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PROGRAMME BUDGET FOR THE BIENNIUM 1978-1979

Comprehensive study of the question of honoraria payable to members
of organs and subsidiary organs of the United Nations

Report by the Secretary-General

1. This report has been prepared at the request of the Advisory Committee on Administrative and Budgetary Questions and serves to supplement the information provided in the study of the question of honoraria payable to members of organs and subsidiary organs of the United Nations (A/C.5/31/2) which was submitted to the General Assembly at its thirty-first session in response to the mandate contained in its resolution 3536 (XXX).

2. The request for a new study of the question was the outgrowth of a report (A/C.5/1677) submitted by the Secretary-General to the General Assembly at its thirtieth session, in which the view was expressed that some reasonable adjustment to the honoraria currently payable to members of the International Law Commission, the International Narcotics Control Board and the Administrative Tribunal appeared to be appropriate, taking into account the substantial reduction in purchasing power of the amounts involved as a result of inflation and other economic factors since these honoraria were initially established in 1957, 1967 and 1969 respectively. The authorized levels payable at the time and those proposed were as follows:

(In United States dollars)

	President or Chairman		Vice-Presidents		Other members		Special rapporteurs	
	Current	Pro- posed	Current	Pro- posed	Current	Pro- posed	Current	Pro- posed
International Law Commission	2,500	4,000	-	-	1,000	1,500	2,500	4,000
International Narcotics Control Board	2,500	4,000	1,500	2,500	1,000	1,500	-	-
United Nations Administrative Tribunal	2,500	4,000	-	-	1,000	1,500	-	-

3. The Advisory Committee on Administrative and Budgetary Questions, in its related report (A/10008/Add.3), indicated that it was unable to recommend approval of the Secretary-General's proposals, since the payment of those honoraria had been authorized by the General Assembly as exceptions to the basic principle that neither a fee nor any other remuneration in addition to subsistence allowances and travel expenses shall normally be paid to members of organs and subsidiary organs of the United Nations. Also, there was no indication in the record to suggest that the Assembly had intended that the payments, which were considered to be of a token nature, would be subject to adjustment to compensate, in whole or in part, for the subsequent loss of purchasing power.

4. Having considered the two reports referred to above, the General Assembly, in its resolution 3536 (XXX)

(a) recalled the basic principle to the effect that neither a fee nor any other form of remuneration in addition to subsistence allowances and travel expenses shall normally be paid to members of organs and subsidiary organs of the United Nations;

(b) expressed the conviction that there was a pressing need for a clearer definition of uniform criteria applicable to exceptions to that general rule;

(c) decided until further notice to maintain at their present level the amounts of the honoraria paid in the three cases referred to in paragraph 2 1/ above;

(d) requested the Secretary-General to submit to the General Assembly for consideration at its thirty-first session a comprehensive study of the question of honoraria payable to members of organs and subsidiary organs of the United Nations, taking into account, inter alia, the following factors:

- (i) The practice that may be applied by other organizations within the United Nations system;
- (ii) The need to secure the services of competent and independent experts;
- (iii) The implications of introducing uniformity into the conditions for the payment of honoraria to full-time members and part-time members of the organs and subsidiary organs concerned or likely to be concerned;
- (iv) The possible implications of discontinuing honoraria for part-time members with regard, inter alia, to retaining qualified experts in those organs.

5. The report (A/C.5/31/2) which was submitted in response to this resolution provided (a) a detailed history of the general question of the payment of honoraria by the United Nations (paras. 4-26), (b) a description of the practice followed by other organizations in the United Nations system in this regard (paras. 28 to 42) and (c) the views expressed by the Chairman of the International Law Commission and the International Narcotics Control Board (paras. 43 to 45). An annex to the report contained special case studies on the restricted number of cases in which, up to that time, the General Assembly had decided to authorize the payment of honoraria on an exceptional basis. As a result of this re-examination of the history of the question and of the varying circumstances on which each of the current exceptions to the general rule had been based, it was indicated in the report of the Secretary-General that no new criterion applicable to such exceptions

1/ At its thirty-second session the General Assembly, by way of a further exception, approved the payment of honoraria to the Members of the Human Rights Committee on the same basis as those payable to the International Law Commission, the International Narcotics Control Board and the Administrative Tribunal. This action was taken in view of the provision made in Article 35 of the Covenant on Civil and Political Rights to the effect that members of the Committee would be entitled to "receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities".

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had emerged. For this reason, it was considered that there appeared to be no compelling reasons for any change in the present system as approved by the General Assembly.

6. As a result of its review of the report, the Advisory Committee in a letter addressed to the Secretary-General concluded that, while the document contained useful information on the history of the question and on the practice of other organizations in the United Nations system, it did not constitute an adequate response to resolution 3536 (XXX). This applied in particular to operative paragraphs 2 (c) and (d) in which the Secretary-General had been asked to report on the implications of introducing uniformity into the conditions for the payment of honoraria to full-time members and part-time members of the organs and subsidiary organs likely to be concerned, as well as the possible implications of discontinuing honoraria for part-time members with regard, inter alia, to retaining qualified experts in those organs. Therefore, the Advisory Committee suggested that it might be possible to provide the Assembly with an analysis of relevant criteria, such as the particular expertise or independence of the members; the amount of work to be performed during and between sessions in one year; the duration of sessions; at what point the independent earning capacity of a member (or his usefulness to his Government or employer) can be said to become impaired; the extent to which research and other secretariat assistance is provided free of charge to special rapporteurs, and extent to which they are expected to finance such assistance themselves; and other considerations, as appropriate. Once a tentative list of relevant criteria had been drawn up and analysed, the Advisory Committee considered that it should be possible to determine, in response to operative paragraph 2 (d) of the resolution, which of the organs consisting of individuals serving in their personal capacity would qualify for the payment of honoraria to its members on the basis of those criteria, and what the implications of introducing uniformity would be. Such an analysis might suggest that some members who now receive honoraria should cease to receive them, and that others, who now do not, might qualify for the payment of honoraria. Alternatively, the analysis might suggest that honoraria should be paid only to persons who are recognized as full-time officials of the Organization for the purposes of the Convention on the Privileges and Immunities of the United Nations, and that payment of honoraria to part-time members should be discontinued.

7. The three persons currently serving as full-time members are the Chairman of the Advisory Committee on Administrative and Budgetary Questions and the Chairman and Vice-Chairman of the International Civil Service Commission. It has been recognized that in these cases the circumstances call for a different type of compensation than the token payments to which the part-time members of the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal and the Human Rights Committee are entitled at the present time. This question is dealt with in a separate report (A/C.5/33/41) in which, as requested by the General Assembly in part XI, paragraph 2 of its resolution 32/212 of 21 December 1977, the Secretary-General has indicated the results of a study of the conditions of service and compensation appropriate "for those officers serving the General Assembly, other than Secretariat

officials, whose terms and conditions of selection, duties and responsibilities preclude active engagement by governmental, inter-governmental or other specified entities". What follows in the present report therefore relates exclusively to persons serving on a part-time basis.

8. In an attempt to arrive at uniform conditions for the payment of honoraria to such part-time members, a questionnaire was drawn up along the lines of inquiry suggested by the Advisory Committee and transmitted to the following 15 subsidiary organs which, being comprised of persons serving in their individual capacity rather than as representatives of Member States, are the only ones in respect of which the issue of possible remuneration, in addition to the reimbursement of travel and subsistence expenses, has arisen in practice:

- (1) Advisory Committee on Administrative and Budgetary Questions
- (2) Committee on Contributions
- (3) Investments Committee
- (4) Committee of Actuaries
- (5) United Nations Staff Pension Committee
- (6) United Nations Administrative Tribunal
- (7) International Civil Service Commission
- (8) International Law Commission
- (9) International Narcotics Control Board
- (10) United Nations Scientific Committee on the Effects of Atomic Radiation
- (11) Committee on the Elimination of Racial Discrimination
- (12) Sub-Commission on the Prevention and Protection of Minorities
- (13) Human Rights Committee
- (14) Advisory Committee on the Application of Science and Technology to Development
- (15) Committee on Development Planning

9. The main questions raised with the secretariats of these bodies and the responses made may be summarized as follows:

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- (a) Did the resolution or decision by which the subsidiary organ was established specify the degree or level of expertise required of its members?

Special qualifications or guidelines for eligibility for membership had been prescribed specifically in the following 10 of the 14 cases under consideration:

- (1) Advisory Committee on Administrative and Budgetary Questions;

Rule 155 of the Rules of Procedure of the General Assembly laid down that at least three members should be financial experts of recognized standing.

- (2) Committee on Contributions: Rule 159 of the Rules of Procedure of the General Assembly provided that the members should be selected "on the basis of ... personal qualifications and experience".

- (3) International Civil Service Commission: Article 3 of the Statute of the Commission, as adopted by the General Assembly, in its resolution 3357 (XXIX) of 18 December 1974, laid down that the members of the Commission "shall be appointed in their personal capacity as individuals of recognized competence who have had substantial experience of executive responsibility in public administration or related fields, particularly in personnel management."

- (4) International Law Commission: Article 2 of the Commission's Statute, as approved by the General Assembly in its resolution 174 (II) of 21 November 1947, prescribed that members of the Commission "shall be persons of recognized competence in international law"; in Article 8, moreover, it was stressed that "at the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required".

- (5) International Narcotics Control Board: In Article 9 of the Single Convention on Narcotic Drugs of 1961 it was laid down that members of the Board "shall be persons who by their competence, impartiality and disinterestedness will command general confidence and who possess a knowledge of the drug situation in the producing, manufacturing and consuming countries."

- (6) Committee on the Elimination of Racial Discrimination: The International Convention on the Elimination of All Forms of Racial Discrimination, as approved by the General Assembly in its resolution 2106 A (XX) of 21 December 1965, provided in Article 8 that the members of the Committee "shall be experts of high moral standing and acknowledged impartiality ...".

- (7) The Sub-Commission on Prevention of Discrimination and Protection of Minorities: By its resolution 1334 (XLIV) the Economic and Social Council indicated the members of the Sub-Commission should be elected by the Commission on Human Rights "from nominations of experts made by the States Members of the United Nations".
- (8) Human Rights Committee: Article 28 of the International Covenant on Civil and Political Rights states that the Committee shall be composed of "persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience".
- (9) Advisory Committee on the Application of Science and Technology to Development: In its resolution 980 (XXXVI) the Economic and Social Council provided, inter alia, that the members of the Committee should be appointed on the basis of "their personal qualifications" and their "knowledge and experience" in the field of science and technology.
- (10) Committee for Development Planning: In paragraph 3 of its resolution 1079 (XXXIX) of 28 July 1965, the Economic and Social Council noted that the members of the Committee would consist of "highly qualified experts who would make their experience in development planning available to the United Nations for use in the formulation and execution of development plans".
- (b) Did the resolution or decision by which the subsidiary organ was established lay down any other conditions for eligibility?

In a number of cases the enabling legislation contained provisions which were designed to ensure a balanced geographical distribution of members. The only additional information which is pertinent to this review is the specification in the case of the International Narcotics Control Board that its members "shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions" (Article 9, paragraph 2, of the 1961 Single Convention).

Comments

The fact that in the case of the four other subsidiary organs, i.e. the United Nations Investments Committee, the Committee of Actuaries, the United Nations Staff Pension Committee and the United Nations Administrative Tribunal, no specific reference was made in the enabling legislation to any special qualifications quite clearly cannot be interpreted as an indication that none were considered necessary. To all intents and purposes, therefore, it may be concluded that it was the legislative intent in the case of all 14 subsidiary organs under review that, as a minimum requirement, they

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should be composed of persons with a certain level of expert knowledge and experience in the area of work in which the organ would be engaged. It is true that the degree of expertise required is more high specialized and the general conditions for membership more exclusive in certain cases than in others. Any attempt to differentiate between the various cases on this score would have led to invidious comparisons, based on value judgements which, the Secretary-General believes, were not intended by the General Assembly when it asked for this review to be undertaken. It follows that there are no valid grounds in the context of this particular criterion for the payment of honoraria in certain cases and not in others.

(c) What was the annual average meeting period and did members work on related issues between sessions?

The average periods of time normally devoted to meetings varies from a few days at appropriate intervals in the course of the year in the case of such bodies as the United Nations Investments Committee to a total of some twenty-four weeks in the case of the Advisory Committee on Administrative and Budgetary Questions. In the intermediate range as such bodies as the International Law Commission (twelve weeks), the United Nations Administrative Tribunal (eight weeks), the International Narcotics Control Board (eight weeks), the International Civil Service Commission (six weeks) and the Committee on the Elimination of Racial Discrimination (six weeks).

As regards work performed by members between sessions, there was obviously no objective method by which to measure time spent by members in preparing themselves for meetings by the study of the subject-matter to be considered. In a number of cases such preparatory work could possibly be of a complex and time-consuming nature. In the case of a number of subsidiary organs more. In a number of instances, however, specific responsibilities could be entrusted to individual members. Examples provided in response to the questionnaire were the following:

- (1) International Civil Service Commission: One member is appointed as ex officio Chairman of the Advisory Committee on Post Adjustment Questions which holds one session of an average duration of one week per year.
- (2) International Law Commission: Special rapporteurs are appointed from among the members to prepare studies on specific subjects. The United Nations does not reimburse them for any expenses they may incur in the preparation of their reports such as those related to the acquisition of books, travel for purposes of consultation or secretarial assistance. These individuals, however, are among those who, by way of an exception to the general rule are in receipt of a token honorarium.

- (3) Sub-Commission on the Prevention of Discrimination and the Protection of Minorities: Individual members may be designated as special rapporteurs and entrusted with the preparation of studies on specific questions on the Sub-Commission's agenda. These persons are assisted by the Secretariat to the extent possible; nevertheless, they could conceivably incur personal expenses similar to those mentioned above in the case of the International Law Commission for which they are not reimbursed by the Organization.
- (4) International Narcotics Control Board: The Board requires its members to be available at any time in connexion with the Board's responsibility for administration and application of the various conventions and protocols with which it is concerned. Such work between sessions can be approximately quantified at eight weeks per annum for the President, six weeks for the vice-presidents, four weeks for the members of a drug estimates committee and two weeks for other members. The members of this Board are among the exceptional cases in which honoraria are paid.

Comments

The question of time spent in the performance of a task, whether during or between sessions, clearly cannot be used as a measure of the relative importance of the services rendered and therefore cannot serve as a valid basis for determining whether or not the payment of honoraria is more justified in certain cases than in others. This criterion is pertinent only to the extent that the earning capacity of a member might be impaired if the time devoted to the United Nations exceeded a certain limit. This is more likely to occur in the case of self-employed persons or persons working in the private sector than in the case of national civil servants or employees of other public institutions who, it is assumed, will normally remain on the payroll and retain their career opportunities. If the approach were to be taken that the purpose of an honorarium should be to compensate for losses in personal income, it would be necessary in the first instance to change the whole nature and scope of the present system in the sense that such payments would be made invariably in all deserving cases, rather than by way of relatively rare exceptions to a general rule. It would also mean that honoraria would be payable in varying amounts to different members of the same subsidiary organ. Such a system has many obvious drawbacks and is not recommended.

Conclusions

10. In adopting resolution 3536 (XXX) the General Assembly was seeking to determine whether it would be possible to replace the present practice, which derives from ad hoc decisions to allow exceptions to a rule, by a coherent system under which uniform criteria would determine whether members of a particular organ

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or subsidiary organ should or should not be paid honoraria. The review described in the present report, which was confined to members serving on a part-time basis and in their personal capacity, has revealed that it is extremely difficult if not impossible to distinguish in any valid way between the fourteen subsidiary organs examined and that, logically, the only alternatives should be to pay honoraria in all cases or in none. The basic principle adopted by the General Assembly from the start, as recalled in its resolution 3536 (XXX) was that such honoraria should normally not be paid. In four cases the Assembly has agreed to an exception to this rule. The views expressed in this report and the conclusions reached on the basis of the facts that are available have been provided at the Assembly's specific request and are without any prejudice to any of the decisions previously taken by the General Assembly on this subject at its own discretion.
