

**REPERTORY OF PRACTICE OF UNITED NATIONS ORGANS**  
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**VOLUME VI**

**ARTICLE 97**

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*Repertory of Practice of United Nations Organs*)

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## 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, 6, and 7*, except that new sub-headings have been added where necessary following the creation of new organs or to reflect a new practice. The heading for “Special Intern” is deleted from the present study since the programme ceased to operate in 1958.<sup>1</sup>
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 personnel employed by the United Nations whose conditions of appointment and service are governed by special rules. As in the previous *Supplements*, 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.
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,<sup>2</sup> 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.<sup>3</sup>
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. During the forty-sixth session of the General Assembly, on 3 December 1991, Mr. Boutros Boutros-Ghali was appointed by acclamation Secretary-General of the United Nations for a term of office from 1 January 1992 to 31 December 1996.
5. The practice concerning the functions of the Secretary-General is studied in this *Repertory* and *Supplements* under Article 98. Therefore, the role of the Secretary-General as chief administrative officer of the Organization is not included in the present study.

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<sup>1</sup> See *Repertory, Supplement No. 3*, under Article 97, para. 13.

<sup>2</sup> The obligations of the members of the staff, their conditions of appointment and service, and the general organization of the Secretariat are dealt with in the *Repertory* and *Supplements* under Articles 100 and 101.

<sup>3</sup> In practice, however, a distinction is made between the staff of the Secretariat, the staff of the International Court of Justice, and the staff who are recruited for service in subsidiary organs with a temporary mandate or who are financed entirely or largely from voluntary contributions.

## ANALYTICAL SUMMARY OF PRACTICE

### I. THE STAFF OF THE ORGANIZATION

#### A. Staff of the Secretariat

##### 1. IN GENERAL

###### (a) *Restructuring of the Secretariat*

6. On 12 February 1992, the Secretary-General announced a number of changes related to the restructuring of the United Nations Secretariat, with effect from 1 March 1992. These changes were made in order to consolidate and streamline the Organization's activities into well-defined functional categories aimed at ensuring the effective implementation of the objectives of the Charter and of the mandates entrusted by the policy-making organs.<sup>4</sup>

7. The main aspects of the restructuring included the establishment of a Department of Political Affairs headed by two Under-Secretary-Generals (USGs), and a Department of Peace-Keeping Operations headed by a USG supported by an Assistant Secretary-General (ASG). Also established was a Department of Humanitarian Affairs under the direction of a USG. Furthermore, various units under the Department of Economic and Social Development were regrouped under unified leadership. It was also decided that the Department of Administration and Management would include the former Department of Conference Services, and that the Office of Legal Affairs would incorporate the Office of Ocean Affairs and the Law of the Sea.

8. The General Assembly adopted, on 2 March 1992, resolution 46/232, by which it took note of the actions undertaken by the Secretary-General as set out in the document dated 12 February 1992 and approved the launching by the Secretary-General of a further process of restructuring and streamlining of the Secretariat.<sup>5</sup>

9. In a note of December 1992, the Secretary-General announced the establishment of three new departments, namely the Department for Policy Coordination and Sustainable Development, the Department for Economic and Social Information and Policy Analysis, and the Department for Development Support and Management Services.<sup>6</sup>

10. During the period under review, the General Assembly, by adopting resolution 48/141 of 20 December 1993, decided to create the post of the High Commissioner for Human Rights, who was to be appointed by the Secretary-General and approved by the General Assembly and be of the rank of a USG. The Assembly further decided that the Office of the High Commissioner for Human Rights should be located at Geneva.

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<sup>4</sup> See A/46/882.

<sup>5</sup> See paras. 1 and 2.

<sup>6</sup> See A/47/753.

Furthermore, by resolution 48/218 B of 29 July 1994, the Assembly established the Office of Internal Oversight Services.

*(b) Staff Regulations*

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-General. During the period under review, the Staff Regulations were amended several times.

12. On 12 July 1990, the Secretary-General submitted a report in which a number of amendments to the Staff Regulations were proposed.<sup>7</sup> These amendments were promulgated in order to reflect changes approved in General Assembly resolution 44/198 of 21 December 1989, including revised staff assessment rates and revised scale of gross and net salary for Professional staff and above. The amendments proposed in the report of the Secretary-General also included boarding costs in relation to the education grant, the allowance for disabled children, home leave, establishment of additional steps at levels P-2 to P-5, post adjustment and separation payments. On 20 March 1991, the Secretary-General submitted further amendments to the Staff Regulations pursuant to the changes approved by the General Assembly in resolution 45/241 of 21 December 1990. These amendments concerned the maximum admissible levels of expenses incurred under education grant.<sup>8</sup> Upon the recommendation of the Fifth Committee,<sup>9</sup> the Assembly adopted resolution 45/259 of 3 May 1991, in which it took note of the reports of the Secretary-General and approved the proposed amendments to the Staff Regulations.

13. On 30 September 1991, the Secretary-General proposed an amendment to the Staff Regulations on the education grant, and a revised text for the provision regarding salary increments for the P-2 to P-5 levels.<sup>10</sup> However, the General Assembly did not take any action on the report during that session. On 6 November 1992, the Secretary-General resubmitted an amendment to staff regulation 3.2 concerning the education grant to staff members serving outside their recognized home country.<sup>11</sup> This amendment was intended to delete any references to actual amounts, so as to obviate, in the future, the need to present a report to the General Assembly on each occasion in which there was a revision in the amounts of the grant. Subsequently, an amendment was proposed to Annex I to the Staff Regulations for similar reasons. On 25 January 1993, staff regulation 3.4(a) was amended to reflect the recommendation contained in the report of the International Civil Service Commission<sup>12</sup> regarding dependent children's and secondary dependant's allowances.<sup>13</sup> Upon the recommendation of the Fifth Committee,<sup>14</sup> the Assembly adopted resolution 47/226 of 8 April 1993, in which it took note of the reports

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<sup>7</sup> A/C.5/45/3.

<sup>8</sup> A/C.5/45/3/Add.1.

<sup>9</sup> A/45/898/Add.1.

<sup>10</sup> A/C.5/46/16.

<sup>11</sup> A/C.5/47/42 and Add.1.

<sup>12</sup> See A/47/30, para. 191.

<sup>13</sup> A/C.5/47/42/Add.2.

<sup>14</sup> A/47/708/Add.2.

of the Secretary-General on amendments to the Staff Regulations and approved the amendments proposed therein.<sup>15</sup>

14. On 24 October 1994, the Secretary-General proposed an amendment to staff regulation 11.1, in order to align it with the streamlined procedure envisaged in staff rule 110.4 (d), which provided for direct submission to the Administrative Tribunal of an appeal in respect of a disciplinary measure considered by a joint disciplinary committee without prior recourse to a joint appeals board.<sup>16</sup> Upon the recommendation of the Fifth Committee,<sup>17</sup> the General Assembly approved the amendment in resolution 49/222 of 23 December 1994.<sup>18</sup>

## 2. STAFF GOVERNED BY SPECIAL STAFF RULES<sup>19</sup>

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

15. During the period under review, the staff specifically engaged for conferences and other short-term service at Headquarters were governed by the 300 series of the Staff Rules. On 30 November 1993, the fifth revision of the 300 series of the Staff Rules was issued<sup>20</sup> and the document superseded the previous edition of those rules issued on 25 August 1987.<sup>21</sup> The main purpose of the revision was to enable the Organization to respond rapidly and flexibly to the increased demand for short-term assistance in a variety of situations. The revision provided for two types of non-career appointments: the traditional short-term appointment of up to six months, intended for language and other conference services; and an appointment of limited duration, expected to last between three months and three, or exceptionally four, years, intended for such activities as peace-keeping and peacemaking, technical cooperation, humanitarian and emergency operations. A number of rules had thus been adapted accordingly, and the provisions on travel arrangements had been revised and renumbered in the interest of clarity.

16. In 1994, the preface to the 300 series and staff rule 301.1(a)(ii) were amended in order to remove the reference to a minimum duration of three months for appointments of limited duration, in order to make provision for very short assignments, such as election monitoring and other limited operational activities.<sup>22</sup> The salary scales were also updated

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<sup>15</sup> Section IV.

<sup>16</sup> A/C.5/49/14.

<sup>17</sup> A/49/802.

<sup>18</sup> See Section VI.

<sup>19</sup> The section of "Dispatchers and guides in the Visitors Service at Headquarters", which had been included in previous *Supplements*, has been omitted in the present study. This is due to the fact that, in 1978, the rules applicable to these staff were abolished as a result of the integration of such staff into the members of the General Service category. Therefore, the 100 series of the Staff Rules, which were applicable to all staff except technical cooperation project personnel and staff members specifically engaged for conferences and other short-term service, would apply to dispatchers and guides in the Visitors Service at Headquarters. See *Repertory, Supplement No. 5*, Article 97, para. 13.

<sup>20</sup> ST/SGB/StaffRules/3/Rev.5. See also A/C.5/48/37.

<sup>21</sup> ST/SGB/StaffRules/3/Rev.4.

<sup>22</sup> ST/SGB/StaffRules/3/Rev.5/Amend.1. See also A/C.5/48/37/Add.1.

in line with the revised base salary scale for staff in the Professional and Field Service categories, which came into effect on 1 March 1994.

(b) *Technical cooperation project personnel*

17. During the period under review, staff members specifically recruited for service with technical cooperation projects were governed by the 200 series of the Staff Rules, which were revised and amended several times.<sup>23</sup>

18. The seventh revised edition of the 200 series of the Staff Rules was issued on 20 September 1989.<sup>24</sup> The revision introduced a new rule 201.4 regarding non-acceptance of any honour, decoration, favour, gift or remuneration from external sources. The amended staff rules also included, *inter alia*, staff assessment plan,<sup>25</sup> post adjustment,<sup>26</sup> annual leave,<sup>27</sup> termination indemnity,<sup>28</sup> and conditions governing payment of repatriation grant.<sup>29</sup> By decision 44/439 of 19 December 1989, the General Assembly took note of the report of the Secretary-General on the amendments to the Staff Rules.

19. In 1990, the seventh revision of the 200 series was amended.<sup>30</sup> Changes were made to staff rules regarding, *inter alia*, applicability [of the Staff Rules]<sup>31</sup> post adjustment,<sup>32</sup> education grant,<sup>33</sup> home leave,<sup>34</sup> travel expenses,<sup>35</sup> and termination indemnity.<sup>36</sup> By decision 45/452 of 21 December 1990, the General Assembly took note of the report of the Secretary-General on the amendments to the Staff Rules. A further amendment to the seventh revision was issued on 30 September 1991, in which changes were made to staff rules relating to, *inter alia*, applicability [of the Staff Rules] assignment allowances, extension of tour of duty, travel expenses, terminal indemnity and salary scales.<sup>37</sup> An eighth revision was issued on 14 November 1994 to reflect correlated amendments made to the 100 series of the Staff Rules.<sup>38</sup>

## B. Staff of certain organs<sup>39</sup>

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<sup>23</sup> ST/SGB/StaffRules/2/Rev.7, Amend.1 and Amend.2.

<sup>24</sup> See A/C.5/44/2.

<sup>25</sup> ST/SGB/StaffRules/2/Rev.7, staff rule 203.4.

<sup>26</sup> ST/SGB/StaffRules/2/Rev.7, staff rule 203.5.

<sup>27</sup> ST/SGB/StaffRules/2/Rev.7, staff rule 205.1.

<sup>28</sup> ST/SGB/StaffRules/2/Rev.7, staff rule 209.5.

<sup>29</sup> ST/SGB/StaffRules/2/Rev.7, staff rule 209.8.

<sup>30</sup> See A/C.5/45/18.

<sup>31</sup> ST/SGB/StaffRules/2/Rev.7/Amend.1, staff rule 200.1.

<sup>32</sup> ST/SGB/StaffRules/2/Rev.7/Amend.1, staff rule 203.5.

<sup>33</sup> ST/SGB/StaffRules/2/Rev.7/Amend.1, staff rule 203.8.

<sup>34</sup> ST/SGB/StaffRules/2/Rev.7/Amend.1, staff rule 205.2.

<sup>35</sup> ST/SGB/StaffRules/2/Rev.7/Amend.1, staff rule 207.3.

<sup>36</sup> ST/SGB/StaffRules/2/Rev.7/Amend.1, staff rule 209.5.

<sup>37</sup> ST/SGB/StaffRules/2/Rev.7/Amend.2. See also A/C.5/46/13.

<sup>38</sup> ST/SGB/StaffRules/2/Rev.8. See also A/C.5/49/32.

<sup>39</sup> The Office for Research and the Collection of Information was mentioned in the *Repertory, Supplement No. 7*, under Article 97. However, it was not included in the present studies because the Office was incorporated into the newly established Department of Political Affairs during the current period under review. In addition, the Staff of the United Nations Special Fund was deleted from the present study,

- \*\*1. MILITARY STAFF COMMITTEE<sup>40</sup>
- \*\*2. STAFF OF THE UNITED NATIONS CHILDREN'S FUND<sup>41</sup>
- \*\*3. STAFF OF THE INTERNATIONAL NARCOTICS CONTROL BOARD<sup>42</sup>
- \*\*4. STAFF OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES<sup>43</sup>
- \*\*5. STAFF OF THE UNITED NATIONS RELIEF AND WORK AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST<sup>44</sup>
- \*\*6. STAFF OF THE UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH<sup>45</sup>
- \*\*7. STAFF OF THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT<sup>46</sup>
- \*\*8. STAFF OF THE JOINT INSPECTION UNIT<sup>47</sup>
- \*\*9. STAFF OF THE UNITED NATIONS CAPITAL DEVELOPMENT FUND<sup>48</sup>
- \*\*10. STAFF OF THE UNITED NATIONS DEVELOPMENT PROGRAMME<sup>49</sup>
- \*\*11. UNITED NATIONS UNIVERSITY<sup>50</sup>
- \*\*12. STAFF OF THE UNITED NATIONS ENVIRONMENTAL PROGRAMME<sup>51</sup>
- \*\*13. STAFF OF THE INTERNATIONAL CIVIL SERVICE COMMISSION<sup>52</sup>
- \*\*14. STAFF OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION<sup>53</sup>
- \*\*15. STAFF OF THE UNITED NATIONS INSTITUTE FOR DISARMAMENT RESEARCH<sup>54</sup>

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although it was mentioned in previous *Repertory* and *Supplements*. This is due to the fact that, by General Assembly resolution 2029(X), the United Nations Special Fund and the Expanded Programme of Technical Assistance were combined into one programme to be known as the United Nations Development Programme, with effect from 1 January 1966. See *Repertory, Supplement No. 3*, under Article 97, paras. 19 and 26.

<sup>40</sup> See *Repertory*, paras. 8 – 10.

<sup>41</sup> See *Repertory*, paras. 12 and 13.

<sup>42</sup> See *Supplement No. 3*, paras. 14 – 18.

<sup>43</sup> See *Repertory*, paras. 23 and 25.

<sup>44</sup> See *Repertory*, paras. 26 and 27; and *Supplement No. 1*, para 17. Pursuant to paragraph 9 (b) of General Assembly resolution 302 (IV), the Commissioner-General of the United Nations Relief and Work Agency for Palestine Refugees in the Near East (UNRWA) selects and appoints its staff in accordance with general arrangements made in agreement with the Secretary-General, including such Staff Rules and Regulations of the United Nations that the Commissioner-General and the Secretary-General shall agree are applicable, and to the extent possible utilizes the facilities and assistance of the Secretary-General. UNRWA staff regulations and rules were established for both international and locally recruited staff.

<sup>45</sup> See *Repertory, Supplement No. 3*, under Article 101, para. 106. Under the Statute of the Institute, the terms and conditions of service must generally conform to the United Nations Staff Regulations and Rules, subject to such arrangements as may be agreed upon between the Executive Director and the Secretary-General. The expenses of the staff are borne by the funds of the Institute. See also *Repertory, Supplement No. 6*, under Article 97, para. 19.

<sup>46</sup> See *Repertory, Supplement No. 3*, under Article 101, paras. 78 and 79.

<sup>47</sup> See *Repertory, Supplement No. 4*, under Article 97, para. 20; and *Supplement No. 5*, para. 20.

<sup>48</sup> See *Repertory, Supplement No. 4*, under Article 97, para. 18.

<sup>49</sup> See *Repertory, Supplement No. 5*, under Article 97, para. 15.

<sup>50</sup> See *Repertory, Supplement No. 5*, under Article 97, para. 21.

<sup>51</sup> See *Repertory, Supplement No. 5*, under Article 97, paras. 22 – 24.

<sup>52</sup> See *Repertory, Supplement No. 5*, under Article 97, para. 25.

<sup>53</sup> See *Repertory, Supplement No. 6*, under Article 97, para. 21; see also *Supplement No. 7*, under Article 97, para. 24.

<sup>54</sup> See *Repertory, Supplement No. 6*, under Article 97, paras. 23 and 24.



\*\*16. STAFF OF INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE ADVANCEMENT OF WOMEN<sup>55</sup>

\*\*17. STAFF OF THE UNITED NATIONS RESEARCH INSTITUTE FOR SOCIAL DEVELOPMENT<sup>56</sup>

18. UNITED NATIONS INTERREGIONAL CRIME AND JUSTICE RESEARCH INSTITUTE

20. On 24 May 1989, the Economic and Social Council adopted resolution 1989/56, in which it renamed the United Nations Social Defence Research Institute<sup>57</sup> as the United Nations Interregional Crime and Justice Research Institute. The Council also adopted the statute of that institute, Article V of which provided, *inter alia*:

“1. The Director shall be appointed by the Secretary-General of the United Nations after consultation with the Board [of Trustees].

“2. The Director shall have overall responsibility for the organization, direction and administration of the Institute in accordance with general directives issued by the Board and within the terms of the authority delegated to the Director by the Secretary-General.

“... ”

“3. The staff of the Institute shall be appointed by the Director under letters of appointment signed by him or her 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 Staff 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.”

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

## II. APPOINTMENT OF THE SECRETARY GENERAL

### A. Method of Appointment

21. As the term of office of Javier Pérez de Cuéllar was to expire on 31 December 1991, the appointment of the Secretary-General of the United Nations was included in the agenda of the forty-sixth session of the General Assembly (1991).

#### 1. RECOMMENDATION OF THE SECURITY COUNCIL

##### (a) *Private meetings*

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<sup>55</sup> See *Repertory, Supplement No. 6*, under Article 97, para. 25.

<sup>56</sup> See *Repertory, Supplement No. 6*, under Article 97, para. 19.

<sup>57</sup> Established by ST/SGB/134 in 1968.

22. In accordance with rule 48 of the provisional rules of procedure of the Security Council, the Council held a private meeting on 21 November 1991, in order to consider the question of the recommendation to the General Assembly for the appointment of the Secretary-General of the United Nations.<sup>58</sup>

*(b) Communiqués*

23. 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 3017<sup>th</sup> meeting of the Council.<sup>59</sup> 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. Boutros Boutros-Ghali be appointed Secretary-General of the United Nations for a term of office from 1 January 1992 to 31 December 1996.

*\*\* (c) Communications concerning candidates*

*(d) Number of candidates*

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

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

*(f) Secret vote*

25. In accordance with previous practice,<sup>60</sup> the vote in the Security Council on the recommendation for the appointment of the Secretary-General of the United Nations took place by secret ballot.

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

26. The President of the Security Council, by a letter dated 21 November 1991, informed the President of the General Assembly of the unanimous resolution of the Security Council 720 (1991), recommending that the General Assembly appoint Mr. Boutros Boutros-Ghali as the Secretary-General of the United Nations for a term of office from 1 January 1992 to 31 December 1996.<sup>61</sup>

*\*\* (h) Communication to the candidate*

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

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<sup>58</sup> S/PV. 3017.

<sup>59</sup> *Ibid.*

<sup>60</sup> General Assembly resolution 11(I) of 24 January 1946.

<sup>61</sup> A/46/700.

(a) *Private meetings*

27. In accordance with previous practice, the Secretary-General, at the forty-sixth session of the General Assembly (1991), was appointed in a public meeting, and not in private as provided by rule 141 of the rules of procedure of the General Assembly.

(b) *Nomination in the General Assembly*

28. At the 59<sup>th</sup> plenary meeting of the forty-sixth session (1991), the President of the General Assembly informed the Assembly of the letter that he had received from the President of the Security Council, recommending the appointment of Mr. Boutros Boutros-Ghali as the Secretary-General of the United Nations for a term of office from 1 January 1992 to 31 December 1996. In connection with the recommendation, and following previous practice, the President of the Assembly also drew attention to draft resolution A/46/L.26, submitted by 15 Member States (Austria, Belgium, China, Cote d'Ivoire, Cuba, Ecuador, France, India, Romania, the Union of Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Yemen, Zaire and Zimbabwe) regarding the appointment of Mr. Boutros Boutros-Ghali as the Secretary-General of the United Nations for a term of office from 1 January 1992 to 31 December 1996.<sup>62</sup>

(c) *Appointment by acclamation*

29. On 3 December 1991, at the forty-sixth session of the General Assembly, draft resolution A/46/L.26 concerning the appointment of Mr. Boutros Boutros-Ghali was adopted by acclamation as resolution 46/21. The President of the General Assembly announced that Mr. Boutros Boutros-Ghali had been appointed by acclamation Secretary-General of the United Nations for a term of office from 1 January 1992 to 31 December 1996.<sup>63</sup>

(d) *Installation in office*

30. Following the adoption of the General Assembly resolution appointing the Secretary-General and the statement by the President of the General Assembly, the Chief of Protocol escorted Mr. Boutros Boutros-Ghali to the platform. The President of the General Assembly informed Mr. Boutros Boutros-Ghali officially of his appointment as Secretary-General and administered the oath. The President of the General Assembly further invited him to address the Assembly. The newly appointed Secretary-General made a statement in which he expressed his gratitude to the members of the Security Council and to the General Assembly.<sup>64</sup>

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

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<sup>62</sup> See A/46/PV.59.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

## 1. LENGTH OF TERM OF OFFICE

31. In accordance with the usual practice of the United Nations, the General Assembly appointed Mr. Boutros Boutros-Ghali to be Secretary-General for a period of five years from 1 January 1992 to 31 December 1996.

## 2. CONDITIONS OF SERVICE

### *(a) Emoluments*

32. Pursuant to General Assembly resolution 44/198 of 21 December 1989, by which the Assembly approved an increase of approximately 5 percent in the salaries of staff in the Professional and higher categories effective 1 July 1990, the Advisory Committee on Administrative and Budgetary Questions (“Advisory Committee”) made a recommendation with regard to the salary of the Secretary-General. The Advisory Committee considered that in view of the Secretary-General’s position and responsibilities in terms of the United Nations and as Chairman of the Administrative Committee on Coordination, a more fundamental change in salary and emoluments was warranted. Therefore, the Advisory Committee recommended the net salary of the Secretary-General be increased from \$95,700 to \$109,678 and that the post adjustment be increased from \$52,635 to \$60,322. The Advisory Committee also recommended that the representation allowance should be increased to \$25,000. The total net remuneration of the Secretary-General as from 1 January 1991 would therefore be \$195,000.<sup>65</sup>

33. In its resolution 45/251 of 21 December 1990, the General Assembly concurred with the recommendations of the Advisory Committee concerning the salary of the Secretary-General.<sup>66</sup>

### *(b) Other conditions of service*

34. Pursuant to the practice established in General Assembly resolution 2772 (XXVI) of 29 November 1971, the retirement allowance of the Secretary-General should be calculated at 50 percent of the gross salary. However, the Advisory Committee recommended, in 1986, that the changes in the retirement allowance of the Secretary-General should be linked to changes in net remuneration rather than that in gross salary.<sup>67</sup> Therefore, the Advisory Committee recommended that the maximum annual retirement allowance of the Secretary-General should be set at \$85,000 as at 1 January 1991, which was 50 percent of the recommended net remuneration of \$170,000. In addition, the Advisory Committee also recommended the retirement allowance payable to a former Secretary-General and to surviving spouses be revised accordingly.

35. In resolution 45/251 of 21 December 1990, the General Assembly concurred with the recommendations of the Advisory Committee concerning the retirement allowance of

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<sup>65</sup> See A/45/7/Add.12, paras. 1-3, 5 and 6.

<sup>66</sup> See para.1.

<sup>67</sup> See A/41/7/Add.11, paras. 2 and 5. See also resolution 41/209 [X] of 11 December 1986.

the Secretary-General and the procedure for adjusting the retirement allowance and payments to surviving spouses.<sup>68</sup>

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

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<sup>68</sup> Supra note 74, para.1.