

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
RESTRICTED

A/CN.1/R.188
7 April 1954

ORIGINAL: ENGLISH

Advisory Committee on Administrative
and Budgetary Questions

SYSTEM OF ALLOWANCES TO MEMBERS OF COMMISSIONS, COMMITTEES AND
OTHER SUBSIDIARY BODIES OF THE GENERAL ASSEMBLY OR OTHER ORGANS
OF THE UNITED NATIONS

(Preliminary report of the Secretary-General)

1. The General Assembly on 27 November 1953 adopted resolution 775 (VIII) reading as follows:

"The General Assembly,

Noting resolution 505 F III (XVI) adopted by the Economic and Social Council on 28 July 1953, concerning the question of the remuneration of members of the Permanent Central Opium Board and the Drug Supervisory Body,

Noting also the intention of the Secretary-General to undertake,^{1/} during 1954, a comprehensive study of the system of allowances to members of commissions, committees and other subsidiary bodies of the General Assembly or other organs of the United Nations, and to submit proposals to the General Assembly at its ninth session,

Requests the Secretary-General to circulate his proposals, together with the comments of the Advisory Committee on Administrative and Budgetary Questions, to all Members four weeks before the opening of the ninth session of the General Assembly."

2. The present report, though based on the comprehensive study referred to in the above resolution, is not intended as a definite submission to the General Assembly. Accordingly, the Secretary-General invites the comments of the Advisory Committee on the various proposals tentatively offered below, so that in arriving at final conclusions he may take full account of the Committee's views.

^{1/} See document A/2528.

The system of subsistence allowances

3. It is not necessary for the purposes of this report to go back beyond the year 1948, when the General Assembly adopted in resolution 231 I (III) of 8 October 1948 basic principles to govern the payment of travelling and subsistence expenses to members of the bodies under reference. While the rate of subsistence allowance was raised during 1950 ^{2/} from \$20 to \$25 per day for Headquarters meetings, the General Assembly made no change in the general principles of 1948. Those principles were in fact reaffirmed by the General Assembly, ^{3/} and they continue in force at the present time. Deviations authorized by the General Assembly during the years 1949 to 1953, as well as the special reasons for such deviations, are the subject of comments in paragraphs 5 to 14 below, while the separate question of honoraria is considered in paragraphs 15 to 21.

4. In resolution 231 I (III) the General Assembly confirmed "the policy previously followed by the Secretary-General as regards the payment of travelling expenses and of subsistence allowances at the meeting-place of a commission or committee". The terms of that policy are set forth in the following extracts from the Advisory Committee's First Report of 1948 (A/534, paragraphs 58 and 59):

"There appear to the Advisory Committee to be only two main categories of membership in the organs of the United Nations: (a) representatives of participating Members; and (b) members serving on commissions, committees and other bodies in their individual capacity.

It may be noted that the Secretary-General introduced, in March 1946, a provisional rule (SGB/9) making a clear distinction between the two categories:

'The travel expenses and allowances of officials representing Governments to international conferences, commissions and committees will not be paid by the United Nations, but the travel expenses and allowances of members of expert commissions will be met by the United Nations.'

The General Assembly has, however, taken action varying this rule in a number of specific cases covered by resolutions 70 (I), 106 (S-I), 164 (II), 166 (II), 181 (II).

The Committee is of the opinion that the Secretary-General should continue to pay to members of commissions or committees who are selected in an individual capacity an allowance to cover their subsistence at the meeting place of the commission or committee. The accepted principle that such a payment represents subsistence and not a fee for services is confirmed."

^{2/} General Assembly resolution 459 (V), paragraph 2, of 1 December 1950.

^{3/} Ibid., paragraph 1.

Annex A to the present paper shows how the principles adopted by the General Assembly in that resolution have been applied to particular organs and subsidiary organs of the United Nations.

5. The pattern thus laid down by the General Assembly for determining eligibility to travelling and subsistence expenses afforded, with minor exceptions,^{4/} a rational basis for the system. Where strictly adhered to, the system has not presented administrative difficulty. As already indicated, however, the General Assembly has found it necessary to authorize several deviations which must be considered in some detail for a proper understanding of the problem under review.

6. When the Administrative Tribunal was established in December 1949, the Secretary-General proposed, with the concurrence of the Advisory Committee,^{5/} the inclusion in the 1950 budget of an amount to cover a daily allowance of \$50 for the members of the Tribunal, this figure providing both for the reimbursement of subsistence expenses and for an honorarium for services rendered.^{6/} The discussion of this proposal in the Fifth Committee (A/C.5/SR.231) centred on two main points: Was the rate of allowance excessive in view of the status of the Administrative Tribunal in relation to the International Court of Justice, on the one hand, and to the International Law Commission or any other commission, of the General Assembly, on the other hand? Was there not an essential difference between the members of the International Law Commission and those of the Administrative Tribunal, namely that the latter had to act as judges, whereas the former were members of a commission of the General Assembly? The Fifth Committee, after rejecting a proposal that the daily allowance of members of both these bodies should be fixed at \$50, adopted an alternative proposal, which was subsequently approved by the General Assembly, that the rate should be fixed at \$30 for the Administrative Tribunal, comprising \$20 as per diem, plus \$10 as a "special allowance".

7. This special allowance was, however, maintained for only one year. The Advisory Committee, when reporting ^{7/} during 1950 on the adequacy of the general rate of subsistence allowances and recommending an increase from \$20 to \$25 in the Headquarters rate, suggested that the General Assembly might wish to reconsider whether any body of experts whose members were at that time eligible for allowances on a differing basis (i.e. at other than the \$20 rate) should be brought within the

^{4/} Among which may be cited the decision to pay travelling expenses (without subsistence) to members of functional commissions of the Economic and Social Council.

^{5/} A/986, paragraph 12; A/1156, paragraph 3.

^{6/} A/C.5/SR.231, paragraph 31. The Advisory Committee on a Statute for a United Nations Administrative Tribunal, which sat in September 1946, had merely suggested that "..... the compensation to be paid to the judges might take the form of daily allowances for their attendance." (A/91, paragraph 12.)

^{7/} A/1312, paragraphs 322 to 328.

common system. This suggestion was accepted by the Fifth Committee, whose report,^{8/} on which the General Assembly adopted on 1 December 1950 resolution 459 (V), contained the following paragraph:

"It was also brought to the Committee's attention that a special allowance of \$10 per diem, in addition to the normal subsistence allowance of \$20, had been approved by the General Assembly in 1949 for members of the Administrative Tribunal. It was the understanding of the Fifth Committee, however, that any such previous decisions in respect of special daily allowances would be superseded by the following draft resolution /subsequently adopted as General Assembly resolution 459 (V)/".

The action taken in this matter by the General Assembly is important in relation to the case to be considered in the following paragraphs, for the Fifth Committee in recommending during the previous year the special, additional allowance of \$10 had thereby recognized that it might be justifiable in some cases to pay to members of expert commissions or committees a moderate sum in addition to the subsistence allowance.

8. During October 1950 the Sixth Committee considered a suggestion of the International Law Commission ^{9/} to the effect that the General Assembly, in order to ease the financial burden of service in the Commission, might wish to reconsider the terms of article 13 of the Commission's Statute.^{10/} In accordance with this suggestion, the Sixth Committee proposed to the General Assembly ^{11/} that the members should receive a special allowance, of an amount to be determined by the General Assembly. The draft resolution was based on the following considerations: (a) the inadequacy of the emoluments then being paid; (b) the importance of the Commission's work, the eminence of its members, and the method of their election; and (c) the length of the sessions; it was accompanied by a 'voeu' that the special allowance should be at the rate of \$35 per day.

9. When the financial implications of this draft resolution were examined by the Fifth Committee, there was general agreement that it would be difficult in practice and, in any event, undesirable in principle to discriminate between expert bodies in the matter of subsistence allowances. The Fifth Committee accordingly reported to the General Assembly ^{12/} that, on administrative grounds, it was not able to recommend special treatment for the International Law Commission with respect to such allowances. The conclusions of the Fifth Committee were not, however, accepted by the General Assembly, which on 12 December 1950 adopted resolution 485 (V) fixing the "special allowance" for members of the International Law Commission at \$35 per day.

^{8/} A/1538, paragraph 12.

^{9/} A/1316, paragraph 21.

^{10/} The text of the article read as follows: "Members of the Commission shall be paid travel expenses and shall also receive a per diem allowance at the same rate as the allowance paid to members of commissions of experts of the Economic and Social Council."

^{11/} A/1639, paragraph 44.

^{12/} A/1648, paragraph 7 (b).

10. These developments are set out in detail in the foregoing paragraphs because of their importance in relation to the cardinal principle that there is no element of fee for services rendered in the subsistence allowance. That principle was expressly re-affirmed by the General Assembly at its fifth session (1950), when, however, it concurrently authorized the special allowance referred to in paragraph 9 above. It is evident from the proceedings of the Sixth Committee 13/, which rejected proposals for either a special yearly allowance or an honorarium for the members of the International Law Commission, that the special allowance was to be regarded purely as a subsistence allowance. Difficulty may therefore arise, on a strict interpretation of the principle, in reconciling the action taken in this matter with the simultaneous decision of the General Assembly to assimilate the Administrative Tribunal, as regards subsistence allowance, to other expert bodies of the United Nations (see paragraph 7 above). It seems indeed important, where that allowance is concerned to achieve uniformity of treatment among the members of all such bodies, and the proposals submitted for the consideration of the Advisory Committee in a later part of the present report are based on that premise, as well as on the further premise that factors such as the importance of the work, the method of election or the eminence of the membership do not provide practical criteria for payment of a special allowance.

11. The Secretary-General's tentative proposals have been framed with due regard to such considerations, to which, however, should be added the further consideration that it is neither equitable nor in any way implicit in the relevant principle of the General Assembly that service on an expert body should entail for the individual member, as distinct from a Member Government, a financial sacrifice.

12. Previous paragraphs have dealt mainly with General Assembly resolution 231 (III), and with other resolutions amending that basic instrument. Attention may also be drawn at this stage to certain other aspects of the policy that has been followed as regards the emoluments of members of expert bodies, including bodies not covered by resolution 231 (III).

13. Two main categories may be noted:

- (a) Members of expert bodies established by and reporting to the General Assembly or the Councils; receive, if eligible under General Assembly resolution 231 (III), a subsistence allowance at the rate of \$25 per day (\$20 away from Headquarters), but no fee;

13/ A/1639, paragraphs 6 - 13.

14/ [A footnote appearing in FIRST DRAFT has been dropped. Adjustment of footnote numbering will be necessary in FINAL DRAFT].

- (b) Members of expert bodies appointed by the Secretary-General but reporting to the General Assembly or the Councils are assimilated to members in category (a) and accordingly receive a subsistence allowance at the same rate, but no fee.

14. The exceptions to this policy have been few in number and have been made under the express authority of the General Assembly:

- (a) In December 1950, the Fifth Committee (with the Advisory Committee dissenting) recommended, and the General Assembly authorized, the appointment of three groups of experts charged with implementing certain parts of Economic and Social Council resolution 290 (XI) of 15 August 1950 on full employment. The relevant proposal, which included provision for fees at \$50 per day in addition to travel and subsistence expenses, had been opposed by the Advisory Committee on the ground that the experts in question, though appointed by the Secretary-General, would not be made responsible to him 15/, a circumstance that clearly called for their assimilation to expert members within the meaning of General Assembly resolution 231 (III). The validity of this objection is reflected in the proceedings of the Fifth Committee 16/, which contain numerous references to the view that the cases then under discussion were to be treated as exceptions.
- (b) A similar exception was made in December 1952, in connexion with the Committee on the financing of the economic development of under-developed countries 17/. In estimating the expenses of the Committee, which again included provision for daily fees of \$50, the Secretary-General had stated that he would endeavour to secure^ the services of the members on the basis of subsistence allowance only; a fee would not be paid unless the services of a particular expert could not otherwise be secured. For its part, the Advisory Committee observed that the proposed arrangement "accords with the opinion previously recorded by the Advisory Committee that the payment of fees in addition to travel and subsistence expenses to members of commissions and committees, whether serving as experts or in a representative capacity cannot be reconciled with the principles adopted by the General Assembly in resolution 231 (III) and re-affirmed in resolution 459 (V)" 18/. Nevertheless, the amount

15/ See Economic and Social Council resolution 290 (XI), paragraph 13 (b), 19 and 22, in which emphasis is laid on the exemption of the Secretary-General from responsibility for the experts' reports.

16/ A/C.5/SR.279, 280.

17/ The Committee was charged, in accordance with Economic and Social Council resolution 416 (XIV) of 23 June 1952, with preparing a detailed plan for submission to the General Assembly.

18/ A/2245, paragraph 10.

finally appropriated by the General Assembly included provision for the payment of fees.

15. The above two exceptions to the general policy of the United Nations are important as admitting, contrary to the principle laid down by the General Assembly, the element of fee into the remuneration of members of commissions and committees. In that sense, they differ from the case of the International Law Commission, which involved in principle a mere increase in subsistence allowance. They have already given rise to administrative difficulties through the submission of claims, relying on a similar set of circumstances and on established precedent, for the payment of fees to members of expert commissions and committees of the General Assembly.

The system of honoraria for rapporteurs of United Nations bodies

16. The question of remunerating rapporteurs of United Nations bodies first arose in 1949, and was again discussed during 1952, both in the Advisory Committee and in the Fifth Committee. The particular cases in which honoraria have been or are being paid are: (a) the honoraria paid since 1950 on a yearly basis to the Chairman and five rapporteurs of the International Law Commission; and (b) the honorarium paid during 1952 and 1953 to the Rapporteur on Freedom of Information.

17. As regards the International Law Commission, the decision of December 1949 that the Chairman and five special rapporteurs should receive honoraria represented a compromise, ad hoc arrangement, to meet the desires of the Commission itself and of the Sixth Committee 19/. With that end in view, the Secretary-General had originally suggested that payment might be made on a fixed-fee basis as a research grant, and that, where the membership of the Commission as a whole was concerned, two alternatives were possible: either to increase the rate of subsistence allowance or to assimilate the members, for purposes of remuneration and subsistence, to ad hoc judges of the International Court. As an exceptional measure, the General Assembly finally agreed to the payment of honoraria to the Chairman and five rapporteurs. It rejected, however, the two alternative suggestions for the remuneration of the membership.

18. The second case, considered during 1952, concerned the payment of an honorarium of \$2,500 to the Rapporteur on Freedom of Information appointed, under Economic and Social Council resolution 442 C (XIV) of 13 June 1952, for an experimental period of one year. The Advisory Committee in reporting on this matter recalled that only in exceptional cases had the General Assembly concurred in the payment of honoraria for work performed on behalf of the United Nations; it therefore recommended, as an alternative, the payment of a subsistence allowance, as earned. This recommendation, however, was not accepted: The General Assembly authorized - as an exceptional measure - the full provision for the honorarium, although it adopted at the same time the resolution on honoraria to which reference is made in paragraphs 18 to 21 below.

19. Complex problems resulting from the precedents thus created have been accentuated by two developments: first, the action of the General Assembly in adopting resolution 677 (VII) on the payment of honoraria to rapporteurs of United Nations bodies, and secondly, the growing tendency of commissions to propose the appointment of a member to serve between sessions of the commission as its rapporteur on a selected topic.

20. The Secretary-General is concerned over a situation in which a strict adherence to the resolution on honoraria of the General Assembly is neither possible nor (despite the rigid and categorical terms of that resolution 20/) seemingly desired by the Assembly itself. It is worthy of note that the resolution was adopted on 21 December 1952 concurrently with the 1953 appropriation resolution providing, inter alia, for the continued payment of honoraria to the rapporteurs of the International Law Commission, and, as indicated in paragraph 17 above, for a similar payment to the Rapporteur on Freedom of Information. The Advisory Committee itself remarked on this anomaly, when suggesting in August 1953 that the General Assembly might deem it opportune (with the change in tenure of office of the International Law Commission's membership) to review the system of paying honoraria to the rapporteurs of that Commission. That suggestion was based on two main considerations: (a) that the 1949 decision was taken on a particular case and without prejudice to any future solution of the question concerning rapporteurs of United Nations bodies; and (b) that the opinion of the General Assembly on this subject was clearly recorded in resolution 677 (VII). The General Assembly, however, took no action to modify its prior decision.

21. The growing tendency of commissions to rely in certain circumstances on the services of special rapporteurs rather than on the Secretariat - the second of the developments referred to above - is exemplified not only in the case of the Rapporteur on Freedom of Information but in a more recent decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a special Rapporteur on discrimination in the field of education. In both cases the appointment was sanctioned by the Economic and Social Council. 22/

The views expressed in the Sub-Commission in this connexion may be summarized as follows.

Members supporting the suggestion for an appointment of a rapporteur considered that where controversial and delicate matters are involved, there are suggestions which a rapporteur, acting in an individual capacity and not as a representative of his government, can put forward but not the Secretariat. Great care has to be exercised by the Secretary-General and the Executive Heads of the specialized agencies not to give offence to particular Member States in documents produced under their own responsibility. Moreover, a secretariat must rely for the most part on information communicated by official sources, and is therefore to a certain extent dependent on the willingness of governments.

Those who opposed the suggestion pointed out that it would be inappropriate for the Sub-Commission, which was itself composed of experts and was intended to act, as it were, as rapporteur to the Commission on Human Rights, to shift its responsibilities in the matter to others. Furthermore, the General Assembly had decided, in resolution 677 (VII), that since the appointment of a person as rapporteur of a United Nations body conferred honour upon his country, no such

20/ The following is the text of resolution 677 (VII):

"The General Assembly,

Recognizing that the appointment of a person as rapporteur of a United Nations body confers honour upon his country and distinction upon himself,

1. Considers that no such appointment should carry remuneration;

2. Requests all organs of the United Nations to bear in mind in future the views of the General Assembly as expressed in the present resolution".

22/ Resolutions 442 C (XIV) and 502 H (XVI)

appointment should carry remuneration. In compliance with that resolution, only the Secretary-General might, funds permitting, appoint a remunerated consulting expert, but he himself would then be responsible for the standard of the work carried out, which might in those circumstances equally well be entrusted to the Secretariat. It was also noted that the provisions of paragraph 4 of Economic and Social Council Resolution 502 H (XVI) envisaged clearly that studies which fell within the scope of the specialized agencies or other bodies should normally be carried out by the specialized agencies or other bodies directly concerned.

22. The Secretary-General believes that normally his views should be requested beforehand by any organ of the United Nations before the appointment of a special rapporteur is agreed upon. He does, however, recognize the fact that in certain fields such an appointment might have distinct advantages and it is with this consideration in mind that he has framed proposals for appropriate remuneration which are submitted in paragraph 26 below.

Remuneration of members of the Permanent Central Opium Board and the Drug Supervisory Body

23. The Advisory Committee considered this question during October 1953, on a report of the Secretary-General ^{24/} submitting the views of the Permanent Central Opium Board as endorsed by the Economic and Social Council ^{25/}. In reporting to the General Assembly ^{26/} the Advisory Committee at that time noted that the Secretary-General "while recognizing the problem to which the present rate of allowance gives rise in the case of these two bodies, does not feel that proposals can at present usefully be submitted, in view of the complexity of this matter, which may affect the general system of subsistence allowances for members of commissions and committees of the United Nations, and in view also of the financial consequences which an isolated decision in a specific case might produce." The Committee further noted that "it is the intention of the Secretary-General to undertake, during 1954, a full study of the question and of its relation to other United Nations bodies, ...".

^{24/} A/2509. The arguments advanced by the Board are set forth in detail in that document, a copy of which is annexed to the present paper.

^{25/} Economic and Social Council resolution 505 F III (XVI) of 28 July 1953.

^{26/} A/2528, paragraph 4.

24. The Secretary-General believes that there are good grounds for a separate treatment of this question, that such a treatment would not necessarily affect the general system of subsistence allowances, and that, on the substance of the case an increase in the emoluments of members of the Central Board and the Supervisory Body would be justified. The supporting arguments having been presented in his previous report (A/2509), the Secretary-General confines himself to the following points:

- (a) "In its report to the Council (E/OB/8), the Board reported that in the case of both the Board and the Supervisory Body, the volume of work had grown steadily from year to year, extending, particularly in the Supervisory Body, beyond the bounds of the regular sessions, which these two bodies have been led by a proper concern for economy to keep within narrow limits. Consulted by correspondence and asked to make what often prove to be lengthy and difficult studies, the members have had to devote an increasing proportion of their time to tasks of ever-growing complexity. The Presidents and Vice-Presidents of these bodies are entrusted with organizational and representational functions which have often proved a heavy burden.";
- (b) Exceptional treatment seems justified in view of the peculiar condition of service as a member of the Central Board. Article 19 of the 1925 Convention on Narcotic Drugs (amended by the Protocol of 1946) provides that members "shall not hold any office which puts them in a position of dependence on their Governments." This condition does not apply to any other United Nations body;
- (c) It is also stipulated, in the same article of the Convention, that the members of the Board shall be persons "who by their technical competence, impartially, and disinterestedness will command general confidence." Since the members are typically persons engaged in university teaching, in legal or medical practice, or other non-official occupations, time spent on the work of the Board may often result in a reduction in professional earnings or fees;
- (d) Although the restrictive conditions regarding dependence on Governments does not apply to the four-member Supervisory Body, the functions of the Board and the Body are closely inter-related, much of their work is done in joint session, and there are, normally and by intention, members common to both bodies. On that ground, and because the merging of the two bodies is proposed in the draft Single Convention, it seems logical to envisage identical treatment in the matter of remuneration.

25. Concrete proposals designed to meet the views of the Central Board and the recommendation of the Economic and Social Council are submitted in paragraph 25 (d) below.

Proposals submitted by the Secretary-General

26. On the basis of the foregoing paragraphs, the Secretary-General submits for the consideration of the Advisory Committee, the following proposals which distinguish on the one hand between an appropriate allowance for an expert while attending the sessions of the organ to which he has been appointed, and on the other hand appropriate remuneration for an expert, who by reason of the terms of reference of the organ to which he has been appointed, must undertake additional work between sessions.

A. Allowances for members of expert bodies for attendance at meetings

In the opinion of the Secretary-General, it is desirable, in principle, to maintain uniformity among eligible United Nations bodies of the same nature and among members of the same body. The Secretary-General is, however, aware of the circumstances and factors which gave rise to the question that forms the subject of this report and accordingly submits the following three alternative solutions for consideration.

- (a) First alternative. It is apparent that the principle of strict uniformity would be applied if each person attending a session of any expert body received only that allowance currently authorized by General Assembly resolution 459 (V) of 1 December 1950. Such a decision would be in line with the basic policy of the General Assembly as it has existed up to the present.
- (b) Second alternative. The question of an appropriate allowance for members of an expert body has given rise to difficulty in the past, and while in principle no objection could be taken to the direct application of the policy set out in paragraph A above, the Secretary-General must nonetheless consider whether the differences in practice which have obtained in the past are not without some justification. He therefore suggests that without prejudice to the principle of strict uniformity regard should also be had to the consideration set forth in paragraph 11 above, which though affecting only a limited number of expert members, raises an issue of importance not heretofore covered by any decision of the General Assembly. The issue may be stated as follows: to what extent is it reasonable for the General Assembly to take into consideration the possibility that a member of an expert body might sustain a financial loss by reason of his participation in the work of United Nations Organs.
 - (i) An expert member of a United Nations body if in the full-time service of a Member Government (excluding those who are only so employed "indirectly" e.g., university professors), can by implication accept such membership only with the assent of his government, it being also understood that should his government so desire he would undertake the assignment in the normal course of his duties. It is therefore a natural deduction that his government would continue to pay his salary and he would sustain no financial loss.

- (ii) Where, however, the expert member is not gainfully employed by his Government on a full-time basis, the case is or may be different. Such a person, by reason of absence from his headquarters, may sustain an actual financial loss through the interruption of salary payments or through a diminution in professional fees, or both. The Secretary-General considers that in such cases a supplementary token payment of \$10 for each day spent away from home would be just and that it could not be held to weaken the principle on which the general system of subsistence allowances rests.

On the financial side, the introduction of such a payment would not be costly, for it cannot be doubted that Member Governments will, as in the past, regard it as a point of honour, and indeed of prestige, to make the services of their officials available in an expert capacity. It is proposed that the payment should be made in respect of each day of session and of related travel, and finally that the members of all bodies eligible for subsistence allowance under the terms of General Assembly resolutions 251 I (III) and 459 (V) should come within the scope of this supplementary provision.

- (c) Third alternative. A further alternative solution would be to pay all experts an additional supplementary payment as a recognition of the special service rendered to the organization bearing also in mind that he is called upon to meet expenditures for representation or other incidental costs which do not admit a ready appraisal in specific terms in computing the actual subsistence rates. Should a proposal on these lines be agreed as a more equitable substitute for the proposals in paragraph B above, the Secretary-General would suggest that a sum of \$10 a day might be appropriate. Such a course would be substantially in line with the payment currently made to members of expert groups who are normally resident within a radius of 25 miles of the meeting place. Such an action would, of course, result in an increased budget charge as compared with the existing situation. The estimates of financial implications shown in Appendix B should be noted in this connexion.

B. Honoraria for special rapporteurs and
members of certain bodies

Reference has been made in paragraph 19 above to the absolute terms in which the General Assembly expressed its opinion on the remuneration of rapporteurs.

The question therefore arises whether it is not desirable so to amend the relevant legislation that it shall conform to the actual practice of the law-making authority of paying an honorarium to special rapporteurs for work between sessions as illustrated in the annual appropriations for the International Law Commission. Certainly the present situation cannot be regarded as satisfactory, and the Secretary-General suggests that the General Assembly may wish to indicate, by means of a specific amendment to resolution 677 (VII) how the problem of special rapporteurs as outlined in paragraph 21 above should be dealt with.

- (a) General rule. If the General Assembly is willing to accept the principle of payment of an honorarium to such rapporteurs, which the Secretary-General recommends, the Secretary-General would propose that:
 - (i) Two main criteria be applied in determining whether an honorarium should be paid: first, whether the work is better entrusted to a rapporteur rather than to the Secretariat; that decision should be governed by considerations such as are outlined in paragraph 20 above, and not by the factor of technical expertise in a given subject or a given field, although that factor would enter into the selection of a particular person; secondly, whether the project is of a creative character - for example, a study carried forward by the rapporteur to the point where action can be taken on the part of the expert body with a minimum of exploratory discussion - as distinct from a project only involving the gathering and analysis of material, which normally would come within the competence of the Secretariat.
 - (ii) The maximum honorarium be fixed at \$1500 a year. Normally the payment of an honorarium would be subject to the approval of the General Assembly and its amount included in the regular budget estimates. The Secretary-General is of the opinion that before any organ resolved to appoint a special rapporteur, it would be his responsibility to make his views known on the question to the organ concerned. His comment at that stage would have regard to the nature of the particular study involved, the reasonable length of time necessary to complete it and his opinion on the most appropriate and effective manner in which the study should be undertaken.
 - (iii) It would, of course, be understood that in no case whatever would an honorarium be paid to a rapporteur or special rapporteur in respect of work performed on behalf of an expert body in the course of a session of that body.

(b) Special arrangements for certain bodies. The Secretary-General considers that there is a valid case for the payment of honoraria for work performed between sessions in the case of the following bodies:

(i) Permanent Central Opium Board and Drug Supervisory Body. The grounds on which increased emoluments are proposed for the members of these two bodies have been stated in paragraph 24 above. The Secretary-General accordingly suggests that in addition to subsistence allowance and, where appropriate, the supplementary payment of \$10 per day, the members should receive honoraria to be paid on an annual basis at the following rates:

President	\$1,200
Vice-President	700
Members	500

(A member serving on both bodies to receive 50 per cent of the second honorarium.)

(ii) Administrative Tribunal. In the case of the Administrative Tribunal, the workload between sessions shows wide variations according to the calendar of applications. In lieu therefore of payment on an annual basis, the honoraria might be related to actual sessions of the Tribunal, as follows:

For preparatory work undertaken in connexion with any one session (other than the annual procedural session):

President	\$300
Members	150

Related administrative questions

27. The Advisory Committee raised during November 1953 the question whether, in the case of missions of inquiry (or analogous bodies), the rate of allowance might not reasonably be reduced after a certain number of months of service in the mission area. While not taking a firm position in the matter, the Secretary-General is, on balance, not in favour of varying the existing practice, since he takes account of considerations previously advanced by the Advisory Committee itself, namely, that members of such missions are absent from their homes for a period of one year and that they frequently serve in areas where special clothing is required 27/.

28. An estimate of the budgetary implications of the foregoing proposals (based on the 1954 pattern of meetings) is submitted in Annex B.

27/ A/1312, paragraph 326.

ANNEX A

The following table shows how the principles adopted by the General Assembly in resolution 231 I (III) of 8 October 1948 have been applied to a representative list of organs and subsidiary organs of the United Nations:

1. Bodies for which no travel or subsistence is paid:

- (a) Security Council;
- (b) Economic and Social Council;
- (c) Trusteeship Council;
- (d) Disarmament Commission;
- (e) Special Conference to which Governments are invited to send representatives, e.g., World Population Conference, United Nations Tin Conference.

2. Bodies for which travel (without subsistence) is paid:

- (a) General Assembly: Up to five representatives or alternate representatives of each Member 1/;
- (b) Commissions of the Economic and Social Council to which representatives are nominated by Members in consultation with the Secretary-General and subsequently confirmed by the Council.

3. Bodies for which travel and subsistence are paid:

- (a) Commissions of inquiry, mediation or conciliation established by the General Assembly or the Security Council, e.g., Commission for the Unification and Rehabilitation of Korea, Advisory Council for the Territory of Somaliland under Italian administration 2/;
- (b) Other bodies:
 - (i) Administrative Tribunal; Advisory Committee on Administrative and Budgetary Question; Committee on Contributions; International Law Commission;

1/ General Assembly resolution 14 D (I) of 13 February 1946.

2/ In the case of commissions in category (a), travel and subsistence are also paid to one alternate representative of each Member participating, provided that the organ concerned decides that alternates are necessary.

- (ii) Sub-Commissions of the Economic and Social Council on which the members serve in a personal capacity;
- (iii) Visiting missions of the Trusteeship Council;
- (iv) Advisory Committees of an expert character the members of which are appointed by the Secretary-General, e.g., International Civil Service Advisory Board, Investments Committee 1/.

1/ In the case of the Investments Committee, the appointments are made by the Secretary-General after consultation with the Advisory Committee on Administrative and Budgetary Questions, and subject to subsequent confirmation by the General Assembly.

ANNEX B

Estimate of Financial Implications of the Proposals Summarized in
Paragraph 26 of A/CN.1/R.188, based on the 1954 Budget

1. Subsistence allowance

The 1954 approved budget included a sum of \$254,600 for travel costs of members of Commissions and Committees for those bodies where subsistence allowance was paid in addition to actual transportation costs. With a uniform application of subsistence allowance to all bodies as set out in paragraph 26 A (a), a sum of \$242,000 or \$12,600 less would have been required for the same purposes.

2. Special allowance

No budget provision was made in 1954 under this heading. Adoption of the suggestion set out in paragraph 26 A (b) would require an estimated budgetary provision of \$9,100. Adoption of the suggestion set out in paragraph 26 A (c) would acquire an estimated provision of \$47,000, including a sum of \$32,000 in respect of Members of Commissions for investigation and inquiry.

3. Honoraria for special rapporteurs

The 1954 budget included a provision of \$9,000 for payment of honoraria to the Chairman and five rapporteurs of the International Law Commission. It is assumed that a similar budget provision would be required as a minimum following the considerations set out in paragraph 26 B (a).

4. Honoraria for members of the Permanent Central Opium Board
and Drug Supervisory Body

No budget provision was made in 1954, under this heading. Adoption of the suggestions set out in paragraph 26 B (b) (i) would require an estimated budgetary provision of \$7,300.

5. Payment to members of the Administrative Tribunal for work between sessions

No budget provision was made in 1954, under this heading. Adoption of the suggestions set out in paragraph 26 B (b) (ii) would require an estimated provision of \$2,400.
