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Chairman: Mr. Pote SARASIN (Thailand).

AGENDA ITEM 54

Personnel policy of the United Nations (A/2777, A/2788, A/C.5/L.303, A/C.5/L.308) (*continued*)

1. Mr. STAVROPOULOS (Secretariat) gave the Netherlands representative the additional information he had requested at the 469th meeting. The Netherlands delegation's interpretation of the last two sentences of paragraph 17 of the Secretary-General's report (A/2777) was correct. Not only would the Secretary-General take no action, but he would not even reach any conclusion until he had received and studied the observations of the Special Advisory Board.
2. With regard to the second sentence of paragraph 18, the Netherlands delegation had asked what form the conclusion of the Special Advisory Board would take if it was precluded from recommending termination. The function of the Board would be to advise the Secretary-General whether or not in its opinion he would have the right to terminate a staff member under either sub-paragraph (i) or sub-paragraph (ii) or both, of staff regulation 9.1 (a). The Board would not be expected to recommend whether or not the Secretary-General should terminate the staff member concerned but it could recommend leniency when exceptional circumstances warranted it.
3. Lastly, he said that the Secretary-General had accepted the oral amendment that the United Kingdom had proposed at the 469th meeting to the new text of staff regulation 1.6 which appeared in the Secretary-General's report (A/2777).
4. Mr. CHAPMAN (New Zealand) said that, if rigidly applied, staff regulation 1.6 would ensure the impartiality essential to the proper functioning of an

international administration, but its strict application might sometimes be unfair. It was to avoid that situation that the Advisory Committee had suggested (A/2788) that the Secretary-General should be able to authorize departures from the regulation "only in very exceptional cases". The New Zealand delegation thought it preferable for the staff regulation to be framed in more flexible terms which would provide for certain exceptions and at the same time allow the Secretary-General the right to apply a restrictive interpretation. It was unwise to make a regulation in the full knowledge that exceptions must be made to it. The Secretary-General's task should be to interpret the regulation rather than to authorize deviation from its provisions.

5. New Zealand civil servants were not allowed to accept honours, fees or awards without the prior approval of the Public Service Commission. The practice worked satisfactorily and it should be possible to apply a similar principle to the United Nations Secretariat.

6. The revised text of staff regulation 1.6 proposed by the Secretary-General did not provide that in each particular case the staff member should first ascertain the Secretary-General's views on the compatibility of the honour or favour in question with his status as an international civil servant. The question arose, therefore, whether a staff member was committing a breach of the staff regulations in accepting an honour or a favour which in his view was not incompatible with his status of an international civil servant, even though the Secretary-General might have considered, or might subsequently rule, that it was incompatible. In consequence, it was essential that the staff member should obtain the Secretary-General's approval in advance. If any other course were followed, it would be dangerous to widen the provisions of staff regulation 1.6.

7. With that in mind his delegation was proposing a new text (A/C.5/L.308) for staff regulation 1.6.

8. Mr. LIU YU-WAN (China) referred to paragraphs 8 and 10 of the Secretary-General's report (A/2777) and recalled the statement he had made at the eighth session of the General Assembly (409th meeting). In his view there was no conflict between the status of an international civil servant and the demands of national security. The United Nations was not a super-Government; it had not even the sovereignty of a State. What was expected of an international civil servant, what was known as international loyalty, was loyalty to the purposes and principles of the Charter. In that respect paragraph 21 of the report of the International Civil Service Advisory Board was misleading: it spoke of national and international loyalties and of a possible conflict between the two. His delegation was gratified that the Secretary-General had clarified the matter in his statement at the 435th meeting (A/C.5/580).

9. With regard to staff regulation 1.6 he noted that the new text proposed by the Secretary-General was in conformity with the principles unanimously recommended by the heads of the specialized agencies. He also noted that the Secretary-General had given the assurance (A/2777, paragraph 13) that he would give the new regulation a restrictive interpretation, permitting only what, on a common-sense basis, should not be excluded. The delegation of China was not convinced, however, that it would be wise to adopt the new text. Incompatibility was very hard to define; the Secretary-General would have great difficulty in deciding whether the acceptance of an honour or a favour was incompatible with the status of an international civil servant. The very fact that the Secretary-General was proposing an amendment to the present staff regulation 1.6 was sufficient evidence that the regulation had not hitherto been strictly applied. The examples which the Secretary-General gave in paragraph 10 of his report (A/2777) seemed to imply that international civil servants had in the past been doing what the existing regulation, if strictly interpreted, prohibited them from doing. It might therefore be asked whether the new regulation would give the Secretary-General increased power to prevent a recurrence of such instances.

10. He went on to give an example which showed that under the new text a staff member could receive remuneration which the existing regulation prohibited him from accepting. The Secretary-General had said that the new regulation involved a change from outright prohibition of all acceptance, to prohibition of any acceptance incompatible with the staff member's status as an international civil servant. From a practical point of view it was difficult to enforce limited prohibition, for the simple reason that it was difficult to define the limits.

11. In the light of those considerations, his delegation would be obliged to vote against the Secretary-General's proposal if it was put to the vote in its present form. It would, however, vote in favour of the draft resolution proposed by Chile (A/C.5/L.303), as amended orally by the Netherlands delegation.

12. Mr. M. I. BOTHA (Union of South Africa) had studied the reports before the Committee with interest. Although the Secretary-General and the Advisory Committee were not in agreement on the amendment to staff regulation 1.6, their differences did not concern the substance of the question but only the manner in which the question should be settled. The Secretary-General proposed that the new regulation should be given a restrictive interpretation; he wished the rights of the Administration and of the staff to be respected. Accordingly his delegation would be able to vote in favour of the new text proposed by the Secretary-General and amended by the United Kingdom. It was glad that the Secretary-General had accepted the United Kingdom amendment. The New Zealand amendment (A/C.5/L.308) was a further improvement of the regulation and his delegation would vote in favour of it.

13. He endorsed the opinion of the Advisory Committee and the Secretary-General concerning the interpretation of paragraph 2 of annex IV of the staff regulations.

14. His delegation was glad that the Chilean representative had accepted the Netherlands oral amendment

to his draft resolution (A/C.5/L.303). It would be advisable, however, to introduce a similar amendment in the second paragraph of the operative part, for, as it stood, it too prejudged the solution of the problem. Neither was the wording of the fourth paragraph of the preamble fully satisfactory. Finally he drew attention to the fact that as stated in the first paragraph of the operative part of the draft resolution, the International Civil Service Advisory Board was in fact studying the question of educational facilities. He therefore asked the Chilean delegation not to insist upon its proposal being put to the vote.

15. Mr. EL MESSIRI (Egypt) agreed with the Advisory Committee that there was much advantage in maintaining staff regulation 1.6 in its present form, on the understanding that, in very special cases, the Secretary-General should decide whether an exception should be authorized.

16. The application of the proposed new text would give rise to difficulties, especially in the case of officials who were not working at Headquarters in New York.

17. With regard to the interpretation of annex IV, paragraph 2, of the staff regulations, the Egyptian delegation thought that the education grant should be paid only to an official who resided in a country other than his own. In paragraph 23 of his report the Secretary-General instanced the case of an official of French nationality who worked in the European Office and resided in France, near Geneva. It might well be, however, that his children attended a school in a large French town, in which case they would not reside with their parents. He wondered, therefore, whether it would not be better to adopt a provision like that in annex IV, paragraph 2, sub-paragraph (c), which provided for the payment of a grant when officials sent their children to special schools in the area where they were serving.

18. With regard to the Chilean draft resolution (A/C.5/L.303), he would like to know whether the fourth paragraph of the preamble meant that the provisions in force were restrictive or whether they had been applied restrictively.

19. Mr. KOSTIC (Yugoslavia) said that after studying the reports of the Secretary-General and the Advisory Committee, the Yugoslav delegation was still convinced that it was unnecessary for the provisions of staff regulation 1.6 to be amended. The rigidity of the present regulation doubtless caused many difficulties but the proposed new text did not seem calculated to remove them. If international civil servants were permitted to receive honours, decorations, favours, gifts and fees, and if it was left to the Secretary-General to decide whether such acceptance was compatible with the status of an international civil servant, it was to be feared that all kinds of pressure might be exerted on the Secretariat. In addition, the Secretary-General would be placed in a most delicate situation. He already had very heavy responsibilities and there was no reason to burden him with a new and particularly difficult task in a field which, after all, was of secondary importance. That being so, the Yugoslav delegation agreed with the Advisory Committee that it would be better to retain staff regulation 1.6 as it stood, on the understanding that the General Assembly should authorize the Secretary-General in applying the regulation to be guided by the comments in the Advisory Committee's

report and not to concur in any derogation from its provisions except in very exceptional cases.

20. With regard to annex IV, paragraph 2, of the staff regulations, the Yugoslav delegation shared the opinion of the Secretary-General and the Advisory Committee that a claim for the payment of the education grant could not with propriety be submitted by a staff member residing in his own country.

21. Turning to the question of the Special Advisory Board, he endorsed the principle that the proceedings of that body should be confidential, in the interest of the officials concerned. All would agree, however, that it would be very difficult for the General Assembly to examine the principles applied by the Secretary-General in carrying out and interpreting the staff rules and regulations, especially where the new reasons for termination were concerned, if it had no factual information at its disposal. It would perhaps be well for reports on movements of personnel to be submitted to the General Assembly, from time to time, giving the number of officials who had left the Secretariat, their reasons for so doing, the number of new officials recruited, etc. In the case of terminations as a result of the application of sub-paragraphs (i) and (ii) of staff regulation 9.1 (a), the reports would also mention the Special Advisory Board's opinion. The names of the officials concerned would not, of course, be divulged. That would facilitate the work of the General Assembly without in any way harming the staff.

22. With regard to terminations, he recalled that in the general discussion on the budget estimates and the organization of the Secretariat, his delegation had urged that the criteria applied by one or another Member State for its own officials should not be followed in the United Nations Secretariat. The fate of international civil servants should not depend on considerations connected with the cold war. At the present time, when international relations were improving, it would be absurd for officials of the Secretariat to be victims of any such injustice.

23. Lastly, the Yugoslav delegation supported the Chilean draft resolution (A/C.5/L.303) relating to the education grants provided for in the staff regulations.

24. Mr. GANEM (France) said that he would confine himself to a few brief comments on the proposed new wording for staff regulation 1.6, for the French delegation's attitude had not changed since the sixth session and the Indian, Netherlands, Egyptian and Yugoslav delegations had already dealt with the question in detail. The present staff regulations 1.6 was indeed severe and difficult to apply. It had, however, been successfully applied in the League of Nations and it was just as necessary at the present day. If official provision was made for exceptions to the regulation, the Secretary-General would soon be overwhelmed with requests for the rule to be waived and he might even have to set up another advisory group to deal with the requests. The Secretary-General already had heavy responsibilities and it would be unreasonable to burden him with a fresh task, the need for which was questionable. Even the Advisory Committee's interpretation seemed to him too broad, for it offered too many possibilities of derogation from the regulation.

25. On the question of the education grant, the French delegation wholly supported the views of the Secretary-General and the Advisory Committee. It also endorsed

the principles of the Chilean proposal, for it was in favour of any method which would help the children of officials to study their mother tongue. It had no decided opinion on whether the draft resolution should be put to the vote or merely mentioned in the report.

26. Mr. AGHNIDES (Chairman of the Advisory Committee on Administration and Budgetary Questions) drew the Chilean representative's attention to the fact that the second paragraph of the operative part of the Chilean draft resolution (A/C.5/L.303) entrusted the International Civil Service Advisory Board with a task which was not covered by its terms of reference. The paragraph should therefore be amended.

27. He would like to allay the misgivings of the Chinese representative with regard to paragraph 21 of the report on standards of conduct in the international civil service. In the first place, that paragraph meant that the conduct of an international civil servant must be consistent with his duties to the international organization, which he had freely accepted. It therefore followed that he must not show the slightest semblance of lack of loyalty towards the Organization. For example, the department to which the official was attached might be called upon to deal with a matter directly affecting the country to which he belonged. In that case the Secretary-General must ensure that the official in question had nothing to do with the matter, or else the official must ask to be assigned to another department.

28. Mr. MELO LECAROS (Chile) was willing to amend the second paragraph of the operative part of the Chilean draft resolution (A/C.5/L.303), in order to meet the legal objection raised by the Chairman of the Advisory Committee. He suggested that all reference to the Secretary-General should be deleted; the paragraph would then read: "*Requests the International Civil Service Advisory Board to consider. . .*", the rest remaining unchanged.

29. Mr. RYBAR (Czechoslovakia) shared the Advisory Committee's views on the new text suggested by the Secretary-General for staff regulation 1.6. He considered that it would be contrary to the interest of the United Nations for an official to be authorized to receive a fee for activities carried on outside the Secretariat. It therefore seemed to him better to retain the original wording of staff regulation 1.6, on the understanding that the Secretary-General would be authorized to concur in any derogation from its provisions in exceptional cases.

30. With regard to annex IV, paragraph 2, of the staff regulations, concerning the payment of education grants, the Czechoslovak delegation endorsed the interpretation given by the Secretary-General and the Advisory Committee.

31. Mr. STRAUCH (Brazil) was glad to note that the difference between the views of the Secretary-General and those of the Advisory Committee on the revision of staff regulation 1.6 related to the method to be followed and not to the principles involved.

32. The Brazilian delegation considered that the principle on which staff regulation 1.6 was based was perfectly justified but that the rule should be sufficiently flexible to allow for reasonable exceptions such as, for instance, the acceptance of honours for services per-

formed before appointment to the United Nations Secretariat. The adoption of a more flexible provision, such as that proposed by the Secretary-General, therefore seemed desirable, especially as the Secretary-General intended to give it a restrictive interpretation. His first impression of the amendment proposed by the New Zealand delegation (A/C.5/L.308) was favourable, but he would like first to hear the views of the Secretary-General's representative on how such a provision would work out in practice.

33. With regard to paragraph 2 of annex IV of the staff regulations, he endorsed the interpretation given by the Secretary-General and the Advisory Committee. He was also prepared to vote for the Chilean draft resolution (A/C.5/L.303).

34. In conclusion, the Brazilian delegation wished to point out that the Secretariat could not have a truly international character unless the provisions concerning the use of the official and working languages were strictly applied. A knowledge of languages should therefore be an essential factor in determining appointment and promotion.

35. Mr. LIVERAN (Israel) referring to the proposed amendment to staff regulation 1.6, pointed out that there was another possible solution to the problem before the Committee besides those offered by the Secretary-General and the Advisory Committee. As the representative of India had already pointed out, staff regulation 1.6 could be maintained in its present form and its provisions given a strict application, so that the principle was observed not only in general but also in every individual case. In any event, it should not be forgotten that the scope and purpose of the staff regulations were defined in its preamble. The staff regulations laid down the broad principles, and it lay with the Secretary-General to make the necessary provision for their application; in view of the confidence it had placed in the Secretary-General, the General Assembly would find no difficulty in permitting him to apply staff regulation 1.6 as he saw fit and would not blame him for having derogated from the principle in exceptional cases.

36. In seeking the retention of staff regulation 1.6 in its present form, the Israel delegation was thinking less of the effect which the receipt of an honour or favour from a source external to the Organization might have on the integrity of the person concerned than of the unfortunate consequences which the bestowal of such an honour or favour might have on relations between Secretariat officials, for in the performance of a task which required a collective effort it was undesirable that individuals should be selected for special mention or recompense.

37. He went on to point out that the replacement of the word "fee" by the word "remuneration" in the first part of the revised regulation, as proposed by the Secretary-General, would give it a much more restrictive character than the present regulation. In fact, it would go so far as to prohibit an official from accepting anything in return, say, for helping a friend with household tasks. The prohibition was, of course, not absolute, for the second part of the new regulation 1.6 envisaged cases in which the prohibition would not operate. As the Brazilian representative had said, the application of those provisions would entail considerable administrative difficulties; the regulation did

not say, for instance, how or when the rule might be waived. The text proposed by the New Zealand delegation (A/C.5/L.308), on the other hand, which also used the word "remuneration", stated that the staff member should first obtain the approval of the Secretary-General and laid down the conditions in which the rule could be waived. That would entail a complicated procedure for the consideration of each specific case but the final decision would still be left to the discretion of the Secretary-General. He would not, therefore, vote in favour of the New Zealand proposal but, if the Committee wanted to adopt that text, it would be better to revise the wording in order to avoid the disadvantage he had pointed out.

38. With regard to services rendered by an official before his appointment to the Secretariat, he felt that the fact of belonging to the Secretariat was an honour in itself and that any staff member could well wait until he had left the Secretariat before accepting any other honour. Indeed, it would not be amiss if the staff regulations were to impose a waiting period before any such honours could be accepted. The Israel delegation would therefore support the retention of staff regulation 1.6 as it stood.

39. Referring to the possible effects that the recruitment of officials holding permanent residence visas might have on the geographical distribution of the staff, he briefly recalled the views expressed by his delegation at the eighth session (419th meeting); in his opinion there was no connexion between the two questions and he was glad to note that in the circumstances there was no need to reopen the discussion.

40. Mr. STAVROPOULOS (Secretariat) said that the Secretary-General accepted the revised text proposed by the New Zealand delegation (A/C.5/L.308). In reply to the objections raised by the representative of France, he said that in order to lighten his task the Secretary-General intended to define in the staff rules the circumstances in which the general principle laid down in staff regulation 1.6 could be set aside, which would reduce the number of requests on which the Secretary-General would have to take a decision.

41. The Secretary-General had never intended to encourage the acceptance of the benefits referred to in staff regulation 1.6 and he proposed to give the new text a restrictive interpretation. The disadvantage of the present text was that it pronounced an absolute prohibition. The Advisory Committee recommended that the General Assembly should specifically authorize the Secretary-General to make exceptions to the rule, but, given the present formulation of the principle, that was tantamount to asking the Secretary-General to contravene the provisions of the staff regulations. It was for that reason that the Secretary-General had asked the General Assembly to alter the wording of staff regulation 1.6.

42. Mr. CHECHYOTKIN (Union of Soviet Socialist Republics) saw no reason for amending staff regulation 1.6 and he endorsed the observations of the Advisory Committee. He reserved his delegation's position with regard to the other questions of personnel policy.

43. Mr. FRIIS (Denmark) said that the report of the International Civil Service Advisory Board which so clearly stated the high standards required of international civil servants, would prove extremely useful

during the period of reorganization and in future. Of course it would have been preferable to have had it earlier, but its publication was a matter for satisfaction.

44. With regard to staff regulation 1.6, the Advisory Committee and several members of the Committee had put forward weighty arguments in favour of the retention of the present text. Furthermore, the heads of the specialized agencies who had to implement rules similar to those in force in the United Nations, did not appear to have encountered the difficulties to which the Secretary-General referred. Moreover, the new text would not help to remove all difficulties, for it offered no real guidance either to the "source external to the Organization" or to the official in question, who, together with the Secretary-General, were the parties concerned in each specific case. The revised text proposed by New Zealand (A/C.5/L.308) introduced a new element and he would like time to consider it.

45. With regard to the important question with which the Chilean draft resolution dealt, the Danish delegation considered it with great sympathy and agreed that the Committee should give it close attention. The problem was a difficult one, however, and it was doubtful whether a satisfactory solution could be found. Before taking any action it would be necessary to make a careful study of the matter. On the basis of the report which would be submitted, the General Assembly would be able to make up its mind and also to consider the financial implications of the solutions proposed. Taking into account the wise amendments proposed by the Netherlands and the Union of South Africa, the Danish delegation was prepared to vote in favour of the draft resolution, which asked for a report on the matter. He felt that under its terms of reference, the International Civil Service Advisory Board should be able to offer the Secretary-General its assistance in that special task.

46. Mr. MELO LECAROS (Chile) said that, in view of the importance which many delegations attached to the study of their mother tongue, he would urge the representatives of France and the Union of

South Africa not to oppose the adoption of a draft resolution and not to press for the matter to be dealt with only in the Committee's report to the General Assembly. Having regard to the objections raised by other members of the Committee, he was prepared to delete the third and fourth paragraphs of the preamble of his draft resolution. He could not, however, agree to amend the second paragraph of the operative part, as requested by the representative of the Union of South Africa.

47. The CHAIRMAN proposed the adjournment of the debate.

It was so decided.

AGENDA ITEM 55

Translation of some official documents of the General Assembly into the Arabic language in accordance with rule 59 of the rules of procedure of the General Assembly (A/C.5/L.304) (concluded)

The draft report of the Rapporteur (A/C.5/L.304) was adopted.

AGENDA ITEM 36

Financial reports and accounts, and reports of the Board of Auditors:

(c) United Nations Relief and Works Agency for Palestine Refugees in the Near East, for the financial year ended 30 June 1954 (A/C.5/L.306) (concluded)

The draft report of the Rapporteur (A/C.5/L.306) was adopted.

(d) United Nations Korean Reconstruction Agency, for the financial year ended 30 June 1954 (A/C.5/L.307) (concluded)

The draft report of the Rapporteur (A/C.5/L.307) was adopted.

The meeting rose at 1 p.m.