick leave system involved substantial costs in administering chronically ill or absent staff members done in by, or escaping, a hostile work situation.

These abusive conditions also vary at different UN locations. New York is the largest and most active UN center, but managerial impunity and internal justice abuses seem somewhat less frequent there, perhaps because so many Member State missions watch the situation (and the welfare of their nationals) so closely, and because of a relatively stronger level of staff union activity and media attention to UN goings-on.

However, the many small peacekeeping and humanitarian and other field offices scattered around the world are a much more difficult problem. The awkward pressures and emergency demands they encounter, far from headquarters with little oversight presence and limited awareness of rules and rights, only accentuate the problems which pressured and perhaps abusive bosses may create.

The UN's other headquarters and regional offices -- in Vienna, Nairobi, Addis Ababa, Santiago, Bangkok, and Amman -- probably fall somewhere in between the New York and field extremes in matters of staff abuse and "internal injustice" problems, with one exception.

Geneva has long been cited as "a special case" for UN administrative problems, because it is a melange of units of all kinds, very loosely organized and with many different occupational and operating differences, from large units from

very large units down to tiny ones. There are few high-level officials compared to New York, and much less attention is paid by Member State missions who must focus on all the specialized agencies in Geneva as well, and much less local and international media attention. Geneva has also had probably the most difficult "internal justice" environment in recent years, including a period where staff lost an amazing 97 percent of the appeals that they made to "their" JAB.

Because of the impunity which UN managers enjoy (now perhaps more than ever since they have been "freed" in general from accountability and sanctions, and given new basic staff decision-making powers as well), IO Watch finds that those so inclined can engage in an almost continuous manipulation of their staff. As noted in the section on Unleashed managers, some have been malevolent indeed, with great disregard for proper use of funds, efficient fulfillment of their unit's work programme, and above all for UN rules and UN staff rights, despite their express responsibility to uphold and enforce them.

Some of these managers indeed seem to have no interest in their staff as people, but instead concentrate only on the "posts" that their staff occupy, which they regard as a currency that they can use to work out deals, curry favor, reward a friend, or simply play with. Despite the Secretary-General's insistence in 1998 that UN managers' decisions must be justified, documented, and defensible, they have many manipulative options available to apply.

These problems arise today, as in the past, primarily from bad UN managers who are unable to properly utilize, lead, and simply get along with "their" human resources -- which is, of course, what finally led the General Assembly to insist in 1993 (thus far without success) that managers be held accountable for proper use of the human resources entrusted to them.

The most severe frictions seem to arise from UN managers or supervisors who bully staff and make constant unreasonable demands, particularly those who insist that subordinates do their work for them (often because, although they will not admit it, they are incapable of doing it themselves.)

When problems get too serious, disciplinary proceedings would be time-consuming and might not succeed, so the managers concerned simply ostracize the staff members and assign them no work, or otherwise attempt to bully them into "transferring

themselves". Such transfers are often quite difficult to arrange, even for harassed staff eager to escape, because of what has long been a rigid and slow-moving UN staffing system where the few vacant "posts" are usually pre-reserved for people already in the unit concerned, or for personally-favored candidates.

These problems are perpetuated by personnel offices, sometimes because they actively assist the managers, or are unable to arrange transfers, or because they are playing the same games of staff manipulation and "exceptions to the rules" themselves, as already noted by the General Assembly itself when it stated in 1997 that it:

"Deplores the high number of exceptions to the established procedures for the recruitment, placement, and promotion of staff, in particular in the Office of Human Resources Management;"

"Human resources management", General Assembly resolution 51/226 of **25 April 1997**, Part I, paras. 2-3, Part II, paras.2 and-4.

[Note: the travails and stumbles of the UN personnel office over the decades and at present are discussed separately, in the subsection on OHR (Mis-management

Most often, the abusive transfers and movements seem to occur because the disruptive "barons" have enough pull to force personnel officers to comply with whatever the manager wants to do to move staff in ways unencumbered by the rules. Veterans of the UN know that no one has to suffer in silence like the lower- and mid-level personnel and finance officers, who must handle all the dirty laundry and manipulative actions that abusive managers call on them to arrange and process.

UN units, of course, clearly have many good staff who concentrate on their work, or who try to avoid confrontation despite their dissatisfaction. But in the dysfunctional UN "human resource management" system, too often it is the cronies and "time servers" who rest comfortably on and on in their jobs, undisturbed, while the good staff who assert their rights can suddenly be tipped into a very awkward workplace or career confrontation.

A favorite response of Member State missions to reports of such performance difficulties, disputes, struggles, and movements in work units is, "are any of our people involved?", referring to those from their country or region. If the answer is yes, a 'hands-off" approach may well be taken if "our people" are doing the abusing, but to fiercely object -- depending on the importance of the person and of the post and the manager involved -- if they are the people who are being abused.

The UN Secretariat floater problem is not trivial. As already noted, it seems to involve (at least) dozens or hundreds of people at any given time in the United Nations and its semi-autonomous programmes, at a cost of millions of dollars of waste of UN funds every year. As with the non-performing barons and cronies (who of course waste much more), it is the perpetual weakness of UN performance management and monitoring, oversight, and internal legal processes -- in other words, a lack of firm and built-in integrity and accountability -- that guarantees that this waste of human and financial resources simply goes on and on.

Overall, the behind-the-scenes world of the UN is a quite serious problem, steadily generating casualties created by the entrenched management culture, and the lack of merit-based systems, of firm oversight and staff protection systems, and the lack of transparency.

Work in all organizations has its ups and downs, but too many UN staff, who came to the Organization with much idealism, are operating in a system above and outside the law of nations, employing instead its own defective internal rules. This system can severely punish them, leading to suicides, ruined careers, lost benefits, severe depression, divorces, and broken families.

Hopefully, action on some of the Answers: A Starting Point offered in the Recent Developments section can help to finally reduce or even eliminate these problems in the future. Meanwhile, IO Watch offers some actions at the end of the UN Management and Accountability Struggles section under Staff Self-Defense , which might be helpful for UN staff who suddenly find themselves thrown up against all the UN human resource ills described here.