

ARTICLE 101

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Notes

ARTICLE 101

TEXT OF ARTICLE 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.
2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.
3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

INTRODUCTORY NOTE

1. The Charter vested the General Assembly with the power to regulate the appointment of the staff and the basic conditions of service. In the same way, Article 97 designates the Secretary-General as the chief administrative officer of the Organization.
2. The keen interest with which Member States in recent years have discussed regulations concerning the appointment of the staff as well as the responsibility for the administration of the Secretariat and its maintenance at a level adequate to cope with the growth of the Organization, is attested to by the various resolutions adopted during the period under consideration.
3. The present study deals with some of the questions which have arisen in connection with the interpretation and the application of Article 101, focusing mainly on

the question of geographical distribution. A brief account of these questions is given in the General Survey, while a more detailed treatment of specific questions is presented under the appropriate headings in the Analytical Summary of Practice.

4. The Analytical Summary of Practice deals with the principles applicable to the selection of staff and to the determination of their conditions of service (Article 101 (3)), the appointment of the staff (Article 101 (1)), the sanctions established for the enforcement of the Staff Regulations and the Staff Rules, the recourse machinery available to the staff to protect their rights, and the administrative organization of the Secretariat (Article 101 (2)). Other questions, such as the methods of appointment and the entitlements of the staff, are also taken into account.

I. GENERAL SURVEY

5. During the period under review, the General Assembly paid much attention to the question of geographical distribution of the Secretariat, which was discussed at every session at which it considered "personnel questions".
6. At its twenty-fifth session, in 1970, the General Assembly reviewed the composition of the Secretariat in terms of new linguistic standards for recruitment, geographical distribution and the representation of women in the Secretariat, and recommended new guidelines for the recruitment of staff.¹
7. At its thirtieth session, in 1975, the General Assembly adopted its resolutions 3417 A and B (XXX) of 8 December 1975² after consideration of the Secretary-General's report on the composition of the Secretariat, which dealt mainly with issues relating to recruitment policy. By this resolution the General Assembly stressed the need for recruitment of nationals from developing countries and under-represented countries, and stated that the principle of geographical distribution of the staff required the Secretariat to reflect adequately the diversity of cultures and attitudes of all Member States. It felt that in order to achieve the objectives and goals of the United Nations, especially with respect to developing countries, the latter should be represented at policy-making levels.
8. In its resolution 31/26 of 29 November 1976³ the Assembly decided to change the method of calculating the desirable ranges of Secretariat posts subject to geographical distribution for each Member State so that the staff would be recruited on as wide a geographical basis

as possible in accordance with Article 101 (3) of the Charter and confirmed the major recruitment objectives to be achieved in the composition of the Secretariat.

9. In its resolutions 32/17 A and B of 11 November 1977⁴ the Assembly urged the Secretary-General to intensify his efforts to attain the recruitment objectives it had set out in previous resolutions within the framework of Article 101 (3) of the Charter, particularly in resolution 31/26 of 29 November 1976. It also urged him to make greater efforts to appoint younger people to senior posts and recommended that the attention of the appointment and promotion bodies should be drawn to the special need to promote women.⁵

10. At its thirty-third session, in 1978,⁶ the General Assembly adopted a major resolution on personnel questions, setting out detailed measures and guidelines regarding recruitment of Professional staff. It also reaffirmed that the paramount consideration in the employment of staff at every level was the need for the highest standards of efficiency, competence and integrity and stated its conviction that this consideration was compatible with the principle of equitable geographical distribution.

11. During the period under review the General Assembly also took several decisions to amend the Staff Regulations, noted the Staff Rules presented by the Secretary-General and discussed other issues concerning the conditions of service of the staff. The United Nations Administrative Tribunal rendered several pertinent judgements which are cited below under the appropriate headings.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Principles governing selection of staff, conditions of service and organization of the Secretariat

1. NECESSITY OF SECURING HIGHEST STANDARDS OF EFFICIENCY, COMPETENCE AND INTEGRITY

a. *In general*

12. A constant awareness of the necessity of securing the highest standards of efficiency, competence and integrity has been manifested on many occasions by the General Assembly. Thus, in its resolution 2736 (XXV) of 17 December 1970⁷ the Assembly requested the Secretary-General to bear in mind, in his effort to achieve better geographical distribution of the staff, "the requirements laid down in the Charter of the United Nations for efficiency, competence and integrity".

13. In its resolutions 32/17 B adopted at its thirty-second session in 1977 and 33/143 of 20 December 1978,⁸ the General Assembly once again reaffirmed this consideration and expressed its conviction that the necessity for the highest standards of efficiency, competence and integrity was compatible with the principle of equitable geographical distribution.

14. Both the General Assembly and the Secretary-General frequently emphasized, especially in connection with the establishment of various recruitment guidelines or procedures, the primary importance of recruiting staff meeting the highest standards of efficiency, competence and integrity.⁹ One means of doing so was the holding of competitive examinations to select young men and women for service in substantive posts. Following a suggestion approved¹⁰ by the General Assembly and more specific proposals in a report¹¹ of the Joint Inspection Unit on "personnel problems in the United Nations", the first such examinations were held during 1974 in Italy and the Federal Republic of Germany.¹²

b. *The concept of integrity*

15. At the twenty-seventh session of the General Assembly the Secretary-General proposed¹³ that Article 1.10 of the Staff Regulations of the United Nations, which has its origin in regulation 3 of the Provisional Staff Regulations adopted by the General Assembly in 1946 (resolution 13 (I), annex II), be amended to read as follows:

"... the oath of declaration shall be made orally by the Secretary-General at a public meeting of the General Assembly. All other members of the Secretariat shall make the oath or declaration before the Secretary-General or his authorized representative."

The Secretary-General considered that it would be more appropriate for the Under-Secretary-General and the Assistant Secretaries-General to take the oath orally before him, rather than before the Assembly, in the same manner as Directors and Professional officers did before the Assistant Secretary-General for Personnel Service.

16. This amendment, which was adopted without objection by the Fifth Committee¹⁴ and by the General Assembly,¹⁵ gave the Secretary-General the direct responsibility to have staff members swear to him to exercise in all loyalty, discretion and conscience the functions entrusted to them as international civil servants.

2. THE PRINCIPLE OF GEOGRAPHICAL DISTRIBUTION

a. *In general*

17. The General Assembly gave ample attention to the principle of geographical distribution together with the necessity of securing the highest standards of efficiency, competence and integrity within the Secretariat at the outset of any work for the United Nations.

18. In his report,¹⁶ presented to the General Assembly at its twenty-fifth session in 1970, the Secretary-General gave an account of the implementation of its resolution 2939 (XXIV) of 11 December 1969 in which the General Assembly had reaffirmed the need for an equitable geographical distribution of the staff of the Secretariat as between regions and within each region, in particular at the senior levels.

19. The Secretary-General reported on measures taken within and outside the Secretariat aimed at achieving the overall objective of full participation of nationals of all Member States. These measures included: improved methods of control over the various stages of recruitment as instituted following a reallocation of functions in the Office of Personnel; modified procedures governing the announcement of vacancies; revised linguistic standards for staff recruitment; expanded co-operation with United Nations Member Governments in the discovery and employment of suitable candidates for service in the Secretariat, both through contacts with the permanent missions to the United Nations and through visits to those countries which had extended an invitation for recruitment missions to selected universities.

20. Bearing in mind that one of the original justifications for an increase in the proportion of fixed-term staff was to speed up the process of improving the geographical distribution of the staff, procedures were put into effect under which posts expected to become vacant upon expiration of the temporary appointments of their incumbents were made known sufficiently in advance to allow for the presentation of qualified candidates of under-represented Member States. A description of the duties and responsibilities of these posts, as well as of their qualification requirements, was thus included in the periodic circular of vacancies made available by the Office of Personnel to all Member States.

21. The Secretary-General also reported that arrangements had been made to draw up a long-term plan of recruitment. Action taken in this regard included a review of all posts which would become vacant in the next five years as a result of the retirement of their present incumbents in order to prepare suitable replacements. The review would also cover all posts occupied by fixed-term staff whose appointments were due to expire within the same five-year period.

22. The Secretary-General concluded that if a small number of nationalities had not been, or were not currently, represented on the staff, it was due to conditions prevailing at the source of recruitment. The difficulty was not so much in the absence of qualified candidates willing to serve with the United Nations as in the absence of access to the primary sources of professional talent, a difficulty which was diminishing every year through more effective co-operation with the national authorities involved.

23. A regional balance in the composition of the Secretariat remained, in his opinion, an essential element of the system of geographical distribution. One of the factors behind any persistent regional imbalance was the disparity in the rate of separations. Disparity would thus be reduced by lengthening the period of initial fixed-term appointments, by encouraging their extension and by granting more career appointments.

24. In his report the Secretary-General also recommended to the General Assembly the following guidelines. In the recruitment of staff for posts subject to geographical distribution, preference should be given to qualified candidates of under-represented Member States; if such candidates could not be found within a reasonable period, preference should be given to candidates of other nationalities of the same geographical region. In considering candidates for posts of complex duties and responsibilities, preference should be given to those who were willing to accept a career or a fixed-term appointment of not less than five years, provided that the latter appointment was subject to a period of probation; and special efforts should be made to recruit young men and women of the highest qualifications for service with the United Nations.

25. These recommendations were incorporated in resolution 2736 (XXV) A of 17 December 1970 adopted by the General Assembly following the ensuing debate¹⁷ on the report of the Secretary-General. The General Assembly noted with appreciation the progress made towards attaining a better distribution of posts by nationality and by region, recognized the need for a more equitable geographical distribution of the staff as between regions and within each region and reiterated its interest in a long-term plan of recruitment to be prepared by the Secretary-General, bearing in mind changes in the nationality pattern as a result of the retirement of permanent staff and the separation of fixed-term staff. In the same resolution, the General Assembly also set out the following guidelines for the recruitment of staff for the Secretariat:

“(a) In the recruitment of staff for posts subject to geographical distribution, preference should be given to qualified candidates of under-represented countries in general, and at the higher level in particular; if, when recruiting staff for the regional economic commissions, qualified candidates of comparatively under-represented countries cannot be found within a reasonable period; preference should be given to qualified candidates of other countries of the same geographical region that are not fully represented, taking into full consideration the attainment of an equitable geographical distribution of posts among regions;

“(b) In considering candidates for posts involving complex duties and responsibilities, preference should be given to those who are willing to accept a career appointment or a fixed-term appointment of not less than five years, inclusive of the probationary period;

“(c) An official assigned to a post should serve for some minimum period after recruitment before he is eligible for transfer to another post;

“(d) In the interest of long-term recruitment planning policies, special efforts should be made to recruit qualified young men and women for service with the United Nations through the development of more objective selection methods such as, wherever appropriate, open competitive examinations, special allowance being made for candidates whose mother tongue is not one of the working languages of the Secretariat.”

26. These guidelines were reiterated almost every year. More detailed recommendations were adopted by the General Assembly at its thirty-third session in 1978 in

resolution 33/143.¹⁸ By this resolution the General Assembly expressed its concern for the slow pace at which the reforms of personnel policy as well as the implementation of its various resolutions on the composition of the Secretariat were being carried out.

27. The desirability of securing an adequate geographical distribution of the staff in the context of high standards of efficiency, competence and integrity was expressed in the course of the discussion at every session of the General Assembly. Several representatives called for a need to implement the long-term and fixed-term recruitment plan in order to enhance the geographical balance of the Secretariat together with the quality and efficiency of recruitment.

28. At the twenty-sixth session, several representatives emphasized that more effective measures should be taken to give effect to the guidelines on recruitment policies laid down by the General Assembly. In the course of the discussion they supported efforts to secure better geographical and linguistic balance in the Secretariat. They were convinced that the Charter required the pursuit of this goal to achieve greater efficiency.

29. In summary, the guidelines for staff recruitment in respect of professional and higher-level posts (other than those requiring special language qualifications) as laid down in various resolutions of the General Assembly, aimed at the following objectives: (a) equitable geographical distribution of staff in the Secretariat both as between regions and within each region; (b) a regional balance of staff in senior posts; (c) predominance of staff from the region in each of the regional economic commissions; (d) an increase in the number of women in the Secretariat in general and in senior posts in particular; (e) an improvement in the age distribution of the staff through the recruitment of more young men and women; (f) a better linguistic balance within the Secretariat measured by the number of staff able to work in the various languages of the Organization; and (g) a large proportion of staff on permanent or long-term appointments as a means of ensuring the stability and efficient operation of the Secretariat.

b. *Interpretation of the principle of geographical distribution*

30. As enshrined in Article 101 (3) of the Charter, the recruitment of the staff must be made on as wide a geographical basis as possible. In the practice of the General Assembly, the term “geographical distribution” had thus far assumed a more technical meaning. In particular, the geographical distribution of staff holding posts subject to criteria designed to ensure wide and balanced geographical distribution was linked to the computation of the “desirable ranges of posts” which, as subject to geographical distribution, were to be attributed to various Member States. However, the aim of the Article was not to recruit the nationals of various nations for an international secretariat, but to ensure that the international secretariat consisted of competent personnel, coming from and reflecting various psychological and cultural backgrounds. Without such a broad cross-section of differing experience, an international secretariat could not fulfil the purpose of the Charter.

31. At the thirtieth session, in 1975, the Secretary-General's report¹⁹ to the General Assembly noted that the existing system of desirable ranges of posts expressed in numerical terms the principle laid down in Article 101 (3) of the Charter. Desirable ranges of numbers of posts were calculated for each Member State and for each of the seven geographical regions into which

Member States were divided—Africa, Asia and the Far East, Europe (Eastern), Europe (Western), Latin America, the Middle East, and North America and the Caribbean. Three factors—membership in the Organization, population and contribution to the budget—entered, on a weighted basis, into this calculation.

32. The Secretary-General noted that different interpretations had been given to the range figures over the years, and that the system needed to be modified in several respects. The minimum range of posts allocated for each Member State should be changed in order to put more weight than before on the factor of membership in the Organization. The other two factors were expected to be significantly altered following the next triennial review of the scale of assessments,²⁰ scheduled to be carried out in 1976.

33. The report stated that changes in the numerical recruitment guides were possible through modifications in the definition of the scope of the guides and through changes in the method of their calculation. The existing system did not apply to posts normally filled through local recruitment, posts requiring special language qualifications, posts filled after interagency consultation, expert posts under the technical co-operation programme, and posts in the subsidiary organizations. As a result, the principle of equitable geographical distribution was in fact applied only to a small and decreasing proportion of the total number of posts, a situation that had been criticized over recent years. Regarding the method of calculating the numerical guides, the main issue was to strike a proper balance among the three factors composing the formula. As the number of Member States increased, the relative weight of the membership factor rose while that of the contribution factor declined. Similarly, the periodic changes in the scale of assessment brought about corresponding changes in the weight of the population factor and in that of the contribution factor.

34. At the thirty-first session, in 1976, the General Assembly adopted²¹ the new desirable ranges as proposed by the Secretary-General.²² In the same resolution, the General Assembly noted the efforts of the Secretary-General to achieve an equitable geographical distribution of the staff of the Secretariat in the Professional category and above, and requested him to give priority to the recruitment of candidates from among nationals of unrepresented and under-represented Member States. Even though no specific reference to Article 101 (3) was made in the resolution, the General Assembly reiterated its resolution 37/17 A of 11 November 1977. In part of the resolution, the General Assembly:

“ . . .

“Urged the Secretary-General to intensify his efforts for the effective implementation of General Assembly resolutions 3416 (XXX) and 3417 A and B (XXX) of 8 December 1975, 31/26 and 31/27, in all their parts, and other relevant resolutions, within the framework of Article 101, paragraph 3, of the Charter of the United Nations.”

35. In part B of the same resolution, the General Assembly stated its belief that greater efforts could be made to recruit younger persons for the Secretariat in order to reduce the average age of appointment at the junior Professional level (P-1 – P-2), in a manner compatible with the requirements of geographical distribution.

36. The discussions which led to the adoption of this resolution, as in the case of many others adopted by the General Assembly on the composition of the Secretariat, took place mostly in the Assembly's Fifth (Administrative and Budgetary) Committee. During the period under review, the Secretary-General reported on a yearly basis

on the composition of the Secretariat. Accordingly, extensive debates took place in the Fifth Committee at each session except at the twenty-eighth, in 1973, when the Assembly decided to defer consideration of the Secretary-General's report on the composition of the Secretariat until its twenty-ninth session.²³ In his many reports, the Secretary-General reviewed the composition of the Secretariat, the various requests put to him by the Assembly, the measures which had been taken in implementing the Assembly's directives and/or objectives, the progress achieved, the staff changes and any other issue related to personnel policy. He also recommended guidelines which could help him to achieve the over-all objective of full participation of nationals of all Member States.

37. Further, the Secretary-General reported on difficulties encountered in the implementation of the resolutions or on factors limiting sound management. For instance, the Secretary-General pointed out in his annual report²⁴ to the twenty-ninth session in 1974 that the system of national and regional desirable ranges of posts applicable to gauge equitable geographical distribution of the Professional and higher-level staff contained a number of inconsistencies. Deficiencies in the system resulted from the introduction, over the years, of additional and more specific recruitment guidelines, which had turned the use of desirable ranges of posts into a rigid indicator of how many staff members of any particular nationality or region should be in the Secretariat at any given time, although the system had originally been devised as a flexible tool of management.

38. During the debates and almost at any given session of the period under review, the positions of Member States diverged on the example just given above. In other words, in the discussion on Article 101 (3) of the Charter, Member States by and large insisted on the number of nationals of each country holding posts in the Secretariat.²⁵

c. Criteria for the application of the principle of geographical distribution

39. Since the second and third sessions of the General Assembly²⁶ and periodically thereafter, the Assembly had recognized the scale of assessments²⁷ as the dominant parameter for the application of the principle of geographical distribution. In addition to this financial factor, membership and population had also been taken into consideration. The three factors were considered as an indication in connection with the system of desirable ranges. Thus, any fluctuation in the scale of assessments equally affected the other two factors and therefore the system of desirable ranges of posts for each nationality and region.

40. In his report to the twenty-eighth session of the General Assembly on the composition of the Secretariat, the Secretary-General, after describing the guidelines for recruitment set by the General Assembly, concluded that:

“The balance established in the 1962 resolution²⁸ has been altered by the introduction of additional guidelines. As a result it has become more difficult to arrive at a decision as to whether a particular candidate, who is otherwise qualified, should be appointed to a post in the Secretariat because he would not exceed the limit considered desirable for his nationality or region. His fitness for appointment must now be assessed against such other criteria as: (a) the proportion of regional staff to be provided in each of the regional economic commissions; (b) the need to improve the composition of the staff by working language, by age and by sex; and (c) the share of appointments to be

assigned to those who are willing to serve on a career or long-term basis and those who can only serve for a relatively short period. And, in the case of a candidate for a senior post, one further criterion that must be applied is whether his appointment would bring about a better nationality distribution of such staff among the regions and within the regions.

"In applying these various tests, questions have inevitably arisen as to the relationship between them and the weight to be given to each of them. Moreover, in face of a growing emphasis on the need to adhere to the quantitative guidelines for recruitment, there is a greater reluctance to exercise the administrative discretion that is necessary to determine the qualitative fitness of a candidate for a post if his appointment appears to fall outside those guidelines.

"Finally, the main numerical guide for recruitment, the system of desirable ranges of posts for each nationality and region, as it has been operated in the past 10 years, will be substantially affected by the impending changes in the factors upon which it is based. All four variables making up the system: the number of Member States, the percentage of contribution to the regular budget by each Member State, the weight of the population factor and the total number of posts, will be so different from what they are at present as to detract much of the usefulness of the desirable ranges as indicators of equitable geographical distribution. Nevertheless, since the system of numerical guides, however approximate, has proved its value, it is important that it should be adjusted by removing from it the ambiguity concerning the purpose and nature of the desirable ranges. This could be done by using a more consistent method of calculating such ranges for each nationality and region."²⁹

41. The Secretary-General consequently proposed a consolidated statement of principles, standards and procedures,³⁰ the consideration of which the General Assembly, however, deferred to its twenty-ninth session. At this session, the Secretary-General submitted the following slightly revised version of his proposals:³¹

"(a) In applying the principles laid down in Article 101, paragraph 3, of the Charter, continued efforts shall be directed towards recruiting staff of the highest qualifications on as wide a geographical basis as possible so that the Secretariat may draw upon and benefit from all cultures of the world and the technical competence available in all Member States.

"(b) Pursuant to Article 8 of the Charter, no restriction shall be placed on the eligibility of men and women to be recruited for any post in the Secretariat under conditions of equality.

"(c) Whenever practicable, selection of the staff shall be made through competitive examinations.

"(d) In the recruitment of staff for professional and senior posts and the regular Secretariat, which do not require special language qualifications, every effort shall be made to achieve an equitable geographical distribution of the staff in general and of the staff in senior posts in particular. For this purpose, the term 'equitable geographical distribution' shall mean a distribution of the staff by nationality and region based on:

"(i) A minimum of staff recruited from among nationals of each Member State by reason of its membership in the United Nations;

"(ii) A fixed number of staff recruited regionally to take account of such differences in size of population as are not reflected in the scale of

assessments for the apportionment of the expenses of the United Nations;

"(iii) An additional number of staff members recruited from among nationals of Member States in proportion to their rates of contribution to the budget of the United Nations;

"(iv) With respect to staff in senior posts, a distribution by region broadly in line with that of the staff generally;

"(v) In the regional economic commissions, a preponderance of staff from the countries of the region.

"(e) Subject to review from time to time to take account of changes in the total number of posts and of the revisions in the scale of assessments, the factors of membership, population and contribution referred to in subparagraph (b) above shall be determined in accordance with the proposals set out [earlier in the report].

"(f) With a view to ensuring that the Secretariat is able to use both of its working languages in an equitable manner, candidates for recruitment to P-1 to D-2 posts, other than those involving special language qualifications, shall be considered as meeting the minimum language requirements if they possess an adequate knowledge of either language. In the case of candidates for recruitment to a sector of the Secretariat which serves a subsidiary organ having an additional working language, adequate knowledge of the latter language shall suffice for the purpose of meeting the language requirements, provided that staff members so recruited shall not be granted a permanent appointment or an extension of the fixed-term appointment beyond two years unless they have demonstrated, by passing an appropriate test, that they also possess an adequate knowledge of a working language of the Secretariat."

42. During the debate a number of countries considered that using budgetary contributions as a guideline in calculating the desirable number of posts for each nationality was against the interests of small and developing countries. In the view of these countries, this method was not in accordance with the principle of a broad geographical distribution and made it difficult for them to acquire their due position in the Secretariat. Some delegations believed that the existing guidelines for recruitment were flexible enough and saw no justification for changing them. Others considered that the Secretary-General's proposals on numerical recruitment guidelines had so many complex and far-reaching implications that a decision on the matter should not be taken at the current 1974 session.

43. After the Fifth Committee had considered the reports submitted by the Secretary-General to the twenty-eighth and twenty-ninth sessions of the General Assembly, the latter adopted³² the Committee's recommendations³³ that the recruitment policies of the United Nations, as implemented by the Secretary-General, should be governed by certain detailed considerations regarding geographical distribution, as well as by the following:

"(a) The need to develop an international civil service based on the highest standards of efficiency, competence and integrity;

"(b) The principle of equitable geographical distribution should be applied to the Secretariat as a whole; and to this end, no post, individual department, division or unit in the Secretariat should be considered as the exclusive preserve of any individual Member State or any region;

“(c) Bearing in mind the need for equitable geographical distribution, increased effort should be made to recruit a greater number of qualified women candidates for Professional and senior level posts;

“(d) An increased effort should be made to correct imbalances in the age structure of the Secretariat.”

44. It was not until the thirty-first session that the Assembly adopted³⁴ the new method of establishing the desirable ranges. The new method was generally welcomed by the representatives in the Fifth Committee. Some, however, felt that the establishment of a single figure, instead of a range, for each Member State, would serve even better the aim of achieving an equitable geographical distribution of the staff.

d. *The importance of the principle of geographical distribution in relation to the necessity of securing the highest standards of efficiency, competence and integrity*

45. During the discussion in the Fifth Committee at the thirty-first session in 1976, representatives expressed the view that a larger number of Secretariat posts should be subject to the principle of equitable geographical distribution. Some felt that, even if the change in the membership factor was to be adopted,³⁵ too much weight would still be given to the contribution factor, which continued to be a real determinant in Professional staff representation. They believed that a ceiling of 50 per cent of all posts should be established for the contribution factor. However, another view was expressed that the increase in the membership and population factors was not justified. Moreover, the continuous addition of new Member States to the United Nations would lead to the progressive watering down of the percentage entitlement of the larger contributors.

**e. *Posts to which the principle of geographical distribution is not applicable*

f. *Application of the principle of geographical distribution to particular categories of individuals*

**i) *Individuals from Non-Self-Governing and Trust Territories*

**ii) *Stateless persons or nationals of non-member States*

**iii) *Individuals with status of permanent residence at duty stations*

(iv) *Officials at senior level*

46. During the period under review, the question of officials at the senior level was considered first within the context of the representation of women in the Secretariat. At the twenty-fifth session, in 1970, the Fifth Committee decided to include in its report³⁶ to the General Assembly a paragraph noting the under-representation of women in the Secretariat, particularly at the senior level where women comprised only 6 per cent of the staff and requested the Secretary-General: “to encourage Governments of United Nations Member States to make available qualified women to compete for positions of responsibility in the Secretariat, particularly at the senior level”. This request was made time and again by the General Assembly, in relation to the representation either of women or of developing countries, in its resolutions 3009 (XXVII) of 17 December 1976, 3352 (XXIX) of 18 December 1974, 3416 (XXX) of 8 December 1975, 32/17 B of 11 November 1977 and 33/143 of 10 December 1978.

47. During the debate on the annual report of the Secretary-General on the composition of the Secretariat which took place in the Fifth Committee during the twenty-sixth session of the General Assembly, in 1971, one delegate³⁷ presented a proposal on the interpretation of the role of equitable geographical distribution. By this proposal, the Secretary-General would have been asked to give citizens from Latin America, Asia and Africa greater participation in the administration by appointing them to permanent posts at the senior level. Members supporting this proposal felt that the principle of equitable geographical distribution should not merely take into account the number of nationals of a State, but should place greater emphasis on the quality or level of post, and that developing countries should be more equitably represented in policy-making senior administrative posts. Member States which opposed the proposal felt however that it appeared to go beyond the principle of equitable geographical distribution by selecting particular regions for greater participation in the Secretariat at the senior level. The proposal was never embodied in a draft resolution. It was agreed that the proposal and the views expressed thereon³⁸ would be reflected in the Fifth Committee’s report to the General Assembly. The Assembly took note of the report on 17 December 1971.

48. In his annual report³⁹ to the twenty-eighth session of the General Assembly the Secretary-General recommended that efforts to achieve equitable geographical distribution should be directed not only at the staff in general but also at the senior staff in particular. For this purpose, he suggested a distribution of the senior staff, considered separately by region, broadly in line with the distribution of staff generally.

49. In his report⁴⁰ to the thirtieth session in 1975, the Secretary-General indicated that the appointments of staff at the senior levels accounted for 11.4 per cent of total appointments to posts subject to geographical distribution in 1974-1975. The percentage of senior staff from Asia, Eastern Europe and North America was lower in June 1975 (reporting year) than the mid-point of the desirable ranges for those regions, while it was higher for the remaining geographical regions.

50. Following the discussion on the report of the Secretary-General, the Fifth Committee adopted⁴¹ a draft resolution on the recruitment of nationals of developing countries by a vote of 61 to 14, with 15 abstentions, after rejecting—by 36 votes against to 29 in favour, with 22 abstentions—an oral amendment⁴² for explicit reference to Article 101 (3) when recruiting nationals of developing countries for senior posts.

51. The draft resolution proposed by the Fifth Committee was adopted⁴³ by the General Assembly on 8 December 1975 as its resolution 3417 A (XXX). In the first part of this resolution, which concerned the recruitment of nationals of developing countries, the Assembly noted that the Secretary-General’s report indicated that, while developing countries constituted 78 per cent of the membership of the United Nations, 64.5 per cent of the staff members occupying senior posts in the Secretariat were nationals of developed countries. It expressed the belief that equitable geographical distribution required the Secretariat to reflect adequately the diversity of cultures and attitudes of all Member States and that, to achieve the Organization’s objectives, the developing countries should be appropriately represented at policy-making levels. The Secretary-General was asked to take appropriate steps to increase the number of staff members recruited from among nationals of developing countries for senior posts in the Secretariat and to report to the Assembly in 1976 on the results of his efforts.

52. By its resolution 31/26 of 29 November 1976⁴⁴ (thirty-first session), the General Assembly noted the efforts of the Secretary-General to achieve equitable geographical distribution of the staff in the Professional category and above⁴⁵ and noted that the highest standards of efficiency, competence and integrity were not exclusively restricted to nationals of any particular Member State or group of Member States. The resolution stated that the General Assembly:

“Reaffirms its resolution 3417 A (XXX) and requests the Secretary-General, in the implementation of that resolution, to take effective measures, either by recruitment or promotion, or both, to increase the number of staff from all developing countries in senior and policy-making posts in the Secretariat so as to ensure their appropriate representation at those levels.”

As for representation of women, the Assembly urged Member States to intensify their efforts to seek and to put forward for consideration qualified women candidates for Professional positions, particularly at the policy-making level, within the United Nations and specialized agencies, in order to improve the proportion of women in senior positions within the context of equitable geographical distribution.

53. At its subsequent session, in 1977, the General Assembly noted in its resolution 32/17 B that the report⁴⁶ of the Secretary-General did not entirely meet the requirements of resolution 31/26⁴⁷ and those of relevant resolutions and urged the Secretary-General to intensify his efforts for the effective implementation of those resolutions⁴⁸ within the framework of Article 101 (3) of the Charter. The General Assembly also urged the Secretary-General to make greater efforts, in the context of General Assembly resolution 31/26, to appoint to senior posts, through both recruitment and promotion, younger people of outstanding ability and demonstrable potential.

54. In his report⁴⁹ presented to the thirty-third session of the General Assembly, the Secretary-General noted that, while varying emphasis had been given to different principles by the General Assembly since its early sessions, four major concerns in recent years had emerged, which guided his efforts during the year: (a) the compatibility of the paramount consideration in the employment of the staff, which was the necessity of securing the highest standards of efficiency, competence and integrity, with due regard to the importance of recruiting the staff on as wide a geographical basis as possible; (b) the priority in recruitment to be given to the nationals of unrepresented and under-represented Member States; (c) the importance of equitable geographical distribution at the senior level and the representation of women and of nationals of developing countries at that level; and (d) the importance of recruiting women and young persons. The Secretary-General concluded that the composition of the Secretariat continued to show progress towards the various objectives set out by the General Assembly, particularly with regard to the achievement of an equitable geographical distribution of the staff. Taking into account the Assembly's various directives, he considered that, while exercising his responsibility as chief administrative officer,⁵⁰ he must ensure the representation of all Member States in posts subject to geographical distribution, improve the age and sex distribution and devote particular attention to the composition of staff at the senior level.

55. During the discussion in the Assembly's Fifth Committee⁵¹ on the main subjects of concern identified by the Secretary-General, several Member States added a fifth one: the question of “inheritance of posts”, according to which a staff member vacating a post was replaced

in the post by another staff member of the same nationality. To those Member States, this unsanctioned practice was a major hindrance to the achievement of an increased representation of developing countries at senior levels, and contradicted the principle reaffirmed by the General Assembly that “no post . . . should be considered as the exclusive preserve of any individual Member State or any region”.⁵²

56. Following the debate, a programme of action was presented to the Fifth Committee on behalf of the Secretary-General. Its aims included the improvement of geographical distribution within the Secretariat, particularly at the senior level. The Committee created a working group which presented a draft resolution. The draft was adopted by the Fifth Committee⁵³ on 14 December 1978. The General Assembly adopted it as its resolution 33/143 on 20 December. By section II of this resolution, the General Assembly reaffirmed the principle of non-inheritance of posts and “requested the Secretary-General to take further steps to increase the representation of developing countries at senior and policy-making levels during 1979-1980 in implementing the relevant resolutions of the General Assembly”.

g. Means for giving effect to the principle of geographical distribution

** (i) *Increase in the recruitment of staff in the General Service category of persons of different nationalities*

(ii) *Greater use of fixed-term contracts*

57. During the period under review, the question of the proportion of fixed-term contracts to permanent was discussed in connection with geographical distribution.

58. In his report⁵⁴ on the composition of the Secretariat submitted to the General Assembly at its twenty-fifth session, in 1970, the Secretary-General reported that arrangements had been made to draw up a long-term plan of recruitment. Action taken in this regard included a review of all posts which would become vacant in the next five years as a result of the retirement of their present incumbents and a review of all posts occupied by fixed-term staff whose appointments were due to expire within the same five-year period. The Secretary-General concluded that, in considering candidates for posts of complex duties and responsibilities, preference should be given to those who were willing to accept a career or a fixed-term appointment of not less than five years, provided that the latter appointment was subject to a period of probation.

59. During the consideration of the item in the Fifth Committee, several representatives favoured the increase in the proportion of fixed-term staff. The fact that more such appointments were being granted helped, in their opinion, to redress the imbalance in geographical distribution. Recruiting fixed-term staff would benefit the United Nations as well as Member States since those officials returned to their country with the rich experience acquired within the Organization so that they could see national problems in the light of the activities of international organizations. It was stated that, since fixed-term contracts made it possible for staff members from developing countries to return eventually to their national States and to contribute to the development of their own countries, they provided a practical means of co-operation between the Organization and developing countries. Some representatives considered that the substance of the problem was the duration of service, not the form of contract. In that connection, they added that a staff member

could reach the high level of efficiency required of him within two years. Fixed-term contracts would rejuvenate the staff and would be an important step towards the elimination of conservatism and rigidity. Conversely other representatives considered that the growing number of fixed-term appointments impaired the morale and promotion prospects of career staff. They felt that, should the fixed-term appointment become the administrative norm, the Secretariat might lose its international character and become a body of employees on loan to the Organization and in practice appointed by Governments from which they would take their orders. By offering permanent appointments, the new appointees might be attracted by the possibility of a continuing career. In this regard, although the expedient of fixed-term appointments helped to quickly correct certain geographical imbalances, 75 per cent of the staff should be career staff and only 25 per cent engaged for fixed terms. The trend towards increasing the number of fixed-term contracts and the insistence on a strict application of the system of desirable ranges conflicted with the concept of a career appointment.

60. In its resolution 2736 (XXV) of 17 December 1970, the General Assembly approved some guidelines for the recruitment of staff, particularly with respect to posts involving complex duties and responsibilities. In his report⁵⁵ to the twenty-eighth session of the General Assembly, consideration of which was deferred to the twenty-ninth session, the Secretary-General gave data on the percentage of staff on fixed-term appointments over the 10-year period 1963-1973. The percentage had increased from 29.7 per cent in 1963 to 33.5 per cent in 1973. This was due in large part to the efforts made in recent years to consider the granting of career appointments and to reduce under-representation.

(iii) *Equitable linguistic balance in the Secretariat*

61. In his report⁵⁶ on the composition of the Secretariat to the twenty-fifth session, the Secretary-General recalled General Assembly resolution 2539 (XXIV) of 21 December 1968 which established linguistic standards for staff recruitment to be applied with effect from January 1970, and reported that, of 257 staff appointed in 1970, 142 met the requirement of proficiency in one working language of the Secretariat and, in addition, had at least a fair knowledge of a second working language.

62. In its resolution 2736 (XXV) of 17 December 1970 the General Assembly noted with appreciation the Secretary-General's efforts to achieve a better linguistic balance within the Secretariat and requested him "to continue his efforts in this direction in line with General Assembly resolution 2480 B (XXIII)".

63. In 1971, the General Assembly took a number of steps in anticipation of the implementation of the measures it had decided upon in resolution 2480 B (XXIII) with a view to promoting linguistic balance and language proficiency within the Secretariat. To this end, the Assembly had, in 1968, asked the Secretary-General to apply, with effect from 1 January 1972, two incentive measures designed to promote language proficiency of staff in the Professional and higher categories. The first was that the promotion of staff in the Professional and higher categories subject to geographical distribution would normally be conditional upon adequate and confirmed knowledge of a second official language of the United Nations (Chinese, English, French, Russian or Spanish). The second measure was that such knowledge would permit staff members to pass more rapidly through the steps within each grade. For the purpose of these incentive

measures, the 1968 resolution prescribed that confirmation of the knowledge of a second language would be the obtaining of a language proficiency certificate award by the United Nations.

64. These incentive measures were discussed in 1971 both in the Fifth Committee and in plenary meetings of the Assembly. On 24 November 1971 the Fifth Committee decided, following a proposal by certain representatives, to include in its report⁵⁷ to the Assembly a statement requesting the Secretary-General, in the implementation of resolution 2480 B (XXIII), to safeguard the interests of those staff members whose mother tongue was not one of the official languages of the United Nations and to report, through his annual reports on the composition of the Secretariat, on measures taken in this regard. On 17 December 1971, without adopting a resolution, the General Assembly took note of this decision. The Fifth Committee took further action by endorsing a recommendation from the Advisory Committee on Administrative and Budgetary Questions (ACABQ) to the effect that the language proficiency certificate should be required in all cases, including those cases in which staff members whose mother tongue was an official language were required under the terms of their appointment to work in another official language. This was reflected in the report of the Fifth Committee on other personnel questions approved by the Assembly on 21 December 1971.

65. Accordingly, the Secretary-General issued administrative instructions which provided that, in order to establish their eligibility for the incentive measures, staff members whose mother tongue was one of the official languages of the United Nations must obtain a language proficiency certificate in an official language other than their mother tongue, and those whose mother tongue was not an official language must obtain a certificate in one of the official languages that was not the language in which they were registered to work under the terms of their appointment. In addition, on 21 December 1971, the Assembly adopted resolution 2888 (XXVI) which authorized the Secretary-General to reduce the interval between salary increments to ten months in the case of staff subject to geographical distribution the members of which had an adequate and confirmed knowledge of a second official language of the United Nations. This measure however only applied to staff members in conformity with the provisions of the Assembly's resolution of 21 December 1968 on incentive measures to promote language proficiency in the staff.

66. In his report to the twenty-eighth session of the General Assembly,⁵⁸ the Secretary-General gave an account of the operation of the language incentive scheme which had been instituted under the terms of the Assembly's resolution of 21 December 1968. The Secretary-General observed that there was a need for extending the application of language incentives to all staff in accordance with the principle of equality in the terms of appointment. He further observed that none of the specialized agencies had introduced the scheme for application to their own staff and that as a result the language incentives, such as accelerated salary increments, available to the Secretariat staff represented a variation from the conditions of service applied to the common system generally. He nevertheless expressed the view that it would be best to maintain the current scheme, since the experience had been too short to allow for an adequate evaluation.

67. Reporting again on the linguistic composition of the Secretariat to the twenty-ninth session of the General Assembly, the Secretary-General indicated (A/9724) that in many cases, especially for promotion to senior positions, it had been necessary to waive the condition of

adequate and confirmed knowledge of a second official language required by the General Assembly's decision of 21 December 1968. It was therefore recommended that knowledge of a second language should normally be a condition of the promotion of staff members at levels P-1 to P-5 only, rather than levels P-1 to D-2, leaving to administrative discretion whether such knowledge was required for promotion to higher levels. Moreover, language incentives should be extended to cover staff members (at levels P-1 to D-2 occupying posts which did not require special language qualifications) serving with United Nations subsidiary organs financed by voluntary contributions.

68. The question of the linguistic composition of the Secretariat was discussed in the Fifth Committee in conjunction with the Secretary-General's report on the composition of the Secretariat. One representative expressed the view that no language should have the privilege of a *de facto* monopoly in the Secretariat. Another suggested that French-speaking persons had to know English in order to be hired by the United Nations whereas English-speaking persons were not required to know another language. Several representatives believed that the knowledge of a second official language as a condition for promotion in the Professional category discriminated against those staff whose mother tongue was not one of the official languages. One representative proposed that this requirement should be replaced by a language bonus, which would be disassociated from promotion and which would not impede mobility within the United Nations system.

69. On 10 December 1974 the Fifth Committee decided to include the following paragraph in its 1974 report to the General Assembly on personnel questions:

"While convinced that knowledge of a second language, as defined in General Assembly resolution 2480 B (XXIII) of 21 December 1968, should normally be required as a condition for the promotion of staff members at levels P-1 to D-2, the Committee believes that in cases where professional competence and quality of work are especially important, the Secretary-General may continue flexible application of the aforementioned resolution in respect of the promotion of staff members."

The text was endorsed by the General Assembly on 18 December 1974.

**** (iv) Other suggested means**

****3. THE PROHIBITION OF DISTINCTION AS TO RACE, SEX OR RELIGION⁵⁹**

B. Appointment of the staff

1. AUTHORITY TO APPOINT THE STAFF

****a. In general**

b. Staff of special organs

- ** (i) The Secretariat of the Military Staff Committee**
- ** (ii) The staff of the Office of the United Nations High Commissioner for Refugees**
- ** (iii) Staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East**
- ** (iv) Staff of the United Nations Korean Reconstruction Agency**

**** (v) United Nations Children's Fund**

**** (vi) United Nations Institute for Training and Research**

**** (vii) United Nations Conference on Trade and Development**

**** (viii) United Nations Development Programme**

**** (ix) United Nations Force in the Congo**

**** (x) United Nations Force in Cyprus**

**** (xi) United Nations Industrial Development Organization**

(xii) Joint Inspection Unit

70. In its resolution 2735 A (XXV) of 17 December 1970 the General Assembly, noting the reports of the Secretary-General⁶⁰ and the Advisory Committee on Administrative and Budgetary Questions (ACABQ),⁶¹ decided "to continue the Joint Inspection Unit (JIU) on the existing experimental basis⁶² for a further period of two years beyond 31 December 1971" and to review the question at its twenty-seventh session in 1972. On 24 November 1972 the General Assembly, without taking a formal decision on the fate of the JIU, decided to endorse the views of the Fifth Committee on its continuation of the Joint Inspection Unit.

71. At its twenty-ninth session, in 1974, the General Assembly adopted resolution 3354 (XXIX) which requested the United Nations Joint Staff Pension Board to consider the possibility of including the members of the JIU among those eligible to participate in the United Nations Joint Staff Pension Fund and, if necessary, to propose amendments to the regulations of the Fund accordingly. The same resolution also authorized the Secretary-General, in collaboration with the Administrative Committee on Co-ordination (ACC), to explore alternative methods of providing coverage for the Inspectors and to report thereon at the next session (1975) taking into account consideration of the issue by the United Nations Joint Staff Pension Board.

72. At its thirtieth session the General Assembly decided to defer consideration of the question of coverage of members of the JIU until its thirty-first session (1976).

73. On 22 December 1976 the General Assembly adopted without a vote a resolution concerning pension coverage for the Inspectors of JIU. Based on recommendations contained in the report of ACABQ⁶³ and approved by that resolution, the Assembly thereby made provision for a post-retirement benefit, to be included in the terms of employment of Inspectors appointed after 1 January 1978, by the establishment of a fund into which the organizations and the Inspectors would contribute monthly. A modified version of this arrangement was to be applied to the current Inspectors or any Inspector whose contract would expire on 31 December 1977.

74. When addressing the issue at its 1976 session, ACABQ had before it documentation from the previous Assembly session, the observations of JIU, a report of the Secretary-General⁶⁴ and the report of the United Nations Joint Staff Pension Board.⁶⁵ Since the Inspectors were not United Nations staff members, their inclusion as participants in the United Nations Joint Staff Pension Fund did not commend itself to the Advisory Committee; nor was it considered essential that the benefit received on leaving the Unit should take the form of

a pension. Instead, on retirement the contributions and interest thereon would be paid over to the Inspector as a lump sum or, at his discretion, used to purchase an annuity for him.

75. A draft resolution incorporating ACABQ's recommendations was proposed by the Secretariat and approved by the Fifth Committee on 16 December 1976 by 59 votes to 12, with 6 abstentions. The Committee first rejected—by 21 votes against to 19 in favour, with 30 abstentions—an amendment by Japan to delete reference to ACABQ's recommendations concerning coverage for current Inspectors. The Assembly endorsed the Fifth Committee's recommendation without a vote as resolution 31/193 A.

76. On the question of the continuation of JIU at the General Assembly's 1976 session, which took place mainly in the Fifth Committee, divergent views were expressed on the composition and terms of reference of the Unit. The Fifth Committee decided, on 22 November 1976, to create an informal working group and to entrust the representative of Italy with the task of co-ordinating consultations with a view to formulating a common position on the various proposals. The compromise text of the draft statute of JIU submitted by this working group was annexed to a draft resolution submitted by Algeria, Argentina, Australia, Belgium, France, Ghana, India, Kenya, Tunisia, Uganda, the United Republic of Tanzania, the United States, Yugoslavia and Zambia. These texts, as amended, were approved by consensus by the Fifth Committee on 14 December 1976 and adopted by consensus by the General Assembly on 22 December as resolution 31/192.

77. The main features of the statute of JIU concerning the Inspectors' appointments and conditions of service, to become effective on 1 January 1978, were:

(a) The Unit, to be located in Geneva, was to be a subsidiary organ of the General Assembly and of the legislative bodies of United Nations organizations accepting the statute;

(b) The number of Inspectors, to serve in their personal capacities for a term of five years, renewable once, was increased from eight to a maximum of 11; they were to be appointed by the Secretary-General in accordance with a selection procedure in which Member States, the General Assembly President, the President of the Economic and Social Council and the Secretary-General in his capacity as Chairman of ACC were to participate; due regard was to be paid to the principles of equitable geographical distribution and of reasonable rotation;

(c) The Inspectors were not to be considered staff members but were to have the status of officials of the United Nations and to receive the salary and allowances of staff members at the Director (D-2) level, step IV;

(d) Inspectors were not to accept other employment during their term nor serve as an official or consultant of an organization accepting the statute, for three years after their term ended;

(e) JIU was to be assisted by an Executive Secretary and staff, appointed by the Secretary-General after appropriate consultations, consisting of United Nations staff members;

(f) The budget of JIU was to be included in the United Nations regular budget and its expenditures were to be shared by the participating organizations as agreed by them; budget estimates were to be established by the Secretary-General after consultation with ACC on the basis of proposals made by JIU, and submitted to the Assembly together with ACC's report and ACABQ's comments and recommendations; JIU was to be invited

to be represented at meetings when its budget estimates were being discussed.

**2. METHODS OF RECRUITMENT

**3. THE NATURE OF THE RELATIONSHIP BETWEEN THE ORGANIZATION AND THE STAFF MEMBER

**4. TYPES OF APPOINTMENTS

C. Conditions of service

**1. AUTHORITY RESPONSIBLE FOR DETERMINING CONDITIONS OF SERVICE

2. ENTITLEMENTS OF THE STAFF

a. *In active service*

78. During 1970 the International Civil Service Advisory Board (ICSAB) reviewed relationships between the level of remuneration in the United Nations common system at Geneva, used as the base city, and that of the highest-paid national service, namely, the Federal Home Civil Service of the United States, and concluded that, since 1960, there had been a lag of about 8 per cent as compared with the real-income changes in net salaries of the United States Civil Service. In the light of this as well as of other information and considerations on which its previous reviews had been based, ICSAB recommended that an increase of 8 per cent should be applied to United Nations gross salary scales, effective 1 January 1971. The Advisory Board also endorsed the recommendations of ACC that two post adjustments be consolidated into the base salaries, mainly because a number of duty stations, including New York, were reaching very high post classifications and, as a result, too high a proportion of pay was non-pensionable. The base scales appeared unnecessarily unattractive to persons from high-salary areas.

79. Basing his action on recommendations made earlier in 1970 by ICSAB, the Secretary-General proposed to the General Assembly, at its twenty-fifth session, the consolidation of two classes of post adjustment into the base salaries for staff in the Professional and higher categories, and an increase of 8 per cent in their salary scales, to become effective 1 January 1971. The ACABQ made a detailed examination of the ICSAB recommendations and came to the conclusion that the Secretary-General's proposal for an 8 per cent increase should be made effective 1 July 1971 rather than 1 January 1971, after consolidation of two classes of post adjustment.

80. In the course of the discussion of this question in the Fifth Committee, one representative proposed an amendment to ACABQ's proposal so as to increase salaries by 5 per cent—instead of 8 per cent—effective 1 July 1971, without consolidation of classes of post adjustment, it being understood that no further adjustment of the salary scales be made pending the completion of a thorough review of the United Nations salary system. Another proposal was also introduced to give effect to the Secretary-General's proposal. This proposal was subsequently amended to the effect that the proposed increase of 8 per cent should be effective on 15 July 1971, instead of 1 January 1971.

81. After a lengthy procedural debate regarding which of the proposals before it on the increase of salaries should be put to the vote first, the Fifth Committee decided, on 1 December 1970, to give priority to the 8 per cent proposal. The Fifth Committee then voted on ACABQ's proposal to raise the salaries of staff in the

Professional and higher categories by 8 per cent after consolidation of two classes of post adjustment, with effect from 1 July 1971, it being understood that no further adjustment of the base salary scales would be made until a thorough review of the salary scales had been completed. This proposal was approved by the Fifth Committee by a roll-call vote of 60 to 15, with 23 abstentions, and eventually endorsed at a plenary meeting of the Assembly on 17 December 1970 by 89 votes to 11, with 15 abstentions, with the adoption of resolution 2742 (XXV).

82. The same day, the General Assembly also adopted resolution 2743 (XXV)⁶⁶ in which it decided to set up a Special Committee for the Review of the United Nations Salary System, consisting of government experts of the Assembly with due regard to geographical balance. The Special Committee presented its report to the General Assembly through ACABQ at the twenty-seventh session, but failed to reach a consensus on the kind of modifications that should be made in the salary system.

83. On the recommendation of ACABQ⁶⁷ the General Assembly decided, in its resolution 3042 (XXVII), to establish, as of 1 January 1974, the International Civil Service Commission (ICSC) for the regulation and co-ordination of the conditions of service of the United Nations common system. The Commission would have at most 13 members appointed in their individual capacities by, and answerable as a body to, the General Assembly. The statute of the Commission was approved by the General Assembly at its twenty-ninth session in 1974.⁶⁸ While the appointment of the Chairman and the Vice-Chairman of the Commission would be undertaken by the General Assembly, the staff of the Commission would be selected by the Secretary-General in accordance with the provisions of Article 101 (3).

84. At the thirty-first session of the General Assembly, ICSC presented to the General Assembly its review of the United Nations salary system.⁶⁹ In reviewing the report of the Commission, the Fifth Committee also considered together: (a) the comments of ACC,⁷⁰ (b) a report by the Secretary-General and comments of ACABQ⁷¹ on the financial implications of ICSC's recommendations and (c) a note by the Secretary-General containing the proposed amendments to the Staff Regulations of the United Nations consequent upon the adoption by the Assembly of the recommendations of the Commission. During the course of the discussion, there was general support for the recommendations of ICSC on various aspects of the salary system. On 29 November 1976 the Fifth Committee adopted, by 78 votes to 11, with 2 abstentions, a three-part draft resolution, which became General Assembly resolution 31/141 A, B and C, when the General Assembly adopted it by a recorded vote of 119 to 11, with 2 abstentions, on 17 December.⁷²

85. Pursuant to the ICSC report submitted to the thirty-third session, the General Assembly adopted its resolution 33/119 of 19 December 1978. By section III, it noted ICSC's information on the relationship between the remuneration of the Professional and higher categories and the comparator national civil service and its conclusion on safeguards against widening of the margin between remuneration levels. It approved the use, for salary comparisons, of the grading equivalencies recommended by ICSC for grades P-1 through D-1, but asked ICSC to extend its study to grades D-2 and Assistant Secretary-General, and to the feasibility of identifying posts of equivalent responsibilities for the post of Under-Secretary-General. By section IV, the Assembly endorsed the measures recommended or decided upon by ICSC

regarding dependency allowances, termination indemnities, repatriation grants, death grants and certain aspects of the education grants, with two exceptions. On the one hand, the Assembly requested ICSC to give further study to the question of an end-of-service grant, in the context of its examination of the relationship between career staff and fixed-term staff in the common system. On the other hand, it invited ICSC to reconsider its intention to extend the assignment allowance from five to seven years. Finally, the Assembly added to another ICSC proposal, by deciding that the existing age limit—21—for eligibility for the education grant be replaced by a formula delimiting eligibility to the end of the fourth year of post-secondary studies or to the award of the first degree, whichever was earlier.

86. In its resolution 2772 (XXVI) of 29 November 1971, adopted by a vote of 95 to none, with 8 abstentions, the General Assembly revised the salary and retirement allowance of the Secretary-General. Noting that the base salary of the Secretary-General had remained unchanged since 1 January 1968 at \$50,000 gross (\$31,600 net) per annum, while other United Nations salaries had been rising, the Assembly decided to increase, as from 1 December 1971, the Secretary-General's annual salary to \$62,500 gross (\$37,850 net) per annum. It also set his annual retirement allowance at one-half of his gross salary after completion of a full term of office, with a schedule of smaller allowances for lesser periods. At the same time, the Assembly established certain benefits for the widow and minor children of a Secretary-General who died in office or while receiving a retirement allowance. The widow's benefit was set at one half the retirement allowance of the Secretary-General. In addition, provision was made for benefits to the Secretary-General or his survivors, as the case might be, to be paid in the event of death, injury or illness of the Secretary-General attributable to the performance of official duties on behalf of the United Nations.

87. In its resolution 2888 (XXVI) of 21 December, the General Assembly approved an increase in the annual salary for the Administrator of the United Nations Development Programme from \$47,000 to \$56,000 with effect from January 1972. The increase was proposed by the Secretary-General⁷³ in order to bring the salary into line with that of the executive head of a major specialized agency. The General Assembly's action was taken in the form of an amendment to the United Nations Staff Regulations.

88. On 22 December 1976 the General Assembly decided, without a vote, to increase the Secretary-General's salary to \$110,650 gross, with effect from 1 January 1977. The decision was embodied in section IX of an 11-part resolution—31/208—concerning a number of matters related to the programme budget for the 1976-1977 biennium.

89. At its twenty-eighth session the General Assembly, by its resolution 3194 (XXVIII) of 18 December 1973, decided, in amending the Staff Regulations of the United Nations, to adjust the base salaries of staff in the Professional and higher categories, by consolidating five classes of non-pensionable post adjustment into their base salaries, with effect from 1 January 1974. At the same time, the Assembly decided to raise the base salary of the Administrator of the United Nations Development Programme from \$56,000 to \$69,800 per year, to raise the base salary of an Under-Secretary-General from \$45,750 to \$55,150 per year, and that of an Assistant Secretary-General from \$39,150 to \$49,500. In addition, the Assembly approved consequential changes in the scales for post adjustment, devised to equalize the purchasing power of

salaries of staff in the Professional and higher categories at various duty stations. It also approved a change in the base city and cost-of-living index from Geneva, Switzerland (January 1969 = 100) to New York (December 1969 = 100), with consequential adjustments effective 1 January 1974.

90. During the period under review, the General Assembly amended the Staff Regulations by resolution 2742 (XXV) of 17 December 1970 concerning the salary scales for the Professional and higher categories, resolution 2888 (XXVI) of 21 December 1971, resolution 2990 (XXVII) of 15 December 1972 concerning the United Nations International School, resolution 3194 (XXVIII) of 18 December 1972 concerning the salary scales for the Professional and higher categories, resolutions 3353 (XXIX) and 3358 B (XXIX) of 18 December 1974 concerning amendments to the Staff Regulations, resolution 31/141 B of 17 December 1976 concerning the review of the United Nations salary system, resolution 32/200 of 21 December 1977 on the report of ICSC, decision 32/450 A and B of 21 December 1977 and resolution 33/119 of 19 December 1978.

b. *After service*

(i) *Pensions*

91. As noted in paragraph 86 above, the General Assembly in 1971 increased the Secretary-General's maximum retirement allowance from \$38,000 to \$55,325 a year. At the same time the General Assembly decided that his annual retirement allowance was to be one half of the gross salary. The General Assembly also concurred in the recommendation that, effective 1 January 1977, pensions in payment for former Secretaries-General or their surviving spouses be adjusted proportionately whenever a decision was taken affecting the maximum retirement allowance of the Secretary-General. At its twenty-fifth session the General Assembly, by its resolution 2696, approved an agreement concluded between the Government of Canada and the United Nations Joint Staff Pension Board (UNJSPB) concerning arrangements to secure continuity of pension rights under article 13 of the Regulations of the Fund. Under this agreement, the first such arrangement entered into with a Government, a staff member who was an employee of the Canadian public service before becoming a member of the staff of the Organization might, on his return to government service, have up to his full withdrawal settlement under the Pension Fund credited to the Canadian Public Service Superannuation Account towards the payment of the contributions required to be made by the employee, to enable him to count as pensionable service with the Canadian Government his period of contributory service with the Organization.

92. By its resolution 2890 (XXVI) of 22 December 1971 the General Assembly authorized adjustments to the annual pensions being paid to former members of the International Court of Justice and their eligible beneficiaries. The annual value of all pensions in payment on 31 December 1971 to retired Judges and their survivors was increased with effect from 1 January 1971 by 17 per cent, with the exception of the maximum child's benefit payable to widows receiving a pension, which would remain at \$600 a year. Another increase of 11.11 per cent was authorized by the General Assembly by its resolution 3537 A and B (XXX).

93. By its resolution 3354 (XXIX) of 18 December 1974 the General Assembly decided to change article 36 of the Regulations of the Joint Staff Pension Fund so as to

provide for survivors' benefits as of right in the case of widowers as well as widows, where a participant died in service or after retirement for disability. This was to ensure equality of treatment of men and women.⁷⁴

94. At the twenty-ninth session the UNJSPB proposed⁷⁵ to the General Assembly a change to the Pension Fund's Regulations so as to afford staff employed after 1 January 1973 on a part-time basis by a member organization proportionate pension coverage by the Fund. The proposal to add to the Regulations a supplementary article to this effect was supported by ACABQ,⁷⁶ subject to the change becoming operative only when a precise definition of the term "pensionable part-time service" had been formulated either in the administrative rules of the Fund or in the Staff Regulations and Rules of the member organizations. The General Assembly approved the change proposed by the Board, modified as to its operative date in accordance with ACABQ's recommendation, in its resolution 3354 (XXIX) of 18 December 1974.

** (ii) *Other after-service entitlements*

**3. RESPONSIBILITIES OF STAFF MEMBERS

D. *Disciplinary measures*

95. Administrative Tribunal Judgement No. 210⁷⁷ related to a dismissal for unsatisfactory conduct of a staff member holding a permanent appointment. The staff member had been the subject of a discussion regarding dismissal for unsatisfactory conduct in accordance with Staff Regulation 10.2 and Staff Rule 110.3 (b). Basing his argument on the fact that the Joint Disciplinary Committee and the Joint Appeals Board had both considered that dismissal was too severe a measure, the applicant contended that the decision of dismissal constituted a "wrongful act" by the Secretary-General. The Tribunal was thus facing the discretionary power of the Secretary-General to determine and define what constituted unsatisfactory conduct as well as the advisory nature of the reports of the Joint Disciplinary Committee and the Joint Appeals Board. After reviewing the facts, the Tribunal observed that Staff Rule 110.2 endowed the Secretary-General with wide discretionary power to terminate and define what constituted unsatisfactory conduct.⁷⁸ Concerning the nature of the reports of the Joint Disciplinary Committee and the Joint Appeals Board, the Tribunal held that the acceptance or rejection of such recommendations involved the exercise of the discretionary power vested in the Secretary-General as chief administrative officer of the Organization and that, in the absence of legal obligations on the part of the respondent, it had no competence to give binding force to such a recommendation.

E. *Recourse available to staff members*

1. *IN GENERAL*

96. Judgement No. 157⁷⁹ of the Administrative Tribunal concerned the requirement of a complete, fair and reasonable procedure, in regard to the right of the Administration in case of plurality of grounds for termination of a permanent appointment of a staff member, to rely on the ground of its choice. Before the Tribunal, the staff member sought the rescission of the decision to terminate his appointment, on the ground that it was vitiated by procedural irregularity. The Tribunal felt that the requirement of a "complete, fair and reasonable procedure" would be adequately met if the action contemplated was

subject to a fair review by a "joint body". The Tribunal did not rule that a review must necessarily be carried out by the Appointment and Promotion Board or its subsidiary bodies. What the Tribunal did rule was that a complete, fair and reasonable procedure to ensure the substantial rights granted to staff members with permanent appointments must be provided prior to the termination of such appointments, either by the Appointment and Promotion Board where the Staff Rules so provided or by a similar joint review body in the absence of such a provision. Finally, the Tribunal added that the requirement of due process had not been fulfilled by the intervention of the Joint Appeals Board, because the complete, fair and reasonable procedure should be carried out prior to the decision and not subsequently by an appellate body such as the Joint Appeals Board. The Tribunal accordingly ruled that the case should be remanded for institution or correction of the appropriate procedure. It also ordered that the applicant be paid as compensation a sum equivalent to three months' net base salary for loss caused by the procedural delay.

**2. APPEAL TO THE SECRETARY-GENERAL

**3. THE JOINT APPEALS BOARD

4. THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS

97. In 1972 the Committee on Applications for Review of Administrative Tribunal Judgements that had been established by the General Assembly in 1955⁸⁰ for the first time⁸¹ requested the International Court of Justice to review Judgement No. 158 of the United Nations Administrative Tribunal,⁸² by addressing to it the following questions:

"1. Has the Tribunal failed to exercise jurisdiction vested in it as contended in the applicant's application to the Committee on Applications for Review of Administrative Tribunal Judgements (A/AC.86/R.59)?"

"2. Has the Tribunal committed a fundamental error in procedure which has occasioned a failure of justice as contended in the applicant's application to the Committee on Applications for Review of Administrative Tribunal Judgements (A/AC.86/R.59)?"

98. The Committee's request was transmitted to the Court by the Secretary-General pursuant to paragraph 2 of Article 65 of the Statute of the Court. Subsequently the Secretary-General, pursuant to the same provision, submitted a dossier of 62 documents and 92 annexes to the Court. By arrangement with the applicant and his counsel, and approved by the Court, the Secretary-General first submitted a statement on behalf of the United Nations and also a statement setting forth the views of the applicant, as prepared by his counsel; subsequently the Court permitted the applicant to submit, through the Secretary-General, a corrected version of his views prepared by new counsel; finally, within a new time-limit set by the Court, the Secretary-General submitted his comments on the corrected statement of views of the applicant, as well as the applicant's comments on the statement that had been submitted on behalf of the United Nations.⁸³ No Member State of the United Nations accepted the Court's invitation to submit a written statement.⁸⁴ Neither the Secretary-General nor any State requested oral proceedings, though the former did transmit to the Court requests to this effect from the applicant and his counsel; the Court decided not to hold public hearings for the submission of oral statements.⁸⁵

99. The Court rendered its Advisory Opinion on 12 July 1973, in which it decided,⁸⁶ by 10 votes to 3, to comply with the request for the opinion, and responded to the two questions as follows:

(a) With regard to question 1, by 9 votes to 4:

"... that the Administrative Tribunal has not failed to exercise the jurisdiction vested in it as contended in the applicant's application to the Committee on Applications for Review of Administrative Tribunal Judgements;" and,

(b) With regard to question 2, by 10 votes to 3:

"... that the Administrative Tribunal has not committed a fundamental error in procedure which has occasioned a failure of justice as contended in the applicant's application to the Committee on Applications for Review of Administrative Tribunal Judgements."

100. On being notified of the Court's negative answer, the Tribunal, pursuant to paragraph 3 of Article 11 of its statute, on 12 October 1973 confirmed, by its Judgement No. 177, part A, its Judgement No. 158, which thus became final as of that date.

F. Organization of the Secretariat

1. THE QUESTION OF THE AUTHORITY TO DETERMINE THE ORGANIZATION OF THE SECRETARIAT

a. In general

101. In a note submitted to the Fifth Committee during the twenty-second session of the General Assembly,⁸⁷ the Secretary-General observed that, as the responsibilities of the Secretariat had greatly expanded since its last reorganization in 1955, he considered it desirable to reintroduce, as of 1 January 1968, two senior levels in place of the single level of Under-Secretary. The structure of the Secretariat would otherwise be kept unchanged, except that the Controller and the Director of Personnel would each be an official of the lower level of the top echelon, and a single official at the higher level would be in charge of the joint offices. Initially 11 officials would be designated Under-Secretaries-General.

102. The Fifth Committee took note of these proposals and, on its recommendation,⁸⁸ the General Assembly amended⁸⁹ the Staff Regulations accordingly.

b. Some illustrative cases

** (i) *The United Nations Field Service*

** (ii) *The Technical Assistance Administration*

(iii) *Reorganization of the Secretariat*

103. In a report by the Secretary-General to the twenty-sixth session of the General Assembly⁹⁰ concerning the results of the Administrative Management Service survey of the Department of Economic and Social Affairs, a restructuring of the Department was proposed to divide its work into four bureaux, each headed by an Assistant Secretary-General, and two staff offices, in addition to the Office of the Under-Secretary-General. The General Assembly, though noting the importance of the Department of Economic and Social Affairs within the Secretariat and the major role it had to play in the Second United Nations Development Decade and endorsing the decision to review thoroughly the Department's structure, decided to postpone consideration of the Secretary-General's recommendations until its twenty-seventh session.

104. In his report to the twenty-seventh session of the General Assembly,⁹¹ the new Secretary-General requested that consideration of the matter be postponed until the twenty-eighth session so that he might complete his own review of the matter. In response to a request by the Economic and Social Council,⁹² the Secretary-General submitted views and recommendations on the proposed restructuring in a report to the twenty-eighth session of the Assembly,⁹³ including arrangements for the redistribution of substantive and administrative functions in the field of public finance and financial institutions. Thereupon the Assembly requested⁹⁴ the Secretary-General to review these matters further and to report to the Economic and Social Council, whose views and recommendations the Assembly would consider together with the Secretary-General's report at its next session.

105. In accordance with this request, the Secretary-General submitted a report⁹⁵ to the Economic and Social Council at its fifty-sixth session. The Council, on the recommendation of its *Ad Hoc* Committee on Rationalization, decided to defer consideration of this matter until its fifty-eighth session. Consequently, in the absence of the Council's views and recommendations, the Secretary-General stated⁹⁶ that he would only report on this question to the General Assembly at its thirtieth session, at which time the results of the Council's consideration of the matter should be available.

106. By its resolution 32/197⁹⁷ of 20 December 1977 embodying final conclusions and recommendations of the *Ad Hoc* Committee on the Restructuring of the Economic and Social Sectors of the United Nations System, the General Assembly requested the Secretary-General, in full consultation with Member States, to appoint a Director-General for Development and International Economic Co-operation, at a higher level which the Secretary-General determined to be commensurate with his functions. The Director-General, acting under the authority of the Secretary-General, would assist him in carrying out his responsibilities in the economic and social fields, as chief administrative officer under the Charter. He was to be appointed for a period of four years and be provided with the necessary support and resources. During the course of the discussion, the Second Committee's Vice-Chairman orally amended the text by deleting a footnote indicating that the overall remuneration of the Director-General would be intermediate between that of an Under-Secretary-General and that of the Secretary-General; the Committee agreed instead to include the statement in its report to the General Assembly.

107. The administrative and financial implications of the restructuring proposal were discussed in the Fifth Committee before the recommendations were adopted, on 21 December 1977, by the Assembly as a three-part decision (32/450). Based on proposals by the Secretary-General and endorsed by ACABQ, the Fifth Committee had previously approved the decisions on 19 December.

108. By decision 32/450 A, the Assembly created four new sections in the programme budget for the 1978-1979 biennium, comprising the new organizational unit to be headed by the Director-General and three other units: a Department of International Economic and Social Affairs, a Department of Technical Co-operation for Development and an Office of Secretariat Services for Economic and Social Matters, all titled subsequently. Both the Fifth Committee and the Assembly approved this decision without objection.

109. By decision 32/450 B, the Staff Regulations of the United Nations were amended to accommodate the financial implications of the new post of Director-General. The Fifth Committee took this decision by 81 votes to 8,

thus approving a draft amendment to the Staff Regulations submitted by the Secretary-General. It rejected, however, by 58 votes to 10, with 22 abstentions, a proposal by a Member State to amend the new regulation to replace the reference to the Director-General's "salary" by the term "remuneration". The Assembly adopted decision 34/450 B by a recorded vote of 127 to none, with 2 abstentions.

110. Decision 32/450 C, which the Assembly adopted by a recorded vote of 127 to none, with 10 abstentions, related to the authorization by the General Assembly to the Secretary-General to transfer functions and related credits between sections of the 1978-1979 budget to give effect to the decisions in Assembly resolution 32/197.

111. In its report to the April/May session of the Economic and Social Council the Secretary-General announced,⁹⁸ in conformity with General Assembly resolution 32/197, the appointment of a Director-General for Development and International Economic Co-operation, effective from 24 April 1978, with a term of office of four years, and provided information on the terms of reference of the following three new organizational entities of the Secretariat established at United Nations Headquarters in the economic and social field, namely: the Department of International Economic and Social Affairs, the Department of Technical Co-operation for Development and the Office of Secretariat Services for Economic and Social Matters. These would replace the Department of Economic and Social Affairs and the Office of Inter-Agency Affairs and Co-ordination.

112. At its second regular session in 1978 the Economic and Social Council welcomed the establishment of the office of the Director-General for Development and International Economic Co-operation and affirmed the need for him to provide the functions and responsibilities specified in the Assembly's 1977 resolutions. The Council also took note of the Secretary-General's initial measures for the establishment of new organizational entities within the Secretariat and invited him to pursue their streamlining and rationalization. These considerations were embodied in decision 1978/70 adopted without a vote by the Council on 4 August 1978. The General Assembly took note of this decision in its resolution 33/202 adopted without a vote on 29 January 1979.

NOTES

¹ G A (25), Suppl. No. 28, resolution 2736 (XXV), p. 112.

² G A (30), Suppl. No. 34, p. 129.

³ G A (31), Suppl. No. 39, p. 147.

⁴ G A (32), Suppl. No. 45, p. 183.

⁵ For questions relating to the employment of women, see this *Supplement* under Article 8.

⁶ G A (33), Suppl. No. 45, resolution 33/143, p. 205.

⁷ See note 1 above.

⁸ See notes 4 and 6 above.

⁹ See paras. 10 and 12 above.

¹⁰ G A resolution 2736 (XXV), para. 2 (d).

¹¹ JIU/REP/71/7 (distributed under cover of A/8454), chap. IV, part III; summarized in JIU/REP/71/7 (Summary) (distributed under cover of A/8826), part II, sect. 1.B (mimeographed).

¹² G A (28), Suppl. No. 1 and G A (29), Suppl. No. 1, part V, A.1.

¹³ G A (27), A/C.5/1439 (mimeographed).

¹⁴ G A (27), Annexes, a.i. 81, A/8980, para. 89.

¹⁵ G A (27), Suppl. No. 30, resolution 3008 (XXVII).

¹⁶ G A (25), Annexes, a.i. 82, A/8156.

¹⁷ See note 1 above.

¹⁸ See para. 13 above.

¹⁹ A/10184 (mimeographed); summarized in G A (30), Annexes, a.i. 104, A/10450, paras. 2-4.

²⁰ A/31/154 and Corr.1 (mimeographed).

- ²¹G A (31), Suppl. No. 39, resolution 31/26.
²²A/31/154 and Corr.2 (mimeographed).
²³G A (28), Suppl. No. 30, p. 136 (Decision on a.i. 86).
²⁴A/8120 and Corr.1 and A/9724 (mimeographed).
²⁵See para. 13 above.
²⁶See *Repertory, Supplement No. 2*, under Article 101, p. 227, para. 26.
²⁷See note 24 above.
²⁸G A resolution 1852 (XVII), dealing with the principles of geographical distribution.
²⁹A/9120, paras. 107-109 (mimeographed).
³⁰*Ibid.*, para. 110.
³¹A/9724, para. 29 (mimeographed).
³²G A (29), Plen., 2324th mtg.
³³G A (29), Annexes, a.i. 81, A/9980, para. 86 (b).
³⁴G A (31), Suppl. No. 39, resolution 31/26.
³⁵*Ibid.*, 5th Com., 3rd-6th, 8th, 9th, 11th, 12th, 15th, 28th, 30th, 32nd, 37th mtgs.
³⁶G A (25), Annexes, a.i. 82, A/8098.
³⁷Colombia.
³⁸G A (29), 5th Com., 1661st, 1663rd, 1665th, 1666th, 1668th, 1669th, 1671st, 1679th, 1682nd, 1683rd, 1686th, 1687th, 1695th mtgs.
³⁹A/9120 and Corr.1 and 2 (mimeographed).
⁴⁰G A (30), Annexes, a.i. 104, A/10184.
⁴¹G A (30), Annexes, a.i. 104, A/10450, Report of the 5th Com. (part 1), draft resolution II A.
⁴²*Ibid.*
⁴³*Ibid.*, 2430th mtg.; for text of resolution, see *ibid.*, Suppl. No. 34, p. 129.
⁴⁴For text of resolution, see G A (31), Suppl. No. 39, p. 147.
⁴⁵A/31/154 and Corr.2 (mimeographed).
⁴⁶A/132/146 (mimeographed).
⁴⁷See note 44 above.
⁴⁸G A resolutions 3416 (XXX) and 3417 A and B (XXX) of 8 December 1975; 31/26 and 31/27 of 29 November 1977.
⁴⁹A/33/176 (mimeographed).
⁵⁰See this *Supplement* under Article 97.
⁵¹G A (33), 5th Com., 8th, 9th, 11th, 12th, 14th-20th, 23rd, 24th, 54th-59th, 61st mtgs.
⁵²See G A resolution 31/26 of 29 November 1976.
⁵³G A (33), 5th Com., 6th mtg.
⁵⁴G A (25), Annexes, a.i. 82, A/8156.
⁵⁵A/9724 (mimeographed).
⁵⁶G A (25), Annexes, a.i. 82, A/8156.
⁵⁷G A (26), Annexes, a.i. 84, A/8604 and Add.1.
⁵⁸A/9120 and Corr.1 and 2 (mimeographed).
⁵⁹See this *Supplement* under Article 88.
⁶⁰A/C.5/1304 and Corr.1 (mimeographed).
⁶¹G A (25), Annexes, a.i. 8, A/8139.

- ⁶²See *Repertory*, Supplement No. 4, vol. II, Article 101, p. 356, paras. 54-57.
⁶³A/31/417 (mimeographed).
⁶⁴A/C.5/1696 (mimeographed).
⁶⁵G A (31), Suppl. No. 9, paras. 89-91 and annex VII.
⁶⁶G A (25), Suppl. No. 28, p. 117.
⁶⁷G A (27), Suppl. No. 28, A/8728 and Corr.1.
⁶⁸G A resolution 3357 (XXIX) of 18 December 1974.
⁶⁹G A (31), Suppl. No. 30, Report of ICSC, part II.
⁷⁰A/31/239, Comments of ACC (mimeographed).
⁷¹A/C.5/31/26 (mimeographed).
⁷²G A (31), Suppl. No. 39, resolution 31/141 A, B and C.
⁷³A/C.5/1371 (mimeographed).
⁷⁴See this *Supplement* under Article 8.
⁷⁵G A (29), Suppl. No. 9, A/9609.
⁷⁶A/9879 (mimeographed).
⁷⁷*Reid v. Secretary-General of the United Nations, Judgement No. 210* (26 April 1976): *United Nations Juridical Yearbook*, 1976, pp. 131-132.
⁷⁸See also *Judgement No. 123: United Nations Juridical Yearbook*, 1968, p. 171.
⁷⁹*Nelson v. Secretary-General of the United Nations, Judgement No. 157* (26 April 1972): *United Nations Juridical Yearbook*, 1972, p. 126.
⁸⁰By G A resolution 957 (X), which added a new article 11 to the Statute of the Administrative Tribunal.
⁸¹The application it granted was the fourteenth submitted to it; since then it has considered and rejected application Nos. 15-19.
⁸²*Fasla v. the Secretary-General of the United Nations, Judgement No. 158* (28 April 1972): *United Nations Juridical Yearbook*, 1972, p. 127.
⁸³See *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal, Advisory Opinion*, I.C.J. Reports 1973, p. 166, paras. 4-5, 7-8.
⁸⁴*Ibid.*, paras. 3, 6.
⁸⁵*Ibid.*, paras. 6, 9.
⁸⁶*Ibid.*, para. 101.
⁸⁷G A (22), Annexes, a.i. 74, A/C.5/1128, p. 16.
⁸⁸*Ibid.*, A/7014, para. 122.
⁸⁹G A resolution 2369 (XXII).
⁹⁰A/C.5/1380 (mimeographed).
⁹¹A/C.5/1430 (mimeographed).
⁹²E S C resolution 1768 (LIV).
⁹³A/C.5/1506 (mimeographed).
⁹⁴G A (28), Plen., 2206th mtg.; see also *ibid.*, Annexes, a.i. 79, A/9450/Add.1, para. 90 (c).
⁹⁵E/5459 (mimeographed).
⁹⁶A/C.5/1595 (mimeographed).
⁹⁷G A (32), Annexes, a.i. 67, A/32/480/Add.1.
⁹⁸E/1978/28.

Chapter XVI
MISCELLANEOUS PROVISIONS

