

TRIBUTE TO PAST AND PRESENT GENERATIONS OF INTERNATIONAL CIVIL SERVANTS

In 2019, the Federation of Associations of Former International Civil Servants (FAFICS), on a proposal from the Association of Former UNESCO Staff Members (AFUS), enthusiastically accepted at the 48th Session of its Council that a Tribute to past and present generations of international civil servants be prepared at the occasion of the 75th anniversary of the United Nations and many other institutions of the United Nations system, including UNESCO. At the request of the AFUS, the drafting of the text was entrusted to it by FAFICS.

The preliminary document drafted by AFUS was communicated in January 2020 to the 63 Associations of the Federation whose contributions were incorporated into the Draft. On December 9, 2020, at the close of its 49th Council Virtual Session, FAFICS unanimously and by acclamation adopted the Tribute reproduced below.

On reading, you will see that FAFICS proposes that each year on April 11 be celebrated an International Day of International Civil Servants. This date corresponds to that of the Advisory Opinion issued by the International Court of Justice (ICJ) on April 11, 1949 in the so-called "Bernadotte" affair (in reference to Count Bernadotte, tragically killed in the Middle East in 1949 in the exercise of his functions of mediator for the United Nations), which provides for the first time in the largest sense a definition of an agent in the service of the United Nations. In the absence of a conventional definition of an international agent, the ICJ gave a jurisprudential definition in this Advisory Opinion, truly historic for the international civil service, by recognizing the international legal personality of the United Nations and its capacity to claim compensation for damage suffered by its agents in the service of the United Nations:

'The Court understands the term "agent" in the most liberal sense, that is to say who, whether a paid official or not, and permanently employed or not, has been charged by an organ of the Organization with carrying out, or helping to carry out, one of its functions—in short, ant person through whom it acts.'

Since the idea of the Day is to celebrate international civil servants from across the United Nations system, the advantage of the Advisory Opinion of the ICJ of April 11, 1949 is that it gives a precise definition of an international agent, which sets a precedent and has since applied to the entire system.

The full text of the ICJ Advisory Opinion can be found by following the link: [004-1949011-ADV-01-00-EN.pdf \(icj-cij.org\)](https://www.icj-cij.org/004-1949011-ADV-01-00-EN.pdf)

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Two extracts of the Advisory Opinion of the ICJ that illustrate its historic scope for the international civil service:

'...In order that the agent may perform his duties satisfactorily, he must feel that this protection is assured to him by the Organization, and that he may count on it. To ensure the independence of the agent, and, consequently, the independent action of the Organization itself, it is essential that in performing his duties he need not have to rely on any other protection than that of the Organization (save of course for the more direct and immediate protection due from the State in whose territory he may be). In particular, he should not have to rely on the protection of his own State. If he had to rely on that State, his independence might well be compromised, contrary to the principle applied by Article 100 of the Charter. And lastly, it is essential that—whether the agent belongs to a powerful or to a weak State; to one more affected or less affected, by the complications of international life; to one in sympathy or not in sympathy with the mission of the agent—he should know that in the performance of his duties he is under the protection of the Organization'

'...Upon examination of the character of the functions entrusted to the Organization and of the nature of the missions of its agents, it becomes clear that the capacity of the Organization to exercise a measure of functional protection of its agents arises by necessary intendment out of the Charter.'

An extract from the Official Summary of the Advisory Opinion of the ICJ:

'...In discharging its functions, the Organization may find it necessary to entrust its agents with important missions to be performed in disturbed parts of the world. These agents must be ensured of effective protection. It is only in this way that the agent will be able to carry out his duties satisfactorily. The Court therefore reaches the conclusion that the Organization has the capacity to exercise functional protection in respect of its agents.'

Tribute

The Federation of Associations of Former International Civil Servants (FAFICS),

- a) Considering that the Federation of Associations of Former International Civil Servants (FAFICS) is celebrating its 40th anniversary in 2020,
- b) Considering also that the United Nations and many of its specialized agencies and institutions are celebrating their 75th anniversary similarly in 2020,
- c) Recalling that a first true international civil service was established following the creation of the League of Nations a century ago,
- d) Noting that the Administrative Tribunal of the International Labour Organization (ILOAT), the United Nations Administrative Justice system (UNAT), the United Nations Joint Staff Pension Fund (UNJSPF) and the International Civil Service Commission (ICSC) were established respectively 75, 70 and 45 years ago,
- e) Recognizing the paramount role played by the international civil servants of the UN system since 1945 in defending, upholding and implementing the purposes and principles enshrined in the Charter of the United Nations,
- f) Appreciating their invaluable contribution in promoting peace, mutual understanding and international cooperation throughout the world and mindful of the need to preserve their institutional memory,
- g) Acknowledging their unswerving commitment over these years to secure the highest standards of efficiency, competence and integrity in the discharge of their responsibilities as international officials responsible only to the UN Organization and its specialized agencies,
- h) Commending their active participation in the delivery and execution of programmes of the UN system for the betterment of humanity in all parts of the world,
- i) Remembering also those who lost their lives in the line of duty and in the service of the noble goals of the United Nations,
- j) Emphasizing that the UN and its specialized agencies embody the highest aspirations of the peoples of the world, that the international civil service bears responsibility for translating these ideals into reality and that international civil servants have a special calling to serve the ideals of peace, respect for fundamental rights, economic and social progress, and international cooperation,

Hereby,

1. Pays tribute to the international civil servants who have dedicated their lives over the past 75 years and are doing so in serving the UN system with competence, integrity, impartiality and independence;
2. Praises their loyalty, dedication, commitment and professionalism in the discharge of their duties around the world;
3. Recognizes that the international community must guarantee the security and safety of the international civil servants serving around the world, especially in hardship duty stations;

4. Expresses its gratitude for all their achievements in the delivery of UN mandates, programmes and activities, thereby proving the relevance of the UN system in a globalized world;
5. Reaffirms its belief that true international cooperation among nations can only be reached with a strong and dedicated international civil service;
6. Reaffirms also its full adherence to the highest Standards of Conduct for the UN international civil service which are integrity, loyalty, independence, impartiality, tolerance and respect for diversity, since the international civil service can be exemplary for a just and peaceful world;
7. Stresses the need to further ensure that all the UN membership is fairly represented in the UN common system staff in order to attain its highest universal character;
8. Supports the enhancement of gender equality in strengthening the international civil service;
9. Calls for the proclamation of an International Civil Servants Day by the General Assembly of the United Nations to be celebrated each year throughout the UN system on 11 April;
10. Requests the President of FAFICS to bring this Declaration to the attention of the UN Secretary-General inviting him to share it with the heads of UN specialized agencies and institutions in the UN System Chief Executives Board for Coordination (CEB);
11. Recommends that this Tribute to international civil servants be read out in the General Assembly of the United Nations by the President of FAFICS in relation with 75th anniversary in 2020.

Adopted at the 49th FAFICS Council on 9 December 2020.