



Ninth session  
Agenda item 54

## PERSONNEL POLICY OF THE UNITED NATIONS

Report of the Fifth Committee

Rapporteur: Mr. A. LIVERAN (Israel)

1. In accordance with the allocation of agenda items as decided by the General Assembly at its 478th meeting of 25 September 1954, the Fifth Committee considered, at its 469th to 472nd meetings, the report of the Secretary-General on personnel policy of the United Nations (A/2777). In addition to this report, the Committee had before it a report of the Advisory Committee on Administrative and Budgetary Questions (A/2788) which dealt with the two major points contained in the Secretary-General's report. These were the proposed revision of staff regulation 1.6, dealing with the acceptance by staff members of honours, decorations, favours, gifts and fees, and the interpretation to be placed on paragraph 2 of annex IV of the staff regulations, concerning entitlement to the education grant.

2. In his report, the Secretary-General also noted that the International Civil Service Advisory Board had presented a report entitled "Standards of Conduct in the International Civil Service" (COORD/CIVIL SERVICE/5) copies of which had been circulated to all Member States as well as to all members of the Secretariat. The Secretary-General recalled that he had looked forward to the completion of this report when he had proposed an amendment to staff regulation 9.1 (a) at the eighth session.<sup>1/</sup> The Secretary-General also reported, in response to a comment

<sup>1/</sup> See Official Records of the General Assembly, Eighth Session, Annexes, agenda item 51, document A/2533, paragraph 40.

by the Fifth Committee during the eighth session<sup>2/</sup> that the number of internationally recruited staff members at Headquarters in permanent residence status in the country of their duty station had so diminished that it did not significantly affect the geographical balance of the staff. Finally, the Secretary-General reported on the work of the Special Advisory Board established by staff rule 109.1 (1) of 15 March 1954.

3. In its report, the Advisory Committee stated the reasons why that Committee considered that, despite the rigidity of its provisions, there was advantage in maintaining staff regulation 1.6 in its present form. It recommended, however, that the General Assembly should specifically authorize the Secretary-General, in applying the regulation, to be guided by the interpretative comment previously offered by the Advisory Committee during the discussion which took place at the sixth session of the General Assembly<sup>3/</sup> according to which the Secretary-General would concur only in very exceptional cases in any derogation from the provisions of regulation 1.6.

4. A number of delegations expressed satisfaction with the existing regulation 1.6, holding that the strict provisions of this regulation were appropriate to the conditions of service in the United Nations Secretariat. It was observed that a similar provision had proved adequate for the secretariats of a number of international organizations, including the League of Nations, for a considerable period of years. Furthermore, it was held that if any derogation from principle were to be permitted the ensuing burden which would be placed upon the Secretary-General would be considerable.

5. A number of other delegations, however, expressed the view that if any exceptions to the principle of absolute prohibition were in fact permissible, their existence and extent should be defined in the regulation itself.

6. Delegations taking part in the discussion were divided into (i) those who supported the maintenance of a restrictive text in absolute terms, with no exceptions to be permitted in its application; (ii) those who supported the maintenance of a restrictive text with an authorization to the Secretary-General

<sup>2/</sup> Ibid., document A/2615, paragraph 70.

<sup>3/</sup> Ibid., Sixth Session, Fifth Committee, 330th and 332nd to 334th meetings.

to be guided in its application by the interpretation recommended by the Advisory Committee; and (iii) those who favoured the text proposed by the Secretary-General permitting him to approve acceptance by the staff on an exceptional basis and when such acceptance was compatible with the staff member's status as an international civil servant. Delegations supporting this last view were unanimously of the opinion that a regulation of this type should be restrictively administered.

7. The representative of the United Kingdom proposed that the text submitted by the Secretary-General be amended to read "incompatible with the terms of regulation 1.2 of the staff regulations and with the individual's ...". The Secretary-General accepted this oral amendment.

8. The delegation of New Zealand believed that exceptions to regulation 1.6 should be allowed only with the prior express approval of the Secretary-General. In the absence of such a provision, a staff member might accept an honour or favour, believing it to be compatible with his status, although the Secretary-General might think otherwise. Accordingly, New Zealand proposed a new text (A/C.5/L.308) for staff regulation 1.6.

9. In commenting on the text proposed by New Zealand, the representative of Argentina observed that it would be advisable to adopt separate provisions concerning honours, decorations, favours, gifts and remuneration accorded by a Government and those accorded by some other source external to the Organization. In the first case, he considered that the prohibition should be absolute; in the second case, acceptance should be made subject to the Secretary-General's consent. The representative of New Zealand and the Secretary-General both accepted the amendment proposed by Argentina.

10. After an exchange of views as to the operation of the provisions of the revised text, the interpretation of the Secretary-General was stated to be that the Secretary-General could grant his approval only if two conditions were satisfied: (a) that the case was exceptional; and (b) that acceptance was not incompatible with the terms of regulation 1.2 nor with the individual's status as an international civil servant.

11. The revised text proposed by Argentina and New Zealand for regulation 1.6 of the staff regulations (A/C.5/L.314) was approved at the 472nd meeting by 22 votes to 15, with 6 abstentions. The text approved reads as follows:

Staff Regulation 1.6

"No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government excepting for war service; nor shall a staff member accept any honour, decoration, favour, gift or remuneration from any source external to the Organization, without first obtaining the approval of the Secretary-General. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the terms of Regulation 1.2 of the Staff Regulations and with the individual's status as an international civil servant."

12. The second main point raised in the Secretary-General's report was a request for confirmation by the General Assembly of the Secretary-General's interpretation of a phrase in Annex IV, paragraph 2, of the Staff Regulations, dealing with the education grant. According to this provision, entitlement to the education grant is recognized when the staff member, among other conditions, "is employed by the United Nations in a country other than his own country". At the European Office of the United Nations it is possible for a staff member who is a French national to reside in his own country (France) while working in a country other than his own (Switzerland). The Secretary-General understood that such a staff member should not be considered as eligible for the grant. In agreeing with the Secretary-General's view, the Advisory Committee observed (A/2788, paragraph 10) that even without the formal confirmation by the General Assembly which was requested by the Secretary-General, a claim for payment of the education grant could not with propriety be submitted by a staff member residing in his own country.

13. A number of delegations commented on this matter. It having become clear that the view expressed by the Secretary-General and supported by the Advisory Committee was also held by the Fifth Committee, it was agreed that the views of the Fifth Committee would be so recorded in the present report.

14. The representative of Chile drew the attention of the Committee to paragraph 2 of annex IV of the staff regulations, concerning the education of staff member's children, and to the reference in paragraph 10 of the Advisory Committee's report to the General Assembly's intention in authorizing the education grant. With a view to increasing the facilities available to staff members for providing the elements of their national education for their children within the country where

they were stationed, Chile submitted a draft resolution (A/C.5/L.303). By its terms the General Assembly would (1) request the Secretary-General to recommend to the International Civil Service Advisory Board to examine appropriate means to provide children of staff members with special facilities for the study of their mother tongue in cases where they were obliged to attend local schools where the education was given in a language other than the mother tongue; and (2) recommend that, in preparing his report on the staff regulations for submission to the tenth session of the General Assembly, the Secretary-General should give special consideration to measures which would enable more staff members than at present to obtain the education grant.

15. The representative of the Netherlands noted that the last of these provisions implied that the General Assembly would accept the premise that the present provisions of the staff regulations were inadequate in this respect. In his view a more appropriate formulation would be that the question of whether special consideration should be given to such measures should be studied. The sponsor accepted the amendment of the Netherlands and also agreed to revise further in the light of the discussion the text of the draft resolution by omitting the third and fourth paragraphs of the preamble. The revised draft resolution of Chile (A/C.5/L.303/Rev.1) was approved by the Fifth Committee by 38 votes to none, with 5 abstentions.

16. During the discussion a number of delegations referred to the other important matters contained in the Secretary-General's report on personnel policy. In this connexion they noted that as the Secretary-General would submit a comprehensive report to the General Assembly at its tenth session, the present report was more in the nature of an interim statement. Satisfaction was expressed in the Committee with the general principles laid down in the report of the International Civil Service Advisory Board on standards of conduct in the international civil service and many delegations commended the Board for its work on this matter. One delegation stated that in view of the clarification of paragraph 21 of the Board's report made by the Secretary-General following publication, it would have no difficulty in accepting the report as a whole.

17. The Committee noted also the Secretary-General's comments on the constitution and functioning of the recently created Special Advisory Board. During the discussion the representative of the Secretary-General, at the request of delegations, gave additional information to the Committee in clarification of several questions which had been raised in this respect.

18. One delegation, referring to the comments in the Secretary-General's report on the effect of the presence of officials holding permanent residence visas on the geographical distribution of the staff, briefly recalled the views expressed by that delegation at the eighth session and reiterated their opinion that there was no connexion between the two questions and was glad to note that in the light of the facts to which the Secretary-General had drawn attention in his report there appeared to be no need to reopen this question.

19. In accordance with the foregoing decisions, the Fifth Committee recommends to the General Assembly the adoption of the following resolutions:

Draft resolution I

PERSONNEL POLICY OF THE UNITED NATIONS: AMENDMENT TO THE  
STAFF REGULATIONS OF THE UNITED NATIONS

The General Assembly

Adopts as an amendment to the staff regulations of the United Nations the text annexed to the present resolution. This amendment shall become effective on 1 January 1955.

ANNEX

Staff regulation 1.6 (amended text)

No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government excepting for war service; nor shall a staff member accept any honour, decoration, favour, gift or remuneration from any source external to the Organization, without first obtaining the approval of the Secretary-General. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the terms of regulation 1.2 of the Staff Regulations and with the individual's status as an international civil servant.

Draft resolution II

## PERSONNEL POLICY OF THE UNITED NATIONS

The General Assembly,

Having examined the report (A/2777) of the Secretary-General on personnel policy, paragraphs 22 to 26 of which deal with problems relating to the education grant established under the Staff Regulations, and the fifteenth report (A/2788) of the Advisory Committee on Administrative and Budgetary Questions,

Considering that the education grant was established with the purpose of enabling the children of staff members, despite the fact that their parents were expatriated, to benefit from the influence of their national characteristics in their education,

1. Notes with satisfaction the Secretary-General's statement that the question of educational facilities is being studied by the International Civil Service Advisory Board;
2. Requests the International Civil Service Advisory Board to consider appropriate measures for providing children of staff members with special facilities for the study of their mother tongue in cases where they are obliged to attend local schools in which the instruction is given in a language other than the mother tongue;
3. Recommends the Secretary-General, in preparing his report on the Staff Regulations for submission to the General Assembly at its tenth session, to give special consideration to the question whether measures should be taken to make a larger number of staff members than at present eligible for the benefit of the education grant.

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