

ARTICLE 100

TEXT OF ARTICLE 100

1. In 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. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

NOTE

1. During the period under review, no decision was taken by United Nations organs on the interpretation or application of Article 100. It may be noted, however, that the Secretary-General, in his comments and recommendations relating to the "Report of the Committee of Experts on United Nations Public Information", envisaged the application of Article 100 to the functions of the Secretariat as follows: 1/ (a) "In an Organization based on the principle of the sovereign equality of all its Members, the function of the Secretariat, as the only principal organ of an 'exclusively international character' (Article 100 of the Charter of the United Nations) was to serve the United Nations as a whole in support of its aims and the decisions of its principal organs"; and (b) It had been accepted that the "positive informational activities that will supplement the services of existing agencies" - a basic principle governing the functions of the Department of Public Information of the Secretariat as established by the General Assembly 2/ - should not consist of "propaganda" but should reflect the role of the Secretariat as defined in Article 100 of the Charter.

2. During the discussion by the Security Council of a letter 3/ from the representative of Egypt regarding the situation created by the invasion of Egypt, the Secretary-General made the following statement relating to his duties under the Charter: 4/

"... The principles of the Charter are, by far, greater than the Organization in which they are embodied, and the aims which they are to safeguard are holier than the policies of any single nation or people. As a servant of the Organization, the Secretary-General has the duty to maintain his usefulness by avoiding public

1/ G A (XIII), Annexes, a.i. 55, p. 49, A/3945, paras. 2 and 3.

2/ See G A (VI), Annexes, a.i. 41, A/C.5/L.172, annex.

3/ S C, 11th yr., Suppl. for October, November and December 1956, p. 111, S/3712.

4/ S C, 11th yr., 751st mtg., para. 4.

stands on conflicts between Member nations unless and until such an action might help to resolve the conflict. However, the discretion and impartiality thus imposed on the Secretary-General by the character of his immediate task may not degenerate into a policy of expediency. He must also be a servant of the principles of the Charter, and its aims must ultimately determine what for him is right and wrong. For that he must stand. A Secretary-General cannot serve on any other assumption than that - within the necessary limits of human frailty and honest differences of opinion - all Member nations honour their pledge to observe all Articles of the Charter. He should also be able to assume that those organs which are charged with the task of upholding the Charter will be in a position to fulfil their task."