

# ARTICLE 97

## CONTENTS

Text of Article 97

	<i>Paragraphs</i>
Introductory Note . . . . .	1-7
Analytical Summary of Practice . . . . .	8-59
I. The staff of the Organization . . . . .	8-32
A. Staff of the Secretariat . . . . .	8-13
1. In general . . . . .	8
2. Staff governed by special staff rules . . . . .	9-13
a. Staff specifically engaged for conferences and other short-term service at Headquarters . . . . .	9-10
b. Technical assistance project personnel . . . . .	11
c. Dispatchers and guides in the Visitors' Service at Headquarters . . . . .	12
d. Special internes . . . . .	13
B. Staff of certain organs . . . . .	14-26
1. Military Staff Committee	
2. Staff of the United Nations Children's Fund	
3. Joint secretariat of the Permanent Central Narcotics Board and Narcotic Drugs Supervisory Body . . . . .	14-18
4. United Nations Panel of Field Observers	
5. The secretariat of the Technical Assistance Board . . . . .	19
6. Staff of the Office of the United Nations High Commissioner for Refugees	
7. Staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East . . . . .	20
8. Staff of the United Nations Korean Reconstruction Agency	
9. United Nations Emergency Force . . . . .	21
10. Staff of the United Nations Research Institute for Social Development . . . . .	22-25
11. Staff of the United Nations Special Fund . . . . .	26
12. Staff of the United Nations Institute for Training and Research	
13. Staff of the United Nations Conference on Trade and Development	
14. Staff of the United Nations Development Programme	
15. Staff of the United Nations Industrial Development Organization	
C. Staff of the Registry of the International Court of Justice	
D. Staff of the World Food Programme . . . . .	27-32

II. Appointment of the Secretary-General . . . . .	33-59
A. Method of appointment . . . . .	33
1. Recommendation of the Security Council . . . . .	34-40
<i>a.</i> Private meetings . . . . .	34
<i>b.</i> Communiqués . . . . .	35-36
<i>c.</i> Number of candidates . . . . .	
<i>d.</i> Private consultations among the permanent members of the Security Council . . . . .	37
<i>e.</i> Secret vote . . . . .	
<i>f.</i> Communication of recommendations to the General Assembly . . . . .	38-39
<i>g.</i> Communication to the candidate . . . . .	40
2. Appointment of the Secretary-General by the General Assembly . . . . .	41-50
<i>a.</i> Private meetings . . . . .	41
<i>b.</i> Nomination in the General Assembly . . . . .	42-44
<i>c.</i> Secret ballot . . . . .	45-46
<i>d.</i> Majority required	
<i>e.</i> Installation in office . . . . .	47-50
B. Terms of appointment of the Secretary-General . . . . .	51-59
1. Length of term of office . . . . .	51
2. Conditions of service . . . . .	52-59
<i>a.</i> Emoluments . . . . .	52-54
<i>b.</i> Other conditions of service . . . . .	55-59
<i>c.</i> Abstention from governmental service after expiration of the term of office	



## ARTICLE 97

### TEXT OF ARTICLE 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

### INTRODUCTORY NOTE

1. The structure of this study follows as closely as possible that of the previous studies of this Article in the *Repertory and Supplements Nos. 1 and 2*, except that new subheadings have been added where that has been necessary following the creation of new organs, while other subheadings have been omitted owing to the absence of material during this period.

2. The first part of this study deals with the staff of the Organization; certain categories of persons employed within the Secretariat whose conditions of appointment and service are governed by special rules are reviewed here while general questions relating to the appointment and conditions of service of the staff of the Secretariat and of its organization are dealt with under Article 101. This study also deals with the staff of certain special organs of the United Nations and the joint United Nations/FAO administrative unit of the World Food Programme (WFP).

3. The staffing arrangements made for certain bodies which were established during the period of this study (United Nations Institute for Training and Research, United Nations Conference on Trade and Development, United Nations Industrial Development Organization, United Nations Development Programme, United Nations Force in the Congo, United Nations Force in Cyprus) are surveyed under Article 101.<sup>1</sup>

4. In referring to certain organs under this Article, the present study follows the practice established in previous studies. The fact that the staff of certain organs is mentioned under Article 97, rather than Article 101, does not indicate a distinction as to the status of such staff. All the staff employed by the United Nations forms part of the Secretariat. In actual practice, however a distinction is made between the "Secretariat proper" and staff specifically recruited for service in subsidiary organs with a temporary mandate or

which are financed entirely or largely from voluntary contributions.<sup>2</sup>

5. The staff of WFP is dealt with separately here in view of its special character. General Assembly resolution 1714 (XVI) on the establishment of the WFP approved *inter alia*, the establishment of a joint United Nations/FAO administrative unit for the operation of the WFP, reporting to the Secretary-General of the United Nations and the Director-General of FAO. It is headed by an Executive Director appointed by the Secretary-General of the United Nations and the Director-General of FAO, after consultation with the Inter-governmental Committee (IGC) for WFP. The staff is appointed by the Executive Director but both the Secretary-General of the United Nations and the Director-General of FAO have responsibilities regarding the choice of senior officials. The staff is, however, administered in accordance with the Staff Regulations and Rules of FAO.

6. The second part of the study deals with the practice followed during the period under review regarding the appointment of the Secretary-General. During this period Mr. Hammarskjöld died while in office, and the post of Secretary-General was vacant until the appointment by the General Assembly at its sixteenth session of U Thant as Acting Secretary-General for the unexpired portion of Mr. Hammarskjöld's term of office. At the seventeenth session, U Thant was appointed Secretary-General for a term of five years from his assumption of office as Acting Secretary-General.

7. The role of the Secretary-General as the chief administrative officer of the Organization is not dealt with under this Article as the practice concerning the Secretary-General's functions is studied under Article 98.

<sup>2</sup> For example, for the purpose of geographical distribution. See the Report of the Secretary-General to the General Assembly at its seventeenth session (G A (XVII), a.i. 70, A/5270, and resolution 1852 (XVII), para. 1 (b)). See also this *Supplement*, under Article 101, paras. 28 and 29.

<sup>1</sup> See this *Supplement* under Article 101, paras. 74-88 and 106-108.

## ANALYTICAL SUMMARY OF PRACTICE

### I. THE STAFF OF THE ORGANIZATION

#### A. Staff of the Secretariat

##### 1. IN GENERAL

8. An account of the amendments to the Staff Regulations of the United Nations adopted by the General Assembly during the period under review is given under Article 101.<sup>3</sup>

##### 2. STAFF GOVERNED BY SPECIAL STAFF RULES

###### a. *Staff specifically engaged for conferences and other short-term service at Headquarters*

9. Staff Rules applicable to staff members specifically engaged for conference and other short-term service were issued to supersede, with effect from 1 January 1962, the rules issued previously.<sup>4</sup>

10. They remained in force during the period under review, with the exception of the rules regulating salary rates and compensation for overtime which were amended<sup>5</sup> and the rule relating to service benefit, which was deleted in accordance with General Assembly resolution 1929 (XVIII).<sup>6</sup>

###### b. *Technical assistance project personnel*

11. The rules applicable to technical assistance project personnel were issued in printed form in December 1970.<sup>7</sup> In 1961, there were amendments to the rules concerning salary increments, education grant and travel, home leave travel and insurance, and a new rule on compensation for loss or damage to personal effects attributable to service<sup>8</sup> was introduced; in 1962 new salary scales and a new schedule of post adjustments were issued, and the provisions concerning service requirement for salary increment and education grant benefits were amended;<sup>9</sup> in 1963 the rule concerning salaries and related allowances and providing for authority to make exceptions to the rules in exceptional circumstances was amended.<sup>10</sup> A revised printed edition of the rules was issued in 1966.<sup>11</sup>

<sup>3</sup> See under Article 101, paras. 109-116.

<sup>4</sup> Rules 301.1 to 312.6 (ST/SGB/Staff Rules/3).

<sup>5</sup> ST/SGB/Staff Rules/3/Amend. 1-4.

<sup>6</sup> ST/SGB/Staff Rules/3/Rev. 1. For the service benefit see under Article 101, para. 116.

<sup>7</sup> Rules 200.1 to 212.7 (ST/SGB/Staff Rules/2).

<sup>8</sup> ST/SGB/Staff Rules/2/Amend. 1.

<sup>9</sup> ST/SGB/Staff Rules/2/Amend. 2.

<sup>10</sup> ST/SGB/Staff Rules/2/Amend. 3.

<sup>11</sup> ST/SGB/Staff Rules/2/Rev. 1.

###### c. *Dispatchers and guides in the Visitors' Service at Headquarters*

12. The special rules applicable to dispatchers and guides in the Visitors' Service<sup>12</sup> were amended<sup>13</sup> with effect from 1 January 1961; subsequent amendments were made to the salary rates<sup>14</sup> and proprietary rights in work performed by them.<sup>15</sup> The rules governing conditions of service for half-time guides<sup>16</sup> underwent corresponding amendments.

###### d. *Special internes*

13. Following a review of public information activities undertaken by the Department of Public Information, the General Assembly at its twelfth sessions, approved a provision in the 1958 budget of \$48,000 for completion of the special interne programme established in 1955.<sup>17</sup> The decision to suspend the special interne programme was commended by the Committee of Experts on Public Information in its report to the thirteenth session of the General Assembly<sup>18</sup> and no provision for that programme was included in the budget for 1959.

#### B. Staff of certain organs

##### \*\*1. MILITARY STAFF COMMITTEE<sup>19</sup>

##### \*\*2. STAFF OF THE UNITED NATIONS CHILDREN'S FUND

##### 3. JOINT SECRETARIAT OF THE PERMANENT CENTRAL NARCOTICS BOARD<sup>20</sup> AND NARCOTIC DRUGS SUPERVISORY BODY

14. The Single Convention on Narcotic Drugs of 30 March 1961<sup>21</sup> provides for the establishment of the International Narcotics Control Board to assume the

<sup>12</sup> Rules 401 to 412.7 (ST/SGB/Staff Rules/4).

<sup>13</sup> ST/SGB/Staff Rules/4/Rev. 1.

<sup>14</sup> ST/SGB/Staff Rules/4/Rev. 1/Amendments 1-4.

<sup>15</sup> ST/SGB/Staff Rules/4/Rev. 1/Amend. 4.

<sup>16</sup> ST/SGB/94/Add. 5 (mimeographed) and ST/SGB/Staff Rules/4/Add. 1.

<sup>17</sup> See *Repertory, Supplement No. 1*, vol. II, under Article 97, paras. 10-12.

<sup>18</sup> G A (XIII), Annexes, a.i. 55, A/3928.

<sup>19</sup> The secretariat of the Military Staff Committee was integrated with the United Nations Secretariat in 1958 in pursuance of General Assembly resolution 1235 (XII). See *Supplement No. 2*, vol. III, under Article 97, para. 12.

<sup>20</sup> Previously called Permanent Central Opium Board; the name of the Board was changed in 1965.

<sup>21</sup> United Nations, *Treaty Series*, vol. 520, No. 7515, p. 151.

functions of the Permanent Central Narcotics Board, established under the International Opium Convention of 19 February 1925, and of the Narcotic Drugs Supervisory Body established under the International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of 13 July 1931.<sup>22</sup>

15. The Economic and Social Council was to fix the date on which the new Board would enter upon its duties. In the meantime, its functions were to be provisionally carried out by the Permanent Central Narcotics Board and the Narcotic Drugs Supervisory Body.<sup>23</sup>

16. The Convention also provides that the secretariat services of the Commission on Narcotic Drugs and the International Narcotics Control Board shall be furnished by the Secretary-General.<sup>24</sup> The Permanent Central Narcotics Board and the Narcotic Drugs Supervisory Board had a joint secretariat; the staff was provided by the Secretary-General in close consultation with those bodies.<sup>25</sup>

17. Under the Single Convention the Economic and Social Council was requested to make, in consultation with the Board, all arrangements necessary to ensure the full technical independence of the International Narcotics Control Board in carrying out its functions.<sup>26</sup>

18. During the period under review the functions of the Board were still carried out by the Permanent Central Narcotics Board and the Narcotic Drugs Supervisory Body.<sup>27</sup>

#### \*\*4. UNITED NATIONS PANEL OF FIELD OBSERVERS

##### 5. THE SECRETARIAT OF THE TECHNICAL ASSISTANCE BOARD

19. The Expanded Programme of Technical Assistance established in 1949 continued to exist as a special organ during most of the period under review. By resolution 2029 (XX) of the General Assembly the

<sup>22</sup> See *Repertory*, vol. V, under Article 97, paras. 14 and 15.

<sup>23</sup> Single Convention on Narcotic Drugs, Art. 45; The United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs also adopted the following resolution:

“...  
The Conference . . .

“Considering the importance of facilitating the transitional arrangements provided for in Article 45 of the Single Convention on Narcotic Drugs, 1961,

Invites the Economic and Social Council to study the possibility of taking measures which would ensure the rapid and smooth carrying out of the simplification of the International Control machinery” (resolution V; United Nations, *Treaty Series* vol. 520, No. 7515, p. 196).

<sup>24</sup> Article 16.

<sup>25</sup> See *Repertory*, vol. V, under Article 97, paras. 16-18.

<sup>26</sup> Article 9, para. 2 of the Convention. Details of those arrangements were approved by the Council in its resolution 1196 (XLII) of 16 May 1967 entitled “Administrative arrangements to ensure the full technical independence of the International Narcotics Control Board” and annexed to it.

<sup>27</sup> The International Narcotics Control Board entered upon its duties in March 1968, pursuant to E S C resolution 1106 (XL) of 4 March 1966, entitled “Implementation of the Single Convention on Narcotic Drugs, 1961”.

Expanded Programme of Technical Assistance and the Special Fund were, however, combined into one programme to be known as the United Nations Development Programme (UNDP) with effect from 1 January 1966. The staff of UNDP is dealt with under Article 101.<sup>28</sup>

#### \*\*6. STAFF OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

##### 7. STAFF OF THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

20. The Staff Regulations applicable to the international staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near East were revised<sup>29</sup> in 1961 so as to bring the conditions of service of the staff of UNRWA more closely in line with the United Nations common system of salaries, allowances and benefits and to enable the participation of international staff members of the Agency in the Joint Staff Pension Fund. Further amendments to the Agency's Staff Regulations and Rules for international staff<sup>30</sup> were made to follow corresponding amendments of the United Nations Staff Regulations and Rules pursuant to the relevant resolutions of the General Assembly.<sup>31</sup>

#### \*\*8. STAFF OF THE UNITED NATIONS KOREAN RECONSTRUCTION AGENCY

##### 9. UNITED NATIONS EMERGENCY FORCE

21. New staff regulations<sup>32</sup> of the United Nations Emergency Force (UNEF) were issued by the Commander of the Force in 1960 pursuant to the authority vested in him under article 19 (c) of the UNEF regulations. They defined the fundamental conditions of service, as well as the rights, duties and obligations of civilian staff recruited from the area covered by UNEF offices, that is to say, locally recruited and semi-locally recruited civilian personnel who are not subject or entitled to the benefits of the Staff Regulations of the United Nations.

##### 10. STAFF OF THE UNITED NATIONS RESEARCH INSTITUTE FOR SOCIAL DEVELOPMENT

22. Following a report by the Secretary-General to the General Assembly<sup>33</sup> by which he informed the Assembly of a grant made by the Netherlands Government for the purpose of financing a United Nations Research Institute for Social Development and of his proposals for the establishment of the Institute of

<sup>28</sup> See this *Supplement*, under Article 101, paras. 80-83.

<sup>29</sup> UNRWA COD/I/61.

<sup>30</sup> UNRWA COD/I/61/Amendments 1-3.

<sup>31</sup> See this *Supplement*, under Article 101, paras. 109-116.

<sup>32</sup> UNEF/ADM/193 (mimeographed).

<sup>33</sup> G A (XVII), Annexes, a.i. 12, 34, 35, 36, 37, 39 and 84, A/C.5/936.

which the General Assembly took note,<sup>34</sup> the Institute was established at Geneva in 1964.

23. The Institute is an autonomous United Nations body which has its own Governing Board, budget and staff. The staff of the Institute is headed by a Director appointed by the Secretary-General after consultation with the Board or its Chairman.

24. Appointment of staff is initiated by the Director of the Institute against the establishment authorized by the Board, and presented to the Director-General of the United Nations Office at Geneva. Appointments are limited to service with the Institute and are approved by the Director.

25. With the exception of consultants engaged under the terms of a special service agreement, all appointments are governed by the appropriate provisions of the Staff Rules of the United Nations, provided that the procedures set out in rule 104.14 regarding the Appointment and Promotion Board shall not apply to persons specifically recruited for service with the Institute.<sup>35</sup>

#### 11. STAFF OF THE UNITED NATIONS SPECIAL FUND

26. As mentioned earlier<sup>36</sup> the Special Fund established in 1958 and the Expanded Programme of Technical Assistance established in 1949 were combined to form the United Nations Development Programme by resolution 2029 (XX).

#### \*\*12. STAFF OF THE UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH<sup>37</sup>

#### \*\*13. STAFF OF THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT<sup>38</sup>

#### \*\*14. STAFF OF THE UNITED NATIONS DEVELOPMENT PROGRAMME<sup>39</sup>

#### \*\*15. STAFF OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION<sup>40</sup>

#### \*\* C. Staff of the Registry of the International Court of Justice

#### D. Staff of the World Food Programme

27. The World Food Programme (WFP) was established, subject to the concurrence of the General Assembly of the United Nations, on an experimental

basis, by a resolution of the Conference of the Food and Agriculture Organization of the United Nations (FAO) of 24 November 1961. Approval of the establishment of an experimental World Food Programme, to be undertaken jointly by the United Nations and the Food and Agriculture Organization in co-operation with other interested United Nations Agencies and appropriate inter-governmental bodies, was given by the General Assembly in resolution 1714 (XVI) of 19 December 1961, to which the FAO resolution was annexed.

28. In its resolution, the General Assembly approved specifically:

“the establishment of a United Nations/FAO Inter-Governmental Committee of twenty<sup>41</sup> States Members of the United Nations and members of the Food and Agriculture Organization to provide guidance on policy, administration and operations, and of a joint United Nations/FAO administrative unit reporting to the Secretary-General of the United Nations and the Director-General of the Food and Agriculture Organization.”

It invited:

“the Secretary-General of the United Nations and the Director-General of the Food and Agriculture Organization to ensure that, in carrying out the programme, the joint United Nations/FAO administrative unit rely to the fullest extent possible on the existing staff and facilities of the United Nations and the Food and Agriculture Organization, as well as other appropriate inter-governmental agencies;”

29. The Inter-Governmental Committee (IGC) recommended, at its first session, draft general regulations concerning arrangements and procedures for the establishment and operation of WFP, including provisions concerning the joint United Nations/FAO administrative unit. The Council of FAO approved the recommended procedures and arrangements at its thirty eighth session<sup>42</sup> in April 1962, and the Economic and Social Council concurred with the Council of FAO in approving them by resolution 878 (XXXIII), of 18 April 1962.

30. By resolution 2095 (XX), adopted by the General Assembly on 20 December 1965, the WFP was put on a continuing basis. In operative paragraph 9 the General Assembly requested:

“a review of the General Regulations of the Programme in the light of the present resolution”

and called

“upon the Economic and Social Council and the Council of the Food and Agriculture Organization to take appropriate action.”

31. The General Regulations were accordingly amended by the Inter-Governmental Committee to

<sup>34</sup> *Ibid.*, a.i. 62, A/5391, paras. 42-45.

<sup>35</sup> ST/SGB/126/paras. 10-13.

<sup>36</sup> See para. 19 above.

<sup>37</sup> See Article 101, paras. 75-77, 106.

<sup>38</sup> *Ibid.*, paras. 78 and 79.

<sup>39</sup> *Ibid.*, paras. 80-83.

<sup>40</sup> *Ibid.*, paras. 87 and 88.

<sup>41</sup> Later enlarged to twenty-four. See E S C resolution 1914 (XVIII) of 11 December 1963.

<sup>42</sup> WFP Inter-Governmental Committee, 1st session, Report to E S C and Council of FAO (E S C (XXXIII), Annexes, a.i. 7, E/3594 (mimeographed); CL 38/2 WFP/IGC Report 1/62, para. 26).

take account of the continuing character of the Programme.<sup>43</sup> They were approved by the Council of FAO and by the Economic and Social Council at its resumed thirty-ninth session.<sup>44</sup>

32. They contained, *inter alia*, the following provisions:

"14. (a) The Programme will be operated by a joint United Nations/FAO Administrative Unit headed by an Executive Director.

"(b) The Executive Director shall be appointed, for a term of five years, by the Secretary-General and the Director-General after consultation with the IGC.

"...

"(d) Officials of the WFP shall be appointed by the Executive Director. Senior officials will be chosen in agreement with the Secretary-General and the Director-General, some to be drawn from food and agricultural backgrounds (with main responsibility for the choice being on FAO) and some from general economic and social backgrounds (with main responsibility for the choice being on the United Nations).

<sup>43</sup> E S C (XXXIX resumed), Annexes, a.i. 3, E/4127/Add.2.

<sup>44</sup> E S C (XXXIX resumed), 1400th mtg., paras. 3-6.

## II. APPOINTMENT OF THE SECRETARY-GENERAL

### A. Method of Appointment

33. Owing to the death of the Secretary-General Hammarskjöld, on 18 September 1961 while in office,<sup>45</sup> the post of Secretary-General became vacant before the expiration of his term of office. The General Assembly appointed, on 3 November 1961, U Thant as Acting Secretary-General for the unexpired period of the last Secretary-General's term of office.<sup>46</sup> The appointment of the Secretary-General was placed on the agenda of the seventeenth session of the General Assembly, at which U Thant was appointed Secretary-General for a period expiring on 3 November 1966 (that is to say, a term of five years from his assumption of office as Acting Secretary-General).

#### 1. RECOMMENDATION OF THE SECURITY COUNCIL

##### a. *Private meetings*

34. The 972nd meeting of the Security Council, on 3 November 1961, at which the recommendation

<sup>45</sup> See Annual Report of the Secretary-General 16 June 1961-15 June 1962 on the international investigation into the conditions and circumstances resulting in the tragic death of Mr. Dag Hammarskjöld and of the members of the party accompanying him (G A (XVII), Suppl. No. 1, chap. II, items 24 and 25, pp. 85-89).

<sup>46</sup> During the interim period between Mr. Hammarskjöld's death and U Thant's assumption of office, the Under-Secretaries carried on their duties and co-ordination took place in accordance with past practice (ST/ADM/SER.A/708 (mimeographed)).

"(e) General financial and administrative services will be provided on a reimbursable basis through the regular FAO Administrative Service, and to this effect the Executive Director shall rely to the fullest extent possible on the existing staff and facilities of FAO.

"(f) For other services the Programme shall rely to the maximum extent feasible on the existing staff and facilities of FAO, the United Nations and/or other inter-governmental agencies. The additional cost involved will be reimbursed from the WFP resources.

"(g) Every effort should be made to keep the cost of management and administration of the Programme to a minimum.

"(h) The representative of the WFP in each recipient country will be the Resident Representative of the United Nations Technical Assistance Board and Director of United Nations Special Fund Programmes, or the Regional Representative of the United Nations Technical Assistance Board as the case may be. The WFP field staff stationed in a recipient country will form part of his office.

"(i) The Executive Director will administer the staff of the WFP in accordance with FAO Staff Regulations and Rules and such special rules as may be approved by the Secretary-General of the United Nations and the Director-General of FAO, after consultation with the Executive Director."

to the General Assembly regarding the appointment of an Acting Secretary-General was considered, and the 1026th meeting, on 30 November 1962, at which consideration was given to the recommendation concerning the appointment of the Secretary-General, were held in private in accordance with rule 48 of the provisional rules of procedure of the Security Council.

##### b. *Communiqués*

35. In accordance with rule 55 of the provisional rules of procedure of the Security Council, official communiqués were issued at the close of the private meetings. In the communiqué on the 972nd meeting of the Council,<sup>47</sup> it was stated that the Council had unanimously decided to recommend to the General Assembly that U Thant be appointed Acting Secretary-General for the unexpired portion of the term of office of Secretary-General Hammarskjöld as fixed by the General Assembly, expiring on 10 April 1963.

36. In the communiqué on the Council's 1026th meeting,<sup>48</sup> it was stated that the Security Council had unanimously decided to recommend to the General Assembly to appoint U Thant as Secretary-General for a term expiring on 3 November 1966.

<sup>47</sup> S C, 16th yr., 972nd mtg.

<sup>48</sup> S C, 17th yr., 1026th mtg.

*\*\*c. Number of candidates**d. Private consultations among the permanent members of the Security Council*

37. In their statements at the 1046th meeting of the General Assembly on the occasion of the appointment of the Acting Secretary-General, several representatives referred to prolonged private consultations between permanent members of the Security Council which had preceded the nomination of the Acting Secretary-General.<sup>49</sup>

*\*\*e. Secret vote**f. Communication of recommendations to the General Assembly*

38. Following the 972nd meeting of the Security Council, the President of the Council addressed, on 3 November 1961, a letter to the President of the General Assembly informing him of the resolution of the Security Council recommending that the General Assembly appoint U Thant as Acting Secretary-General for the unexpired portion of the term of office previously fixed by the General Assembly, expiring 10 April 1963.<sup>50</sup>

39. In the same manner, the President of the Security Council, by a letter to the President of the General Assembly, dated 30 November 1962,<sup>51</sup> communicated the Council's decision recommending to the General Assembly the appointment of U Thant as Secretary-General of the United Nations for a term expiring on 3 November 1966.

*g. Communication to the candidate*

40. Following the Security Council's decision to recommend the appointment of U Thant as Acting Secretary-General, the President of the Security Council addressed, on 3 November 1961, a letter to the candidate informing him of the decision. In that letter he stated:

"...

"The members of the Security Council have asked me to express to you their earnest hope that you will be willing to accept this appointment and to devote your great talents to the tasks before the United Nations Secretariat under the terms of the Charter, should the General Assembly, as members of the Council hope and expect, proceed shortly with the appointment following the recommendation of the Security Council."<sup>52</sup>

<sup>49</sup> G A (XVI), Plen., 1046th mtg., paras. 35-37, 41, 52, 57 and 79.

<sup>50</sup> S C Resolution 168 (1961) transmitted to the General Assembly by document A/4953.

<sup>51</sup> Decision of the Security Council taken at its 1026th meeting on 30 November 1962, transmitted to the General Assembly in document A/5322.

<sup>52</sup> S C, 16th yr., 972nd mtg., Official communiqué annex I.

## 2. APPOINTMENT OF THE SECRETARY-GENERAL BY THE GENERAL ASSEMBLY

*a. Private meetings*

41. In accordance with precedent,<sup>53</sup> the appointment of the Acting Secretary-General at the sixteenth session of the General Assembly and the appointment of the Secretary-General at the seventeenth session were voted upon by secret ballot in public meeting, rather than in private meeting as provided for in rule 142 of the rules of procedure of the General Assembly.

*b. Nomination in the General Assembly*

42. At its 1046th meeting on 3 November 1961, the President informed the Assembly of the communication received from the President of the Security Council<sup>54</sup> and drew attention to the draft resolution,<sup>55</sup> submitted jointly by Ceylon, Liberia and the United Arab Republic providing for the appointment of Ambassador U Thant as Acting Secretary-General for a term of office until 10 April 1963. The representative of Ceylon then spoke on behalf of the sponsors in support of the draft resolution.

43. As the term of office of the Acting Secretary-General was due to expire on 10 April 1963, the appointment of the Secretary-General was placed on the agenda of the Assembly's seventeenth session in 1962. The President informed the Assembly, at its 1182nd meeting, on 30 November 1962, of the contents of the letter he had received from the President of the Security Council.<sup>56</sup>

44. The representative of the United Arab Republic introduced, on behalf of Chile, Ghana, Ireland, Romania, the United Arab Republic and Venezuela, a draft resolution<sup>57</sup> providing for the appointment of U Thant as Secretary-General for a term expiring on 3 November 1966.

*c. Secret ballot*

45. At the sixteenth session of the General Assembly, the draft resolution concerning the appointment of U Thant as Acting Secretary-General was, by secret ballot, adopted by 123 votes to none.<sup>58</sup> The President announced that U Thant had been unanimously appointed Acting Secretary-General for a term of office expiring on 10 April 1963.

46. At the seventeenth session, the draft resolution concerning the appointment of U Thant as Secretary-General was, by secret ballot, adopted by 109 votes to none.<sup>59</sup> The President then announced that U Thant had been unanimously appointed Secretary-General for a term of office expiring on 3 November 1966.

<sup>53</sup> See *Repertory*, vol. V, under Article 97, paras. 44 and 45 and *Supplement No. 2*, vol. III, under Article 97, paras. 22 and 23.

<sup>54</sup> A/4953. See para. 38 above.

<sup>55</sup> A/L.362 (mimeographed).

<sup>56</sup> G A (XVII), Annexes, a.i. 18, A/5322. See para. 39 above.

<sup>57</sup> GAA (XVII), Annexes, a.i. 18, A/L.406 (mimeographed).

<sup>58</sup> G A (XVI), Plen., 1046th mtg., para. 16. See G A resolution 1640 (XVI).

<sup>59</sup> G A (XVII), Plen., 1182nd mtg., para. 12. See G A resolution 1771 (XVII).

**\*\*d. Majority required**

**e. Installation in office**

47. At the sixteenth session of the Assembly, the Chief of Protocol of the United Nations conducted U Thant to the platform on which the Presidents of the Security Council, the Economic and Social Council and the Trusteeship Council and the Vice-Presidents of the General Assembly and the Chairmen of its Main Committees had been seated. The President of the General Assembly informed U Thant of his appointment as Acting Secretary-General and administered the oath of office. He then made a congratulatory speech. The Acting Secretary-General thereupon made a statement in which he expressed thanks for his appointment and announced his intention to invite a limited number of persons to act as his principal advisers and to work in close consultation and collaboration with him.<sup>60</sup>

48. A number of representatives then made congratulatory statements, several of them on behalf of groups of States.

49. A similar ceremony took place at the seventeenth session. After the President's announcement of U Thant's unanimous appointment as Secretary-General, the Under-Secretary-General for General Assembly Affairs, on the invitation of the President conducted, the Secretary-General to the platform. After the Secretary-General had taken his seat, the President made a statement expressing his congratulations. The Secretary-General then made a statement in the course of which he reaffirmed his oath of office.<sup>61</sup>

50. Several representatives, some of whom spoke on behalf of groups of States, made congratulatory statements.

**B. Terms of appointment of the Secretary-General**

**1. LENGTH OF TERM OF OFFICE**

51. As was reported in previous *Repertory* studies,<sup>62</sup> the practice followed concerning the term of office of the Secretary-General was, as for the appointment of the first Secretary-General, an appointment for a period of five years, with eligibility for reappointment. The continuation in office of Mr. Lie by the General Assembly in 1950, however, was made for a period of three years.<sup>63</sup> The death of the incumbent, Mr. Dag Hammarskjöld, while in office, created an unprecedented situation. The General Assembly appointed, in that case, an Acting Secretary-General for the unexpired portion of the previous incumbent's term of office. The Acting Secretary-General was subsequently appointed Secretary-General for a term of office of five years, to be counted retroactively from the

date of his assumption of office as Acting Secretary-General. The General Assembly followed, with regard to the length of the term of office of the Secretary-General, the recommendations of the Security Council. On the occasion of the appointment of the Secretary-General at the seventeenth session in 1962, one representative remarked in his statement, following the installation of the Secretary-General, that if the Security Council had chosen to recommend the date until which the Secretary-General would serve, it did not, in his delegation's view, impair the General Assembly's prerogative to set his term of office and other terms of appointment.<sup>64</sup>

**2. CONDITIONS OF SERVICE**

**a. Emoluments**

52. During the seventeenth session of the General Assembly, prior to the consideration of the appointment of the Secretary-General in plenary meeting, the President addressed a letter to the Chairman of the Fifth Committee in which he stated that it had been brought to his attention that the salary and allowances, of the Secretary-General had remained unchanged since 1946. During the same period the salaries and allowances of Under-Secretaries in the Secretariat, of the Judges of the International Court of Justice and of the Heads of specialized agencies had been revised. For those reasons it had been suggested that the item might have financial implications which the Fifth Committee would wish to examine before it was taken up in plenary meeting.<sup>65</sup>

53. Following receipt of that letter by the Fifth Committee, on 28 November 1962, the Advisory Committee on Administrative and Budgetary Questions gave urgent consideration to the matter.

54. The Advisory Committee considered that an increase of the net base salary of the Secretary-General from \$20,000 to \$27,500 *per annum* from 1 January 1963 would be appropriate. The Committee assumed that the General Assembly would wish to continue the application of post adjustment which had been made since 1 January 1962. It also recommended an increase of the representation allowance from \$20,000 to \$22,500.<sup>66</sup>

**b. Other conditions of service**

55. Concerning the Secretary-General's retirement benefits, the Advisory Committee observed that provi-

<sup>60</sup> G A (XVI), Plen., 1046th mtg., paras. 25-30. See also this *Supplement*, under Article 101, para. 131.

<sup>61</sup> G A (XVII), Plen., 1182nd mtg., para. 18.

<sup>62</sup> See *Repertory*, vol. V, under Article 97, para. 56 and *Supplement No. 2*, vol. III, under Article 97, para. 21.

<sup>63</sup> See *Repertory*, vol. V, under Article 97, paras. 60-66.

<sup>64</sup> G A (XVII), Plen., 1182nd mtg., para. 43. Prior to the appointment, during the general debate, many representatives expressed the hope that U Thant would be re-appointed as Secretary-General: G A (XVII) Plen., 1132nd mtg.: Liberia, para. 10; 1134th mtg.: Cambodia, para. 121; Philippines, para. 70; 1135th mtg.: Chile, para. 2; 1139th mtg.: Ethiopia, para. 103; United Arab Republic, para. 126; 1140th mtg.: Federation of Malaya, para. 55; Libya, para. 106; 1141st mtg.: Lebanon, para. 157; Tunisia, para. 36; 1143rd mtg.: Ghana, para. 177; Nepal, para. 45; Spain, para. 134; 1144th mtg.: Costa Rica, para. 129; Sierra Leone, para. 37; 1147th mtg.: Algeria, paras. 104-106; Indonesia, para. 208; 1148th mtg.: Israel, para. 181; Niger, para. 256; 1150th mtg.: Madagascar, para. 73.

<sup>65</sup> G A (XVII), Annexes, a.i. 18, A/5321, annex.

<sup>66</sup> *Ibid.*, A/5321, paras. 2 and 3. For action by the General Assembly, see para. 59 below.

sion was already made for the Secretary-General to receive an annual retirement allowance of one half of his net salary (excluding allowances) on his retirement. However, no provision existed for benefits to a widow or any surviving children in the event of death in office or while in receipt of the retirement allowance, or for the contingency of death, injury or illness attributable to the performance of official duties; and the position was not very clear regarding the possibility of retirement before the end of the term of appointment. Certain aspects of those matters seemed to the Committee to require further detailed study. Pending such further study, the Advisory Committee considered that it would be desirable to provide, effective from 1 January 1963, on a provisional basis, that: (i) if the Secretary-General should die in office or during the period that he was in receipt of a retirement allowance, his widow should receive, until death or remarriage, a pension equal to one half of the retirement allowance; suitable benefits should also be provided in the event of surviving minor children or other dependants within the degrees of relationship recognized by the Staff Rules and Regulations; (ii) the provisions of appendix D to the Staff Rules should be applicable, *mutatis mutandis* 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.<sup>67</sup>

56. The Fifth Committee recommended that the General Assembly should endorse the suggestions contained in the Advisory Committee's report referred to in paragraphs 54 and 55 above. It requested the Committee to undertake the study mentioned on the position regarding the possibility of the Secretary-

General's retirement before the end of the term of appointment.<sup>68</sup>

57. The Advisory Committee noted that by resolution 11 (I) the General Assembly had approved the observations of the Preparatory Commission to the effect that the Secretary-General should, at any rate immediately on retirement, refrain from accepting any governmental position in which his confidential information might be a source of embarrassment to other Member States.<sup>69</sup> In the light of all relevant considerations it accordingly recommended — on a provisional basis — that, in the event of the Secretary-General's retiring before completing the full term of his appointment, he should be provided with a retirement allowance equal to one half of the full allowance if he had served at least one year but less than two years; for longer periods, the retirement allowance should increase by one eighth for each completed year of service beyond one year until reaching its full level on completion of five years of service.<sup>70</sup>

58. The Fifth Committee decided to recommend that the General Assembly endorse that suggestion.<sup>71</sup>

59. The General Assembly adopted all the above-mentioned recommendations of the Fifth Committee concerning the conditions of service of the Secretary-General.<sup>72</sup>

*c. Abstention from governmental service  
after expiration of the term of office*<sup>73</sup>

<sup>68</sup> G A (XVII), Annexes, a.i. 18, A/5324, paras. 4-6.

<sup>69</sup> See *Repertory*, vol. V, under Article 97, para. 70.

<sup>70</sup> G A (XVII), Annexes, a.i. 18, A/5362, paras. 4 and 5.

<sup>71</sup> *Ibid.*, A/5324/Add.1.

<sup>72</sup> G A (XVII) Plen., 1201st mtg., para. 69.

<sup>73</sup> See para. 57 above.

<sup>67</sup> *Ibid.*, para. 4.