



Sixth session

REGULATIONS TO GIVE EFFECT TO ARTICLE III, SECTION 8  
OF THE HEADQUARTERS AGREEMENT BETWEEN THE  
UNITED NATIONS AND THE UNITED STATES  
OF AMERICA

Report of the Secretary-General

Introduction

1. Under section 8 of article III of the Headquarters Agreement between the United Nations and the United States of America, the United Nations is empowered "to make regulations, operative within the Headquarters district, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the Headquarters district".
2. By resolution 481(V) of 12 December 1950, the General Assembly has prescribed the method for giving effect to section 8 of the Headquarters Agreement. The Secretary-General was requested, by paragraph 1 of the resolution, to present "to the General Assembly for approval any draft regulation within the provisions of the Headquarters Agreement which may in his opinion be necessary for the full execution of the functions of the United Nations."
3. The Secretary-General was further authorized by paragraph 2 of the resolution to give immediate effect, when in his opinion it becomes necessary, to any regulation within the provisions of the Headquarters Agreement; and he was directed to report any such action to the General Assembly as soon as possible.

4. In accordance with resolution 481(V), the Secretary-General herewith presents for the approval of the General Assembly two draft regulations (annexes I and II). In addition, the Secretary-General reports that, on 26 February 1951, he promulgated and gave immediate effect to, Headquarters regulation No. 1 (annex III).

(a) Draft regulation relating to qualifications for the performance of services at the Headquarters district (annex I)

5. The proposed regulation would enable the Secretary-General to determine the qualifications for the performance of professional or other special occupational services within the Headquarters district. Doctors and nurses would, however, be authorized only if duly qualified in their own or another country.

6. The proposed regulation would remove restrictions on doctors, nurses and persons of other professions and occupations who, at present, must be licensed under the laws of the State of New York, before practising their profession or trade within the Headquarters district.

7. The regulation would facilitate the implementation of the employment policy set forth in Article 101 of the Charter which provides that in the employment of the staff and in the determination of conditions of services, the paramount consideration should be the necessity of securing the highest standards of efficiency, competence and integrity, and that due regard should be paid "to the importance of recruiting the staff on as wide a geographical basis as possible".

8. The removal of local license requirements (including residence and in many cases United States citizenship or declaration of intent to become a citizen as well as examinations requiring fluency in English) would afford the Secretary-General a wider choice in the selection of personnel best qualified for United Nations service.

(b) Draft regulation dealing with the operation of services and facilities within the Headquarters district (annex II)

9. The proposed regulation would require the times and hours of operation of services and facilities or retail establishments within the Headquarters district to conform to schedules fixed by the Secretary-General.

10. The main reason for the proposed regulation is that the public purpose served by a limited number of local laws or regulations is of a local or political nature. Their application to the Headquarters district in such cases may be unsuitable. The New York State requirement of the closure of given facilities, for example on election day, is illustrative. The requirement of closure is related to a local political event, and its enforcement within the Headquarters district is, as a matter of principle, inconsistent with the area's international character and functioning. Moreover, it is logical that, when major international conferences will be meeting fairly constantly within the Headquarters district, the administrative problem of fixing the hours of retail facilities, cloakroom attendance, and numerous similar services is not one which can practicably be left to local regulation.

11. On the other hand, the proposed regulation is so drafted that, whenever the public policy involved in a particular ordinance or law is of a nature to make it properly applicable to operations within the Headquarters district, the Secretary-General will have no occasion to take any affirmative action establishing hours conflicting in any way with the enforcement of the prevailing law.

(c) Regulation relating to the United Nations Social Security System (annex III)

12. The purpose of this regulation, promulgated on 26 February 1951, was to limit the liability of the United Nations with respect to risks already covered by its own social security system.

13. A comprehensive United Nations social security system, approved by the General Assembly, is in effect. It was intended to provide exclusive coverage within the limits of its operation.

14. The enactment of the United Nations social security system, however, made it necessary to establish clearly that the federal and New York social security and workmen's compensation legislation would not be applicable concurrently with the United Nations system. The application of the local laws might result in the United Nations being liable for two payments on the same risk and might raise procedural difficulties both for the Secretary-General and the local administrations.

/15. The Secretary-

15. The Secretary-General considered it necessary to give immediate effect to Headquarters regulation No. 1 in order to remove any doubt that the United Nations is liable for social security payments only under the United Nations social security system and that no risk covered by that system shall give rise to additional payments.

ANNEX I

DRAFT HEADQUARTERS REGULATION NO. 2 - QUALIFICATIONS FOR  
PROFESSIONAL OR OTHER SPECIAL OCCUPATIONAL  
SERVICES WITH THE UNITED NATIONS.

For the purpose of establishing in the Headquarters district conditions in all respects necessary for the full execution of the functions of the United Nations and in particular to avail the United Nations of the professional or special occupational services of persons recruited on as wide a geographical basis as possible, the following Headquarters regulation is declared to be in effect:

The qualifications and requirements necessary for the performance of professional or other special occupational services within the Headquarters district shall be determined by the Secretary-General; provided that, prior to authorizing medical or nursing services by any person, the Secretary-General shall ascertain that such person has been duly qualified to perform such services in his own or another country.

ANNEX II

DRAFT HEADQUARTERS REGULATION NO. 3 - OPERATION OF  
SERVICES WITHIN THE HEADQUARTERS DISTRICT

For the purpose of establishing in the Headquarters district conditions in all respects necessary for the full execution of the functions of the United Nations and in particular in order to ensure uninterrupted services necessary to the proper functioning of the principal and subsidiary organs of the United Nations, the following Headquarters regulation is declared to be in effect:

The times and hours of operation of any services and facilities or retail establishments authorized within the Headquarters District shall be in compliance with schedules fixed by the Secretary-General; no regulations, requirements or prohibitions beyond those so prescribed shall be imposed without his approval.

ANNEX III

HEADQUARTERS REGULATION NO. 1 - UNITED NATIONS SOCIAL  
SECURITY SYSTEM

For the purpose of establishing in the Headquarters district conditions in all respects necessary for the full execution of the functions of the United Nations in the field of staff social security, and in particular in order to give immediate effect to measures necessary for avoiding multiple obligations arising from the possible application of overlapping laws and regulations, the following Headquarters regulation is adopted in pursuance of the authority conferred on the Secretary-General by resolution 481(V) of the General Assembly:

1. A comprehensive United Nations social security system having been established for the purpose of affording protection against all reasonable risks arising out of or incurred during service with the United Nations, the provisions of the United Nations social security system shall constitute the only obligations of the United Nations in respect of such risks.
2. The provisions of the United Nations social security system shall constitute the sole provisions under which persons in the service of the United Nations shall be entitled to claim against the United Nations in respect of any risks within the purview of the United Nations social security system, and any payments made under the United Nations social security system shall constitute the sole payments which any such person shall be entitled to receive from the United Nations in respect of any such risks.
3. This regulation shall take effect on the date of its promulgation, without prejudice, however, to any elements of the United Nations social security system, or any rights or obligations thereunder, already existing at the date of this regulation.

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