

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, 5* and *6*, except that new sub-headings have been added where necessary following the creation of new organs or to reflect a new practice.
2. The analytical summary of practice of the present study is divided into two parts. The first part relates to the staff of the Organization and deals with certain categories of staff and other persons employed by the United Nations whose conditions of appointment and service are governed by special rules.
3. In referring to certain organs of the United Nations, the present study follows the practice established in previous studies. The fact that the staff of certain organs are mentioned under Article 97 rather than Article 101,¹ does not indicate a distinction as to the status of such staff. All of the staff employed by the United Nations form part of the staff of the Organization within the meaning of Article 97 of the Charter.²
4. The second part of the present study relates to the practice that has been followed with respect to the appointment of the Secretary-General of the United Nations. At the forty-first session of the General Assembly, on 10 October 1986, Javier Pérez de Cuéllar was appointed by acclamation Secretary-General of the United Nations for a second term of office, beginning on 1 January 1987 and ending on 31 December 1991.³
5. The practice concerning the functions of the Secretary-General is studied in this *Repertory* under Article 98. Therefore the role of the Secretary-General as chief administrative officer of the Organization is not touched upon here.

¹ The obligations of the members of the staff, their conditions of appointment and the general organization of the Secretariat are dealt with in this *Repertory* under Articles 100 and 101.

² In practice, however, a distinction is made between the staff of the Secretariat, the staff of the International Court of Justice and staff who are recruited for service in subsidiary organs with a temporary mandate or who are financed entirely or largely from voluntary contributions.

³ G A resolution 41/1.

ANALYTICAL SUMMARY OF PRACTICE

I. THE STAFF OF THE ORGANIZATION

A. Staff of the Secretariat

1. IN GENERAL

6. During the period under review, the General Assembly took action on several personnel management problems on the basis of information provided by the Secretary-General and such bodies as the International Civil Service Commission, the Administrative Committee on Coordination and the Joint Inspection Unit. Written comments were submitted to the Fifth (Administrative and Budgetary) Committee by representatives of United Nations staff, including the Coordination Committee for Independent Staff Unions and Associations of the United Nations System and the Federation of International Civil Servants' Associations.

7. On 18 December 1985 the General Assembly adopted three resolutions on personnel questions⁴ and one on the work of the International Civil Service Commission.⁵

8. In 1986, the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (Group of 18)⁶

⁴ G A resolution 40/258 A on the composition of the Secretariat; 40/258 B on improvement of the status of women in the Secretariat; and 40/258 C on respect for the privileges and immunities of officials of the United Nations.

⁵ G A resolution 40/244 on the work of the International Civil Service Commission, section IV of which called for strengthening the regulation of the conditions of service of the organizations participating in the United Nations common system.

⁶ By its resolution 35/211 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; see *Repertory, Supplement No. 6*, vol. VI, under Article 97, para. 9.

reported to the General Assembly that the structure of the Organization had become too complex and top-heavy. In addition to recommendations dealing with the streamlining of the organizational structure of the Secretariat and reduction in the number of staff members, the Group made recommendations on aspects of personnel management, such as recruitment, appointment, performance evaluation, promotion and distribution of posts. By its resolution 41/213 of 19 December 1986, the Assembly decided that the Group's recommendations should be implemented, subject to certain qualifications.⁷

9. In 1987, in response to the recommendations of the Group of 18 and resolution 41/213, a review was initiated of delegation of authority in personnel matters and other fields, such as financial matters, which affected human resources management. The name of the Office of Personnel Services was also changed to Office of Human Resources Management.⁸

10. In the light of the General Assembly's request to the Secretary-General, in resolution 42/220 A of 21 December 1987 on the composition of the Secretariat, to review the freeze on recruitment of external candidates introduced in 1986, and in view of the recommendation of the Group of 18 concerning the reduction of posts in the Secretariat, the Secretary-General in 1988 decided to introduce limited recruitment for vacant posts for which qualified internal candidates could not be identified through the vacancy management system. The Secretary-General also decided that flexibility in recruitment would continue for departments and offices with high vacancy rates, in particular the secretariats of the regional commissions.⁹

11. Members of the staff appointed by the Secretary-General are governed by the Staff Regulations adopted by the General Assembly and, in pursuance of the Staff Regulations, by the Staff Rules enacted by the Secretary-

⁷ See *United Nations Yearbook 1986*, pp. 1050-1051, and G A resolution 42/211 of 21 December 1987, on the implementation of resolution 41/213. The General Assembly also adopted resolutions 41/206 A on the composition of the Secretariat, 41/206 B on the composition of the upper echelons of the Secretariat, 41/206 C on desirable ranges for the geographical distribution of staff, 41/206 D on improvement of the status of women in the Secretariat, and 41/205 on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations.

⁸ See *United Nations Yearbook 1987*, p. 1130. See also G A resolutions 42/220 A on the composition of the Secretariat, 42/220 B on the administration of justice in the Secretariat and 42/220 C on improvement of the status of women in the Secretariat and 42/219 on respect for the privileges and immunities of officials of the United Nations.

⁹ See *United Nations Yearbook 1988*, p. 877. See also G A resolutions 43/224 A on the composition of the Secretariat, 43/224 B on the administration of justice in the Secretariat, 43/224 C on improvement of the status of women in the Secretariat, 43/220 D on the working languages of the Secretariat and language training, and 43/225 on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations.

General. The Staff Regulations were amended several times during the period under review.

12. By its decision 40/467 of 18 December 1985, the General Assembly decided to amend annex I to the Staff Regulations, containing salary scales and related provisions, in order to reflect proper terminology.¹⁰

13. By its resolution 41/207 of 11 December 1986, the General Assembly approved the amendment of regulation 3.3(b)(i) and (ii) on staff assessment and the schedule of net and gross salaries set out in Annex I to the Regulations. In addition, paragraph 1 of annex I to the Regulations was amended in accordance with General Assembly resolutions 41/207 and 41/209 of 11 December 1986.

14. By its resolutions 42/221 and 42/225 of 21 December 1987, the General Assembly decided to amend regulation 3/3(b)(i) on staff assessment and the schedule of net and gross salaries set out in annex I to the Regulations.

15. By its resolution 43/226 B of 21 December 1988, the General Assembly approved the relevant amendments to Staff Regulations 3.2 and 3.4 (a)(i).

2. STAFF GOVERNED BY SPECIAL STAFF RULES

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

16. On 25 August 1987, a revised edition of the staff rules applicable to staff members specifically engaged for conference and other short-term service was issued with effect from 1 July 1987.¹¹ It replaced the previous edition of those rules issued on 1 May 1978.¹² The main purpose of the revision was to bring the rules up to date by taking into account, wherever appropriate, changes that had since been made in the Staff Regulations and the corresponding provisions of the 100 series of the Staff Rules.¹³ The changes related to official holidays at United Nations Headquarters,¹⁴ family relationships,¹⁵ participation of staff on short-term appointment in the United Nations Joint Staff Pension Fund¹⁶ and entitlement to compensation for death, injury or other disability attributable to service.¹⁷ In addition, revisions were made in relation to terminal expenses,¹⁸ excess

¹⁰ This amendment was also published separately in document ST/SGB/Staff Regulations/Rev.17.

¹¹ ST/SGB/Staff Rules/3/Rev.4.

¹² ST/SGB/Staff Rules/3/Rev.3; See *Repertory, Supplement No. 5*, vol. V, under Article 97, para. 10.

¹³ A/C.5/42/3.

¹⁴ ST/SGB/Staff Rules/3/Rev.4, staff rule 301.3.

¹⁵ *Ibid.*, staff rule 304.6.

¹⁶ *Ibid.*, staff rule 306.1.

¹⁷ *Ibid.*, staff rule 306.3.

¹⁸ *Ibid.*, staff rule 307.6.

baggage and unaccompanied shipments,¹⁹ staff relations²⁰ and appeals.²¹

(b) *Technical cooperation project personnel*

17. During the period under review, the sixth revised edition²² of the staff rules applicable to staff members specifically recruited for service with technical cooperation projects was amended four times.²³

18. Amendments to the staff rules applicable to technical cooperation project personnel were published on 11 February 1985.²⁴ Rule 203.8 was amended pursuant to General Assembly resolutions²⁵ concerning the scale of reimbursement of educational expenses and the applicable rate of exchange. In addition, appendix III was amended to reflect the establishment of a Joint Appeals Board in Nairobi as well as at other duty stations which might be designated by the Secretary-General.

19. On 29 August 1986, the staff rules applicable to technical cooperation project personnel were amended²⁶ to implement changes concerning the special education grant for disabled children approved by the General Assembly in its resolution 40/244 of 18 December 1985.²⁷ In addition, changes were made to reflect an entitlement to reimbursement of pre-departure travel expenses under certain conditions established pursuant to a decision taken by the International Civil Service Commission.²⁸ Furthermore, staff rule 207.20 was amended to reflect an additional shipment entitlement for staff members serving at designated duty stations having very difficult conditions of life and work.

20. On 27 August 1987, provisions in the staff rules applicable to technical cooperation project personnel were amended²⁹ to indicate child care as a specific criterion for the granting of special leave.³⁰ In addition, changes were made to the substance and terminology of provisions dealing with maternity leave.³¹ In accordance with General Assembly resolutions 41/207 and 41/208 of 11 December 1986, revisions were also made to the salary scales, scales

of pensionable remuneration and scales for computing separation payments.³²

21. The fourth amendment, published on 14 September 1988,³³ introduced changes which gave effect to several General Assembly resolutions.³⁴ The changes related to education grant,³⁵ the amount and structure of assignment allowances,³⁶ standards of accommodation³⁷ and terminal expenses.³⁸ Appendix I was amended to reflect the revised salary scales for staff in the Field Service category,³⁹ the revised scales of pensionable remuneration⁴⁰ and the revised scales for computing separation payments⁴¹ for staff in the Professional and higher categories and in the Field Service category.

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

22. Staff rules 101.1 through 112.8, which are applicable to dispatchers and guides in the Visitors Service at Headquarters, were the subject of two provisional amendments during the period under review,⁴² by which appendix B (Headquarters) was amended to record the revised salary scales for Public Information Assistants and Tour Coordinators and Supervisors, effective 1 February 1985 and 1 January 1987.⁴³

(d) ***Special interns*

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**
4. ****STAFF OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES**
5. ****STAFF OF THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST**

¹⁹ Ibid., staff rule 307.7.

²⁰ Ibid., staff rule 308.1.

²¹ Ibid., staff rule 311.1.

²² ST/SGB/Staff Rules/2/Rev.6; see *Repertory, Supplement No. 6*, vol. VI, under Article 97, para. 13.

²³ A/C.5/40/5, A/C.5/41/2, A/C.5/42/3, A/C.5/43/6.

²⁴ ST/SGB/Staff Rules/2/Rev.6/Amend.1.

²⁵ G A resolutions 38/232 and 39/69.

²⁶ ST/SGB/Staff Rules/2/Rev.6/Amend.2.

²⁷ Ibid., staff rule 203.8.

²⁸ Ibid., staff rule 207.3.

²⁹ ST/SGB/Staff Rules/2/Rev.6/Amend.3.

³⁰ Ibid., staff rule 205.3.

³¹ Ibid., staff rule 206.7.

³² Ibid., appendix I.

³³ ST/SGB/Staff Rules/2/Rev.6/Amend.4.

³⁴ See G A resolutions 41/208, 41/213, 42/214 and 42/221.

³⁵ ST/SGB/Staff Rules/2/Rev.6/Amend.4, staff rule 203.8; see also G A resolution 42/221.

³⁶ Ibid., staff rule 203.11.

³⁷ Ibid., staff rule 207.6; see also G A resolutions 41/213 and 42/214.

³⁸ Ibid., staff rule 207.15.

³⁹ G A resolution 42/221.

⁴⁰ G A resolution 41/208.

⁴¹ ST/SGB/Staff Rules/2/Rev.6/Amend.4, staff rule 207.14.

⁴² ST/SGB/Staff Rules/2/Rev.6/Amend.3 issued on 27 August 1987 and ST/SGB/Staff Rules/2/Rev.6/Amend.4 issued on 14 September 1988.

⁴³ ST/SGB/Staff Rules/2/Rev.6/Amend.4, appendix B (Headquarters).

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

7. STAFF OF THE UNITED NATIONS SPECIAL FUND

23. In accordance with General Assembly resolution 33/431, by which the Assembly suspended the activities of the fund, no staff were appointed to the United Nations Special Fund during the period under review.

8. **STAFF OF THE UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH

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

10. **STAFF OF THE UNITED NATIONS DEVELOPMENT PROGRAMME

11. STAFF OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

24. On 1 January 1986, the United Nations Industrial Development Organization achieved independent status as a specialized agency of the United Nations system.⁴⁴

12. **STAFF OF THE UNITED NATIONS CAPITAL DEVELOPMENT FUND

13. **STAFF OF THE JOINT INSPECTION UNIT

14. **UNITED NATIONS UNIVERSITY

15. **STAFF OF THE UNITED NATIONS ENVIRONMENT PROGRAMME

16. **STAFF OF THE INTERNATIONAL CIVIL SERVICE COMMISSION

17. **STAFF OF THE UNITED NATIONS INSTITUTE FOR DISARMAMENT RESEARCH

18. **INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE ADVANCEMENT OF WOMEN

19. OFFICE FOR RESEARCH AND THE COLLECTION OF INFORMATION

25. On 1 March 1987, the Secretary-General established an Office for Research and Collection of Information to be responsible for research, collection and dissemination within the Secretariat of political news and information and drafting related to the responsibilities of the Secretary-General.⁴⁵

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

D. **Staff of the World Food Programme

⁴⁴ ST/SGB/218 of 26 March 1986. See also G A resolution 38/193 and A/C.5.40/48.

⁴⁵ ST/SGB/225.

II. APPOINTMENT OF THE SECRETARY-GENERAL

A. Method of appointment

26. As the term of office of Javier Pérez de Cuéllar was to expire on 31 December 1986, the appointment of the Secretary-General of the United Nations was included in the agenda of the forty-first session of the General Assembly.

1. RECOMMENDATION OF THE SECURITY COUNCIL

(a) Private meetings

27. In accordance with rule 48 of the provisional rules of procedure of the Security Council, the Council held a private meeting on 10 October 1986, in order to consider the question of the recommendation to the General Assembly for the appointment of the Secretary-General of the United Nations.⁴⁶

(b) Communiqués

28. In accordance with rule 55 of the provisional rules of procedure of the Security Council, an official communiqué was issued at the close of the 2714th meeting of the Council.⁴⁷ The communiqué stated that, having considered the question of the recommendation for the appointment of the Secretary-General of the United Nations, the Council recommended to the General Assembly that Mr. Javier Pérez de Cuéllar be appointed Secretary-General of the United Nations for a second term of office from 1 January 1987 to 31 December 1991.

** (c) Communications concerning candidates

(d) Number of candidates

29. The Council followed the practice of recommending only one candidate.

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

(f) Secret vote

30. In accordance with previous practice,⁴⁸ the vote taken in Security Council on the recommendation for the appointment of the Secretary-General of the United Nations was taken by secret ballot.

(g) Communication of recommendations to the General Assembly

31. The President of the Security Council, by a letter dated 10 October 1986, informed the President of the General Assembly of the unanimous resolution of the Security Council 589 (1986) recommending that the General Assembly appoint Mr. Javier Pérez de Cuéllar as Secretary-

⁴⁶ S/PV.2714.

⁴⁷ Ibid.

⁴⁸ G A resolution 11(I) of 24 January 1946.

General of the United Nations for a second term of office from 1 January 1987 to 31 December 1991.⁴⁹

*** (h) Communication to the candidate*

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

(a) *Private meetings*

32. In accordance with previous practice, the Secretary-General, at the forty-first session of the General Assembly, was appointed in a public meeting, and not in private as provided by rule 141 of the rules of procedure of the General Assembly.⁵⁰

(b) *Nomination in the General Assembly*

33. At the forty-first session of the General Assembly, at the 33rd plenary meeting, the President of the General Assembly informed the Assembly of the letter he had received from the President of the Security Council⁵¹ recommending the appointment of Mr. Javier Pérez de Cuéllar as Secretary-General of the United Nations for a second term of office from 1 January 1987 to 31 December 1991. In addition, the President of the Assembly drew attention to draft resolution A/41/L.1 submitted by 15 Member States (Australia, Bulgaria, China, Congo, Denmark, France, Ghana, Madagascar, Thailand, Trinidad and Tobago, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela) regarding the appointment of Mr. Javier Pérez de Cuéllar as Secretary-General of the United Nations for a second term of office from 1 January 1987 to 31 December 1991.

(c) *Appointment by acclamation*

34. On 10 October 1986, at the forty-first session of the General Assembly, draft resolution A/41/L.1 concerning the appointment of Mr. Javier Pérez de Cuéllar was adopted by acclamation as resolution 41/1. The President of the General Assembly announced that Mr. Javier Pérez de Cuéllar had been appointed by acclamation Secretary-General of the United Nations for a second term of office, beginning on 1 January 1987 and ending on 31 December 1991.⁵²

(d) *Installation in office*

35. Following the adoption of the resolution appointing the Secretary-General and the statement by the President of the General Assembly, the Chief of Protocol escorted Mr. Javier Pérez de Cuéllar into the General Assembly Hall. The President of the General Assembly informed Mr. Javier Pérez de Cuéllar officially of his appointment as Secretary-

General of the United Nations for a second term of office and invited him to address the Assembly. The Secretary-General, Mr. Javier Pérez de Cuéllar, made a statement in which he expressed his gratitude to the members of the Security Council and to the General Assembly and reaffirmed his oath of office.⁵³ A series of congratulatory statements were then made by the President of the General Assembly and 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 Arab States and the host country.

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

1. LENGTH OF TERM OF OFFICE

36. In accordance with the usual practice of the United Nations, the General Assembly appointed Mr. Javier Pérez de Cuéllar to be Secretary-General for a period of five years from 1 January 1987 to 31 December 1991.⁵⁴

2. CONDITIONS OF SERVICE

(a) *Emoluments*

37. Pursuant to General Assembly resolution 31/208 of 22 December 1976, by which the Assembly had decided that the pensions in payment to former Secretaries-General or their surviving spouses should be adjusted proportionately whenever the Assembly made a decision affecting the maximum retirement allowance for the Secretary-General, the Advisory Committee on Administrative and Budgetary Questions made several recommendations to the General Assembly concerning the retirement allowance of the Secretary-General. Those recommendations were contained in the report⁵⁵ submitted by the Advisory Committee on 4 December 1986. The recommendations were made in response to the new methodology recommended by the International Civil Service Commission for determining pensionable remuneration, which in turn would affect the maximum retirement allowance for the Secretary-General.⁵⁶ The Advisory Committee recommended that changes in the Secretary-General's maximum retirement allowance be linked to changes in net remuneration rather than to changes affecting gross salary and that the current maximum entitlement allowance be maintained. The Advisory Committee further recommended that the method of determining the maximum annual retirement allowance of the

⁴⁹ Ibid., paras. 7-13.

⁵⁰ G A resolution 41/1.

⁵¹ A/41/7 and Add.11.

⁵² The International Civil Service Commission recommended a revised methodology for determining the pensionable remuneration for staff in the Professional and higher categories involving the reverse application of new staff assessment rates to revised net base salaries. Under the new methodology, the direct link between pensionable remuneration and gross salaries would no longer exist.

⁴⁹ A/41/696.

⁵⁰ See *Repertory, Supplement No. 6*, vol. VI, under Article 97, para. 34.

⁵¹ A/41/696.

⁵² G A (41), Plen., 33rd mtg., para. 6.

Secretary-General should be re-examined. In addition, the Advisory Committee recommended that if the proposals of the International Civil Service Commission were adopted by the General Assembly, the Assembly should revise the gross salary of the Secretary-General on April 1987 from US\$ 163,300 to \$131,161 as a consequence of the reverse application of the new staff assessment rates to the current "with dependants" rate of the net base salary (\$85,000).

38. In its resolution 41/209 of 11 December 1986, the General Assembly concurred with the recommendations of the Advisory Committee on Administrative and Budgetary

Questions concerning the gross salary and retirement allowance of the Secretary-General, contained in paragraphs 4 and 5 of its report of 4 December 1986.⁵⁷

*** (b) Other conditions of service*

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

⁵⁷ A/41/7 and Add.11.