

ARTICLE 97

CONTENTS

	<i>Paragraphs</i>
Text of Article 97	
Introductory note	1-6
Analytical summary of practice	7-40
I. The staff of the Organization	7-26
A. Staff of the Secretariat	7-13
1. In general	7-9
2. Staff governed by special staff rules	10-13
**(a) Staff specially engaged for conferences and other short-term service at Headquarters	
(b) Technical assistance project personnel	10-13
**(c) Dispatchers and guides in the Visitors Service at Headquarters	
**(d) Special internes	
B. Staff of certain organs	14-25
**1. Military Staff Committee	
**2. Staff of the United Nations Children's Fund	
3. Staff of the International Narcotics Control Board	14
**4. United Nations Panel of Field Observers	
**5. The Secretariat of the Technical Assistance Board	
6. Staff of the Office of the United Nations High Commissioner for Refugees ..	15
7. Staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East	16-18
**8. Staff of the United Nations Korean Reconstruction Agency	
**9. Staff of the United Nations Research Institute for Social Development	
**10. Staff of the United Nations Special Fund	
11. Staff of the United Nations Institute for Training and Research	19
**12. Staff of the United Nations Conference on Trade and Development	
**13. Staff of the United Nations Development Programme	
14. Staff of the United Nations Industrial Development Organization	20-21
15. Staff of the United Nations Capital Development Fund	22
**16. Staff of the Joint Inspection Unit	
**17. United Nations University	
**18. Staff of the United Nations Environment Programme	
**19. Staff of the International Civil Service Commission	
20. Staff of the United Nations Institute for Disarmament Research	23-24
21. International Research and Training Institute for the Advancement of Women	25
C. Staff of the Registry of the International Court of Justice	26

**D. Staff of the World Food Programme	
II. Appointment of the Secretary-General	27-40
A. Method of appointment	27-33
1. Recommendation of the Security Council	
(a) Private meetings	28
(b) Communiqués	29
(c) Communications concerning candidates	30
(d) Number of candidates	31
** (e) Private consultations among the permanent members of the Security Council	
(f) Secret vote	32
(g) Communication of recommendations to the General Assembly	33
** (h) Communication to the candidate	
2. Appointment of the Secretary-General by the General Assembly	34-37
(a) Private meetings	34
(b) Nomination in the General Assembly	35
(c) Appointment by acclamation	36
(d) Installation in office	37
B. Terms of the appointment of the Secretary-General	38-40
1. Length of term of office	38
2. Conditions of service	39-40
(a) Emoluments	39
(b) Other conditions of service	40
** (c) 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 that of the previous studies of this Article in the *Repertory and Supplements Nos. 1, 2, 3, 4 and 5*, except that new subheadings have been added where that has been necessary following the creation of new organs or in accordance with a new practice. Also, because the first United Nations Emergency Force withdrew from the field in 1967 and the second United Nations Emergency Force ceased to operate in 1979, the heading has been omitted.

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, the Joint Inspection Unit, the Registry of the International Court of Justice and the World Food Programme.

3. The staffing arrangements made for certain bodies that were established during the period under review are surveyed under Article 101.

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 under Article 101, does not indicate a distinction as to the status of such staff. All the staff employed by the United Nations form part of the staff of the Organization within the meaning of Article 97 of the Charter. In actual practice, however, a distinction is made between the staff of the "Secretariat proper", staff of the Registry of the International Court of Justice and staff who are specifically recruited for service in subsidiary organs with a temporary mandate or who are financed entirely or largely from voluntary contributions.

5. The second part of the study deals with the practice followed during the period under review regarding the appointment of the Secretary-General of the United Nations. The term of office of Secretary-General Kurt Waldheim expired on 31 December 1981. At the thirty-sixth session of the General Assembly, in December 1981, Mr. Javier Pérez de Cuéllar was appointed Secretary-General by acclamation without voting.

6. 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.

ANALYTICAL SUMMARY OF PRACTICE

I. THE STAFF OF THE ORGANIZATION

A. Staff of the Secretariat

1. IN GENERAL

7. In two resolutions adopted during the period under review, the General Assembly reaffirmed the responsibility and authority of the Secretary-General as the chief administrative officer of the United Nations under Article 97 of the Charter.¹

8. In December 1979, the General Assembly expressed its readiness to receive and consider fully the views of the staff as set out in two reports issued through the Secretary-

General,² one written by a recognized representative of the staff of the Secretariat, and the other by a recognized representative of the Federation of International Civil Servants' Associations. The reports were entitled, respectively, "Personnel questions" and "Report of the International Civil Service Commission". In December 1980, the Assembly decided that the Fifth Committee might, if desired, invite single recognized representatives from the staff of the Secretariat and the Federation of International Civil Servants' Associations to make oral representations to the Committee to introduce the above-mentioned reports.³

²A/C.5/34/CRP. 5 and 6.

³G A resolution 35/213.

¹G A resolutions 34/220 and 35/213.

9. Also in December 1980, the General Assembly decided to establish a Committee of Governmental Experts to Evaluate the Present Structure of the Secretariat in the Administrative, Finance and Personnel Areas.⁴

2. STAFF GOVERNED BY SPECIAL STAFF RULES

**** (a)** *Staff specifically engaged for conferences and other short-term service at Headquarters*

(b) *Technical assistance project personnel*

10. During the period under review, the staff rules applicable to staff members specifically recruited for service with technical assistance projects were issued twice in revised editions. Between the two revised editions, a number of amendments were published. A description of those revisions and amendments follows.

11. The fifth revised edition of the Staff Rules was issued on 11 December 1979.⁵ It incorporated the amendments to the Rules that were published on 1 July 1978⁶ and introduces amendments designed mainly to incorporate into the rules various provisions concerning improvements in staff allowances and benefits previously announced in administrative circulars. Rules 203.8, 209.8 and 209.11 were amended, with effect from 1 January 1979, as a consequence of the changes to the education grant, the repatriation grant and the death benefit that were adopted by the General Assembly on 19 December 1978.⁷ Amendments were also made to the rules relating to the installation grant and assignment allowance, with effect from 1 April 1979, and those relating to unaccompanied baggage shipments, with effect from 1 May 1979. Finally, the schedule of pensionable remuneration was amended effective 1 January 1979.

12. Amendments to the fifth revised edition of the staff rules applicable to technical service project personnel were published on 15 July 1980,⁸ 30 November 1981,⁹ 28 September 1982¹⁰ and 14 November 1983.¹¹ The changes related to repatriation grants, maternity leave, the effect of marriage on contractual status and entitlements, entitlements regarding unaccompanied shipments, the daily subsistence allowance while travelling, the effective date and authentic text of rules, pensionable remuneration, education grants, home leave, termination indemnity, commutation of accrued annual leave, last day for pay purposes, official holidays, family visit travel, resignation, installation grants, and suspension pending investigation and appeals. Some of these amendments, as well as changes in the text of Staff Regulations, were made to give effect to decisions of the General Assembly.¹²

⁴G A resolution 35/211.

⁵ST/SGB/Staff Rules/2/Rev.5.

⁶ST/SGB/Staff Rules/2/Rev.4/Amend. 1. See *Repertory Supplement No. 5*, vol. 5, under Article 97, para. 11.

⁷GA resolution 33/119, sect. IV and annex.

⁸ST/SGB/Staff Rules/2/Rev.5./Amend.1.

⁹ST/SGB/Staff Rules/2/Rev.5./Amend.2.

¹⁰ST/SGB/Staff Rules/2/Rev.5./Amend.3.

¹¹ST/SGB/Staff Rules/2/Rev.5./Amend.4.

¹²See G A resolutions 34/165, 35/214, 36/459, 37/126 and 37/235 C. The relevant staff regulations are published separately in documents ST/SGB/Staff Regulations/Rev.13, 14 and 15.

13. The sixth revised edition of the staff rules, incorporating the amendments listed above, was published on 27 February 1984.¹³ It also introduces a number of new amendments, the main purpose of which is to incorporate into the rules various provisions concerning changes in staff allowances and benefits previously announced in administrative issuances. Those amendments that relate to the education grant, participation in the pension fund and the effective date and authentic text of rules give effect to General Assembly decisions.¹⁴

**** (c)** *Dispatchers and guides in the Visitors Service at Headquarters*¹⁵

**** (d)** *Special internes*

B. Staff of certain organs

**1. MILITARY STAFF COMMITTEE

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

3. STAFF OF THE INTERNATIONAL NARCOTICS CONTROL BOARD

14. By its resolution 35/218 of 17 December 1980, the General Assembly issued, with effect from 1 January 1981, revised rates of honoraria payable to the Chairman, the Vice-Chairman and other members of the International Narcotics Control Board.¹⁶ It had previously authorized payment of such honoraria on an exceptional basis.

**4. UNITED NATIONS PANEL OF FIELD OBSERVERS

**5. THE SECRETARIAT OF THE TECHNICAL ASSISTANCE BOARD

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

15. By its resolution 37/196 of 18 December 1982, the General Assembly decided to continue the Office of the United Nations High Commissioner for Refugees for a period of five years from 1 January 1984. The special staff arrangements relating to UNHCR are described in the *Repertory*.¹⁷

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

16. In March 1982, the General Assembly requested the Joint Inspection Unit to "carry out a comprehensive review of UNRWA's organization budget and operation with a view to assisting the Commissioner-General in making the most effective and economical use of the limited funds

¹³ST/SGB/Staff Rules/2/Rev.6.

¹⁴GA resolutions 37/126, 37/131, 37/235 C and 38/232.

¹⁵In 1978, the rules applicable to those specifically engaged for service as dispatchers and guides in the Visitors Service as Headquarters were abolished as a result of the integration of such staff into the members of the General Service category. See *Repertory, Supplement No. 5*, vol. V, Article 97, para. 13.

¹⁶G A resolution 35/218, para. 1.

¹⁷See *Repertory*, vol. V, Article 97, paras. 23-25.

available to the Agency".¹⁸ In August 1983, the Secretary-General transmitted to the members of the Assembly the report of the JIU recommending improvement of the geographical distribution of international Professionals on staff, strict conditions for recruitment regarding academic qualifications and knowledge of Arabic, the establishment of a comprehensive career planning system and the modernization of conditions for analysing and recording individual personnel files.¹⁹

17. The UNRWA Area Staff Regulations and Staff Rules were reissued in November 1982.²⁰ Subsequent amendments were adopted affecting the travel subsistence allowance,²¹ overtime, compensation, time-off and night-duty premium compensation,²² and appeals to the Special Panel of Adjudicators.²³ In addition, the salary scales for area staff in Jordan and Egypt were adjusted with effect from 1 April 1983 and 1 September 1984 respectively.²⁴

18. The UNRWA International Staff Regulations and Staff Rules were reissued in December 1981.²⁵ Subsequent amendments were adopted in March 1982,²⁶ June 1982,²⁷ October 1982,²⁸ February 1983²⁹ and March 1983.³⁰

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

****9. STAFF OF THE UNITED NATIONS RESEARCH INSTITUTE FOR SOCIAL DEVELOPMENT**

****10. STAFF OF THE UNITED NATIONS SPECIAL FUND**

11. STAFF OF THE UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH

19. In a 1980 report on the United Nations Institute for Training and Research by the Joint Inspection Unit,³¹ which was transmitted to the General Assembly in a note from the Secretary-General,³² the staffing arrangements of UNITAR were described as follows:

"B. Staff

"24. UNITAR has three categories of staff:

"(a) Regular—UNITAR makes fixed-term appointments on the basis of United Nations staff rules and procedures. Some regular staff are provided by secondment from the United Nations.

"(b) Fellows and consultants—UNITAR issues 'letters of award' which specify the conditions, period of service and emoluments. Some of them, as well as some fellows of UNITAR, are not paid but are considered to

¹⁸A/38/143 para. 1. The Secretary-General transmitted his comments on the report, as well as those of the Commissioner-General of UNRWA, in document A/38/143/Add.1.

¹⁹A/38/143/Add.1.

²⁰UNRWA document Cod./A/59/Rev. 24.

²¹UNRWA document ASC. No. A/7/83.

²²UNRWA document ASC. No. A/3/84.

²³UNRWA document ASC. No. A/11/84.

²⁴UNRWA document Cod./A/59/Rev.24./Amend. 2.

²⁵UNRWA document Cod./I/61/Rev.2.

²⁶UNRWA document Cod./I/61/Rev.2./Amend. 1.

²⁷UNRWA document Cod./I/61/Rev.2./Amend. 2.

²⁸UNRWA document Cod./I/61/Rev.2./Amend. 3.

²⁹UNRWA document Cod./I/61/Rev.2./Amend. 4.

³⁰UNRWA document Cod./I/61/Rev.2./Amend. 5.

³¹JIU/REP/79/18.

³²A/35/181.

be honorary fellows. There is no contribution to pension nor the staff benefits which regular personnel receive. It is relatively easy to obtain personnel from universities for short periods under this procedure at costs lower than those of regular staff.

"(c) Special service agreements—Under this arrangement UNITAR commissions a person for a study at a specific cost. Special service agreements make it possible to engage staff for short periods, but most of the special service agreements are for consultants."³³

****12. STAFF OF THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT**

****13. STAFF OF THE UNITED NATIONS DEVELOPMENT PROGRAMME**

14. STAFF OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

20. During the period under review, the United Nations Industrial Development Organization was converted into a specialized agency.³⁴ The General Assembly resolution on transitional arrangements relating to the establishment of UNIDO as a specialized agency contains the following paragraphs:

"The General Assembly,

"...

"4. Urges that all members of the staff of the United Nations assigned to the existing United Nations Industrial Development Organization should be offered appointments by the new agency that preserve their acquired rights and contractual status;

"5. Requests the United Nations Joint Staff Pension Board to arrange for the admission of the new agency to the Joint Staff Pension Fund, in accordance with article 3 of the Regulations of the Fund, on a date to be agreed upon between the Fund and the new agency, so as to enable persons appointed to its staff to participate in the Fund from the date of their appointment".³⁵

21. The report from the formal meeting on the conversion of the United Nations Industrial Development Organization into a specialized agency, convened at Vienna in May 1983, includes the following provisions on structure and staffing:

"21. Staffing should be determined by article 11, paragraph 5, of the Constitution; that is, the paramount consideration should be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard should be paid to the importance of recruiting staff on a wide and equitable geographical basis.

"22. The need to comply with all provisions of article 11 of the Constitution was emphasized.

"23. Pending the adoption of the necessary decisions by the organs of the new UNIDO, questions related to staff regulations, service conditions and so on should continue to be dealt with in accordance with existing rules and practices."³⁶

³³JIU/REP/79/18, para. 24.

³⁴See GA resolutions 34/96 and 38/193.

³⁵G A resolution 34/96, paras 4 and 5.

³⁶A/38/141.

The General Assembly took note of the report in its resolution 38/193 of 20 December 1983.

15. STAFF OF THE UNITED NATIONS CAPITAL DEVELOPMENT FUND

22. By its resolution 36/196, the General Assembly decided that the United Nations Development Programme would continue to provide field support services as well as headquarters administrative support to the activities of the United Nations Capital Development Fund.

**16. STAFF OF THE JOINT INSPECTION UNIT

**17. UNITED NATIONS UNIVERSITY

**18. STAFF OF THE UNITED NATIONS ENVIRONMENT PROGRAMME

**19. STAFF OF THE INTERNATIONAL CIVIL SERVICE COMMISSION

20. STAFF OF THE UNITED NATIONS INSTITUTE FOR DISARMAMENT RESEARCH

23. The United Nations Institute for Disarmament Research was established in 1980 within the framework of the United Nations Institute for Training and Research as an interim arrangement for the period until the second special session of the General Assembly devoted to disarmament.³⁷ In 1982, the Assembly decided that UNIDIR should function as an autonomous body headquartered at Geneva and funded by voluntary contributions.³⁸

24. In 1984, the General Assembly approved the statute of UNIDIR, which includes the following provisions on staffing arrangements:

"Article IV

THE DIRECTOR AND THE STAFF

"1. The Director shall be appointed by the Secretary-General of the United Nations, after consultations with the Board . . ."

"3. The staff of the Institute shall be appointed by the Director under letters of appointment signed by him in the name of the Secretary-General and limited to service with the Institute. The staff shall be responsible to the Director in the exercise of their functions.

"4. The terms and conditions of service of the Director and the staff shall be those provided in the Staff Regulations and Rules of the United Nations, subject to such arrangements for special rules or terms of appointment as may be proposed by the Director and approved by the Secretary-General."³⁹

³⁷G A resolution 35/152 (H). See also resolutions 33/71 (K) and 34/83 (M).

³⁸G A resolution 37/99 (K), sect. IV, para. 3.

³⁹G A resolution 39/148 H, annex.

21. INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE ADVANCEMENT OF WOMEN

25. In 1979, the General Assembly decided that the International Research and Training Institute for the Advancement of Women, established in 1976, should start functioning as a body of the United Nations financed through voluntary contributions with the degree of autonomy necessary to ensure its efficient operation.⁴⁰ In 1983, its official inauguration at its permanent headquarters in the Dominican Republic was endorsed by the General Assembly.⁴¹ The Economic and Social Council approved the statute of INSTRAW in May 1984,⁴² which contains the following provisions on staffing arrangements:

"Article IV: THE DIRECTOR AND THE STAFF

"1. The Director shall be appointed by the Secretary-General of the United Nations, after consultation with the Board."

"3. The staff of the Institute shall be appointed by the Director on behalf of the Secretary-General and in accordance with modalities established by the Secretary-General, within the staffing table approved by the Board. Such appointment shall be limited to service with the Institute. The staff shall be responsible to the Director in the exercise of their functions.

"4. The staff of the Institute shall be recruited on as wide a geographical basis as possible, full consideration being given to the particular requirements of and qualifications for each post needed by the Institute.

"5. The terms and conditions of service of the Director and the staff shall be those provided in the Staff Regulations and Rules of the United Nations, subject to such arrangements for special rules or terms of appointment as may be approved by the Secretary-General. The salaries, allowances and other expenses of the Director and the staff shall be borne by the Trust Fund for the International Research and Training Institute for the Advancement of Women."⁴³

C. Staff of the Registry of the International Court of Justice

26. Article 28, paragraph 4, of the Rules of Court states:

"The staff of the Registry shall be subject to Staff Regulations drawn up by the Registrar, so far as possible in conformity with the United Nations Staff Regulations and Staff Rules, and approved by the Court."

On 7 March 1979, the Court adopted new Staff Regulations for the Registry, comprising 15 Articles and 6 Annexes.⁴⁴

**D. Staff of the World Food Programme

⁴⁰G A resolution 33/187.

⁴¹G A resolution 38/104, para 1.

⁴²ESC resolution 1984/124.

⁴³E/1984/41.

⁴⁴*Staff Regulations for the Registry of the International Court of Justice approved by the Court on 7 March 1979 in accordance with Article 21, paragraph 2, of the Statute and with Article 28, paragraph 4, of the Rules of the Court*, reproduced in *I.C.J. Yearbook 1978-79*, pp. 127-131.

II. APPOINTMENT OF THE SECRETARY-GENERAL

A. Method of appointment

27. As the term of office of Mr. Kurt Waldheim was to expire on 31 December 1981, the appointment of the Secretary-General of the United Nations was placed on the agenda of the thirty-sixth session of the General Assembly.

1. RECOMMENDATION OF THE SECURITY COUNCIL

(a) *Private meetings*

28. In accordance with rule 48 of the provisional rules of procedure of the Security Council, the Council held closed meetings on 27 and 28 October 1981, 4 and 17 November 1981 and 11 December 1981, in order to consider the question of the recommendation to the General Assembly regarding the appointment of the Secretary-General of the United Nations.⁴⁵

(b) *Communiqués*

29. In accordance with rule 55 of the provisional rules of procedure of the Security Council, official communiqués were issued at the close of the 2303rd,⁴⁶ 2304th,⁴⁷ 2305th,⁴⁸ 2310th⁴⁹ and 2312th⁵⁰ closed meetings of the Council. The first four simply stated that the Security Council had considered the question of the recommendation for the appointment of the Secretary-General at the meeting. The last communiqué contained the text of the resolution unanimously adopted by the Council recommending to the General Assembly that Mr. Javier Pérez de Cuéllar be appointed Secretary-General of the United Nations.⁵¹

(c) *Communications concerning candidates*

30. The unanimous decision of the Assembly of Heads of State and Government of the Organization of African Unity to approve the candidature of Mr. Salim Ahmed Salim for Secretary-General of the United Nations was transmitted in a letter from the Chairman of the Group of African States to the President of the Security Council.⁵² A similar letter from the Chairman of the Group of Non-Aligned Countries was also circulated as a document of the Security Council.⁵³ On 10 December 1981, the Permanent Representative of Botswana and Chairman of the African Group transmitted a text by Mr. Salim⁵⁴ stating that he had informed the President of the Security Council that he wished to have his name removed from subsequent ballots, in order to make it possible for other candidates from the Third World to be considered. In the text Mr. Salim also stated that he had assured the Council President of his continued availability in the event that the permanent

members of the Council were unable to achieve a consensus in this regard.

(d) *Number of candidates*

31. Having received a number of nominations for the post of Secretary-General, the Security Council once again followed the practice of recommending only one candidate.

** (e) *Private consultations among the permanent members of the Security Council*

(f) *Secret vote*

32. The official communiqué recommending the appointment of Mr. Pérez de Cuéllar as Secretary-General states that the voting on the candidates was by secret ballot.⁵⁵

(g) *Communication of recommendations to the General Assembly*

33. The President of the Security Council, by a letter dated 11 December 1981, informed the President of the General Assembly of the unanimous resolution of the Security Council recommending that the General Assembly appoint Mr. Javier Pérez de Cuéllar as Secretary-General of the United Nations.⁵⁶

** (h) *Communication to the candidate*

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

(a) *Private meetings*

34. In accordance with previous practice, the Secretary-General, at the thirty-sixth session of the General Assembly, was appointed in a public meeting, and not in private as rule 141 of the rules of procedure of the General Assembly provide.⁵⁷

(b) *Nomination in the General Assembly*

35. At the thirty-sixth session of the General Assembly, at the 98th plenary meeting, the President of the Assembly informed the Assembly of the letter he had received from the President of the Security Council⁵⁸ recommending the appointment of the Secretary-General of the United Nations and drew attention to the draft resolution⁵⁹ submitted by 15 Member States (China, France, German Democratic Republic, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America)⁶⁰ regarding the appointment of Mr. Javier Pérez de Cuéllar as Secretary-General of the United Nations.

⁴⁵S/PV.2303-2305, S/PV.2310 and S/PV.2312.

⁴⁶S/PV.2303.

⁴⁷S/PV.2304.

⁴⁸S/PV.2305.

⁴⁹S/PV.2310.

⁵⁰S/PV.2312.

⁵¹S C resolution 494 (1981).

⁵²S/14711.

⁵³S/14712.

⁵⁴S/14788.

⁵⁵See S/PV.2312.

⁵⁶S C resolution 494 (1981); transmitted to the General Assembly in document A/36/820.

⁵⁷See *Repertory*, vol. V, paras. 44 and 45; see also *Supplement No. 2*, vol. III, paras. 22 and 23, *Supplement No. 3*, vol. IV, paras. 41 and 42, and *Supplement No. 5*, vol. V, para. 34.

⁵⁸A/36/820.

⁵⁹G A (36), Plen., 98th mtg., para. 2.

⁶⁰A/36/L.56.

(c) *Appointment by acclamation*

36. At the thirty-sixth session of the General Assembly, the draft resolution concerning the appointment of Mr. Pérez de Cuéllar was adopted by acclamation.⁶¹ The President of the General Assembly announced that Mr. Pérez de Cuéllar had been appointed by acclamation for a term of office beginning 1 January 1982 and ending on 31 December 1986.⁶²

(d) *Installation in office*

37. Following the adoption of the resolution appointing the Secretary-General and the statement by the President of the General Assembly, the President of the Security Council, the President of the Economic and Social Council, the President of the Trusteeship Council, the Vice-Presidents of the General Assembly and the Chairmen of the Main Committees took places on the platform. The Chief of Protocol then conducted Mr. Pérez de Cuéllar to the platform. The President of the General Assembly informed Mr. Pérez de Cuéllar officially of his appointment, administered the oath of office and made a congratulatory speech. The new Secretary-General then made a statement. Then representatives of the Group of African States, the Group of Asian States, the Group of Eastern European States, the Group of Latin American States, the Group of Western European and Other States, the Group of Arab States and the host country made congratulatory statements.⁶³ The outgoing Secretary-General, Mr. Kurt Waldheim, then addressed the Assembly and, *inter alia*, congratulated Mr. Pérez de Cuéllar.⁶⁴

B. Terms of the appointment of the Secretary-General

I. LENGTH OF TERM OF OFFICE

38. In accordance with the usual practice of the United Nations, the General Assembly appointed Mr. Pérez de Cuéllar to be Secretary-General for a period of five years, from 1 January 1982 to 31 December 1986.⁶⁵

⁶¹G A resolution 36/137.

⁶²G A (36), Plen., 98th mtg., para. 4.

⁶³Ibid., paras. 30-83.

⁶⁴Ibid., para. 103.

⁶⁵G A resolution 36/137.

2. CONDITIONS OF SERVICE

(a) *Emoluments*

39. At the thirty-fifth session of the General Assembly, the Assembly concurred with a recommendation of the Advisory Committee on Administrative and Budgetary Questions concerning the emoluments of the Secretary-General.⁶⁶ The Advisory Committee had recommended that the General Assembly approve an increase in the Secretary-General's salary effective 1 January 1981 "in an amount corresponding to the consolidation of 30 points of post adjustment, with a corresponding decrease in the amount of post adjustment payable to the Secretary-General so as to ensure that there is neither gain nor loss of net emoluments".⁶⁷ On that basis, the annual salary of the Secretary-General was \$139,300 gross (\$72,516 net with dependants or \$65,111.50 without dependants). The post adjustment per index point was 595 with dependants or 534 without dependants. Accordingly, the General Assembly approved appropriations of \$7,200 under section 1 and \$14,000 under section 31 of the programme budget for the biennium 1980-1981, and an increase of \$14,000 in the approved estimates of income under income section 1.⁶⁸

(b) *Other conditions of service*

40. In its report on the emoluments of the Secretary-General, the Advisory Committee noted that the approved increase referred to in paragraph 39 above:

"would have a consequential effect on the amount of the maximum retirement benefit, which is equal to one half of the gross salary and which would therefore be increased to \$69,650. Pursuant to section IX of General Assembly resolution 31/208, there would be a proportionate increase in pensions in payment [to former Secretaries-General or their surviving spouses]."⁶⁹

** (c) *Abstention from governmental service after expiration of the term of office*

⁶⁶G A resolution 35/217, sect. XVII, para. 1.

⁶⁷A/35/7/Add.30, para 3.

⁶⁸G A resolution 35/217, sect. XVII, para. 2.

⁶⁹A/35/7/Add.30, para 4.