

No. 53/59 UNITED NATIONS PERSONNEL POLICY  
(Amendments to Staff Regulations)

Text of a statement made on December 1, 1953, by the Canadian Representative, Mr. S.D. Hemsley, in the Fifth Committee of the eighth session of the United Nations General Assembly, on agenda item 51, in support of a draft resolution sponsored by Canada (U.N. Doc. A/C.5/L.258).

Note: The texts of the resolutions adopted on this item by the General Assembly on December 9, 1953 are included at the end of the Canadian statement.

Members of the Committee may recall that in the general debate on the Staff Regulations the Canadian Delegation expressed the view that it might be useful to arrange to record (more formally than the Secretary-General had proposed) the principles which have been and will be applied in interpreting the Staff Regulations.

In paragraph 39 of his report on personnel policy the Secretary-General suggested that the closest analogy to parliamentary control in some Member States of such matters would be an arrangement by which the General Assembly would have opportunities of discussing the principles applied by the Secretary-General in his interpretation of the proposed new grounds for termination of employment. He went on to say that if his proposals were adopted, he would consider a review of principles of interpretation by the Assembly as a step in the right direction in the development of a balanced and sound constitutional and legal system in the United Nations administration. The Secretary-General indicated that he thought these principles should be brought to the notice of the General Assembly when the procedures under discussion now have been tried for a suitable period so that an attempt could be made to translate into a legislative text the principles thus far evolved.

The Canadian Delegation also indicated the other day that we would support the recommendations of the Advisory Committee contained in paragraph 13 of their report (Document A/2555) to the effect that it would be desirable to review the new regulations at the end of a two-year period.

Consistent with these suggestions, the Canadian Delegation would now like to make a formal proposal which is embodied in the draft resolution before you (Document A/C.5/L.258).

You will note that this resolution calls for a review of the Staff Regulations and of the principles and standards progressively developed and applied by the Secretary-General in his implementation of the Staff Regulations - such review to be undertaken by the General Assembly at its Tenth Session on the basis of a report to be circulated by the Secretary-General to member governments four weeks before that session is convened.

We are proposing that this review be undertaken in 1955 because we think that by that time the Secretary-General will have had sufficient experience in the application of the new regulations to judge whether they are capable of serving satisfactorily the purposes intended, or whether some modification may be required. We are proposing 1955 for the review for another reason. We believe that the General Assembly should have an opportunity to discuss the efficacy of the new regulations, on the basis of a full report to be circulated in advance to member governments - a report which would set out the principles applied by the Secretary-General in implementing the new regulations as a whole.

But I should like to make it clear that it is not our intention in putting this resolution forward that after 1955 this sort of review should be undertaken automatically at every session of the United Nations. In 1955 this Committee can decide, on the basis of information then before it, whether or not it would be desirable to make formal arrangements for a similar review from time to time.

I should add that since the Specialized Agencies have an obvious interest in the Staff Regulations, I presume that the Secretary-General would in any event provide the Specialized Agencies with a full report on the new regulations when they have been adopted and subsequently on their workings. I think it might be well, however, to have this understanding recorded in the Rapporteur's Report.

(Note: The text of a Canadian statement given on this subject on November 24, 1953 is available in External Affairs Supplementary Paper 53/58)

Results of Voting

The following are the texts of the resolutions on agenda item 51 adopted in a plenary meeting of the General Assembly on December 9, 1953. The voting on Resolution I was 50 in favour (including Canada), 5 against (Byelorussia, Czechoslovakia, Poland, Ukraine, U.S.S.R.) with 3 abstentions. The voting on Resolution II was 50 in favour (including Canada), 6 against, with 2 abstentions. Resolution III (sponsored by Canada) was approved unanimously by a vote of 58 in favour, none against and no abstentions.

Texts of Resolutions

PERSONNEL POLICY OF THE UNITED NATIONS

(Doc. A/2615)

Resolution I

The General Assembly

Adopts, as amendments to the Staff Regulations of the United Nations, the text annexed to the present resolution.

These amendments shall become effective from the date of their adoption.

ANNEX

Staff Regulation 1.4 (amended text)

Members of the Secretariat shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments or their political convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.

Staff Regulation 1.7 (amended text)

Staff members may exercise the right to vote but shall not engage in any political activity which is inconsistent with or might reflect upon the independence and impartiality required by their status as international civil servants.

Staff Regulation 9.1(a) (additional provisions)

The Secretary-General may also, giving his reasons therefor, terminate the appointment of a staff member who holds a permanent appointment:

- (i) If the conduct of the staff member indicates that the staff member does not meet the highest standards of integrity required by Article 101, paragraph 3, of the Charter;
- (ii) If facts anterior to the appointment of the staff member and relevant to his suitability come to light which, if they had been known at the time of his appointment should, under the standards established in the Charter, have precluded his appointment.

No termination under sub-paragraphs (i) and (ii) shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Secretary-General.

The Secretary-General may finally terminate the appointment of a staff member who holds a permanent appointment if such action would be in the interest of the good administration of the Organization and in accordance with the standards of the Charter, provided that the action is not contested by the staff member concerned.

Staff Regulation 9.3 (additional paragraph)

The Secretary-General may, where the circumstances warrant and he considers it justified, pay to a staff member terminated under the final paragraph of staff regulation 9.1(a) an indemnity payment not more than 50 per cent higher than that which would otherwise be payable under the Staff Regulations.

Resolution II

The General Assembly

Adopts, as an amendment to the Statute of the Administrative Tribunal, the text annexed to the present resolution. This amendment shall become effective from the date of its adoption.

ANNEX

Article 9 (amended text)

1. If the Tribunal finds that the application is well founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked. At the same time the Tribunal shall fix the amount of compensation to be paid to the applicant for the injury sustained should the Secretary-General, within thirty days of the notification of the judgment decide, in the interest of the United Nations, that the applicant shall be compensated without further action being taken in his case; provided that such compensation shall not exceed the equivalent of two years' net base salary of the applicant. The Tribunal may, however, in exceptional cases, when it considers it justified, order the payment of a higher indemnity. A statement of the reasons for the Tribunal's decision shall accompany each such order.

2. Should the Tribunal find the procedure prescribed in the Staff Regulations or Staff Rules has not been observed, it may, at the request of the Secretary-General and prior to the determination of the merits, order the case remanded for institution or correction of the required procedure. Where a case is remanded the Tribunal may order the payment of compensation, not to exceed the equivalent of three months' net base salary, to the applicant for such loss as may have been caused by the procedural delay.

3. In all applicable cases, compensation shall be fixed by the Tribunal and paid by the United Nations or, as appropriate, by the specialized agency participating under article 12.

Resolution III (Sponsored by Canada)

The General Assembly

1. Decides to undertake, at its tenth session in 1955, on the basis of a report to be submitted by the Secretary-General and of the comments thereon of the Advisory Committee on Administrative and Budgetary Questions, including their recommendations as to such further action as may be required of the General Assembly, a review both of the principles and standards progressively developed and applied by the Secretary-General in his implementation of the Staff Regulations and of the Staff Regulations themselves;

2. Requests the Secretary-General to circulate to governments of Member States, not later than four weeks before the opening date of the tenth session of the General Assembly, the report and comments referred to in paragraph 1 above.