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Human resources management

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Seconded active-duty military and police personnel

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on seconded active-duty military and police personnel ([A/74/700](#)). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 3 March 2020.

2. The report of the Secretary-General was submitted in response to General Assembly resolution [74/254](#), in which the Assembly requested the Secretary-General to intensify his efforts to engage with Member States and explore all viable options to resolve the conflicts between the Staff Regulations and Rules of the United Nations and the national legislation of some Member States with respect to their active-duty military and police personnel seconded to the Secretariat. In that resolution, the Assembly authorized the Secretary-General to extend the exceptional measures regarding seconded active-duty military and police personnel to 30 June 2020, with a view to identifying solutions to conflicts between national legislation and the Staff Regulations and Rules before that date. The Advisory Committee recalls its conclusions and recommendations (see [A/74/584](#), para. 10) and that it had requested the Secretary-General to explore all viable options to resolve the conflicts. Upon enquiry, the Committee was informed that “the Secretariat has implemented the strengthened oath of office for seconded active-duty military and police personnel”. The Committee made specific comments and recommendations regarding the use of a written declaration in its report on the amendments to the Staff Regulations and Rules (see [A/74/732](#), para. 19). However, with regard to its recommendations, the Committee notes that the Secretary-General did not provide any information in the context of his report on the overview of the financing of the United Nations peacekeeping operations (see [A/74/584](#), para. 10).



3. The Secretary-General recalls the difficulties identified in his 2013 report to the General Assembly on seconded active-duty military and police personnel ([A/68/495](#)) and in his report on the overview of the financing of the United Nations peacekeeping operations: budget performance for the period from 1 July 2011 to 30 June 2012 and budget for the period from 1 July 2013 to 30 June 2014 ([A/67/723](#)), in which the conflicts between the Staff Regulations and Rules and the national legislation of some Member States that affect the administrative arrangements pertaining to the active-duty military and police personnel seconded to the Secretariat were first brought to the attention of the General Assembly. In his report, the Secretary-General also provides an overview of the conflict or potential conflict with national legislation and staff regulation 1.2 (j), under which staff members are prohibited from accepting any honour, decoration, favour, gift or remuneration from any Government. He also reports on the engagement of the Secretariat with Member States and seconded active-duty personnel since 2014 and sets out the underlying principles required of any viable option for addressing the identified conflicts with national legislation ([A/74/700](#), paras. 6, 7 and 12).

4. The report indicates that a survey was sent to Member States on 17 October 2019 with a deadline of 31 October 2019. The survey deadline was extended to 18 November 2019 given the low response rate. The Secretariat identified 16 Member States with national legislation that provides additional salary payments and/or entitlements to seconded active-duty personnel, in addition to the four Member States that already have a formal agreement with the Secretariat. Only 5 out of the 16 countries that reported this conflict currently provide seconded active-duty officers serving at Headquarters (see [A/74/700](#), para. 9). Upon enquiry, the Advisory Committee was provided with the information contained in annex I.

5. The Advisory Committee recalls that it was provided with information relating to the nature of the engagement that has taken place with Member States in the three-year extension period granted for those measures (2017–2019) and noted that the survey sent to Member States on 17 October 2019 followed the initial survey undertaken during the 2014–2015 period. The Committee was also informed that engagement had taken place with the Military and Police Advisers' Community on an annual basis, with representatives of permanent missions and through the notes verbales issued for the 11 military and police recruitment campaigns held since 2013. **The Advisory Committee reiterates its concern that there has not been sufficient engagement with Member States in the three-year period prior to the issuance of the survey in October 2019 (see [A/74/584](#), paras. 4 and 5). The Committee further notes that no additional outreach to Member States has taken place since December 2019.**

6. Upon enquiry, the Advisory Committee was provided with information relating to what the Secretariat indicates as the summary results of surveys of Member States and of staff members conducted since June 2012 (see annex II). The Committee was also informed that the findings of the October 2019 survey sent to Member States were included in the current report of the Secretary-General to provide a complete picture of the Secretariat's outreach efforts, information which was not available during the time when the note by the Secretary-General on seconded active-duty military and police personnel ([A/74/546](#)) was presented, and to illustrate the complexity of the issue. **The Advisory Committee notes the limited time available to the Secretariat since the adoption of resolution [74/254](#) by the General Assembly on 27 December 2019 to conduct further outreach to Member States in order to identify solutions to conflicts between national legislation and the Staff Regulations and Rules of the United Nations. The Committee recalls its recommendation that the Secretary-General present proposals to address the matter (see [A/74/584](#), para. 10) and notes that the Secretary-General provided**

only one proposal rather than a number of viable solutions. The Committee is of the view that further outreach and engagement efforts with Member States are necessary to clarify all the information relating to this matter prior to the presentation of further proposals by the Secretary-General.

7. The report indicates that 111 active-duty seconded officers serving at Headquarters were requested in January 2020 to self-report any payments, benefits and allowances they might be receiving from their national Governments as a result of their active-duty status. Of the 88 staff members who replied, 79 reported that they did not receive any remuneration or benefits from their Government. However, nine staff members from six Member States reported receipt of some benefits. The report indicates that four out of these six Member States did not have a formal agreement with the Secretariat (see [A/74/700](#), para. 10). The Advisory Committee notes that only two Member States with seconded active-duty personnel reporting receipt of benefits currently have an agreement with the Secretariat.

8. Upon enquiry, the Advisory Committee was provided with information relating to the contractual status of the nine staff members who reported receipt of some benefits and notes that their contracts expire between April 2020 and January 2021.¹ The Committee was informed upon enquiry that the 111 seconded personnel indicated in the report represented the total number of seconded active-duty personnel at headquarters as of 31 December 2019, including both military and police. The Committee was also informed that, as of 31 December 2019, there were 81 seconded police officers and 15 seconded military officers in field locations. The Committee notes the absence of surveys regarding the status of the officers in the field and the need for updated information regarding the number of seconded active-duty personnel, including the breakdown between police and military officers at headquarters and in field locations. **The Advisory Committee trusts that further efforts will be made to obtain complete information from the seconded active-duty personnel at headquarters and that a survey of seconded active-duty personnel in field locations will be completed expeditiously. The Committee also trusts that detailed information regarding the total number of seconded active-duty personnel in both headquarters and field locations will be provided to the General Assembly at the time of its consideration of the report of the Secretary-General. The Committee recommends that the Assembly request the Secretary-General to intensify his efforts to engage with Member States and to provide complete details in his next report. The Committee trusts that the Secretary-General will encourage Member States to complete the survey.**

9. In his report, the Secretary-General proposes that, in order to avoid duplication of remuneration or benefits of active-duty seconded officers who are subject to the Staff Regulations and Rules for the period of secondment to the Organization, the Secretariat assess the level of remuneration and benefits at the following three stages: (a) upon submission of nominations in relation to a military/police recruitment campaign by Member States; (b) issuance of an offer of appointment; and (c) issuance of a letter of appointment (see [A/74/700](#), para. 13).

10. Upon enquiry, the Advisory Committee was informed that countries that declared identified conflicts would be offered bilateral agreements to sign with the Secretariat in order to have their nationals onboarded for posts established for active-duty personnel, and that the agreements would specify the salaries and allowances that the Member States would pay to their active-duty military and police personnel while on secondment and indicate the adjustments to the United Nations conditions of service that the Secretariat would accordingly make to the offer of appointment.

¹ The Advisory Committee was informed that the contract of one staff member expired on 4 February 2020.

The Committee was also informed that candidates from Member States that declared no conflict would be considered for recruitment without the need for an agreement while candidates from Member States that did not reply would not be considered. **The Advisory Committee trusts that, in order to avoid the exclusion of qualified candidates from active-duty seconded positions, clarification regarding the timelines for proposed responses by Member States to Secretariat queries regarding potential or actual conflicts with their national legislation will be provided to the General Assembly at the time of its consideration of the report of the Secretary-General.**

11. The Secretary-General requests that the General Assembly authorize him to continue entering into agreements with Member States with respect to the appointment of seconded active-duty military and police personnel, waiving compliance with the relevant Staff Regulations and Rules when necessary to prevent duplication of remuneration or benefits and ensure fair and equitable treatment of this type of personnel (*ibid.*, paras. 14 and 17 (b) and (c)). In terms of guaranteeing fair and equitable treatment, the Advisory Committee was informed, upon enquiry, that no Member State would be excluded from participation as long as Member States complied with disclosure requirements regarding conflicts with their national legislation, and that, in formulating its proposal, the Secretariat intended to ensure that all Member States could equally participate in seconding active-duty military and police personnel. The Committee was further informed that the level of remuneration and benefits of Member States for their seconded active-duty personnel would be assessed at the three stages of the selection process in order to identify potential duplication of payments and benefits. Adjustments would be made through the established agreements to deduct those duplicated payments and benefits should duplications be identified and, by waiving staff regulation 1.2 (j) and staff rule 1.2 (l) for active-duty seconded military and police personnel, the Secretariat would ensure a fair and transparent remuneration scheme for all active-duty seconded personnel.

12. Upon enquiry, the Advisory Committee was provided with a list of active-duty seconded officers. It notes that as of 31 December 2019 there were 109 officers with current contracts. The report also indicates that, as a transitional measure, seconded active-duty military and police personnel who are currently serving as staff members would be permitted to complete their current appointment under the existing exceptional measures and that appointments under the existing exceptional measures shall not be further extended beyond staff members' current appointment duration (see [A/74/700](#), paras. 15 and 17 (d)). The Committee was also provided with information regarding the Member States to which the remuneration is paid directly to the country and not the individual. It notes that the Secretariat has entered into agreements with three countries to date, with four staff members currently serving under these agreements. **The Advisory Committee is concerned about the potential for unequal treatment that may result from the implementation of the measures indicated in the report of the Secretary-General. The Committee trusts that all necessary adjustments to the payments and benefits of active-duty seconded personnel will be fair, transparent and equitable in order to ensure that seconded officers performing functions similar to those of international civil servants are remunerated in accordance with the standards established by the International Civil Service Commission.**

Conclusion and recommendations

13. In paragraph 17 of his report, the Secretary-General sets out the actions to be taken by the General Assembly. **The Advisory Committee notes that the Secretary-General did not provide the requested information in the context of his report on the overview of the financing of the United Nations peacekeeping operations**

(see [A/74/584](#), para. 10). The Advisory Committee recommends that the General Assembly request the Secretary-General to submit a report during the main part of its seventy-fifth session with detailed factual information, including options regarding seconded active-duty military and police personnel, including the scope of the issues involving the engagement of seconded active-duty uniformed personnel, the information referred to in the paragraphs above, and the results of further surveys. The Advisory Committee also maintains its recommendation that the Assembly request the Secretary-General to intensify his engagement with Member States in the interim with a view to clarifying further the status of national legislation presenting potential or actual conflicts with United Nations payments and benefits, as well as to identify solutions for addressing the conflicts between national legislation and the Staff Regulations and Rules of the United Nations regarding the secondment of active-duty military and police personnel (see also [A/71/257](#), para. 17; [A/71/557](#), para. 159; and [A/74/584](#), para. 10).

14. Subject to its recommendations and observations above, the Advisory Committee recommends that the General Assembly authorize the Secretary-General to extend the exceptional measures regarding seconded active-duty military and police personnel until 31 December 2020 and to approve the extension of exceptional measures for those currently serving active-duty seconded personnel whose contracts expire after that date.

Annex I¹**List of entitlements and benefits**

The table below provides the list of United Nations entitlements.

Member States are invited to use the table as a guide to cross reference with the remuneration provided to active-duty seconded officers by the Government while they are in service with the United Nations Secretariat. Please indicate whether the Government provides a comparable benefit and the amount by ticking the appropriate box and by providing details on the amounts.

Additional information on benefits and entitlements can be found in the document entitled “General information on conditions of service applicable to fixed-term appointment in the professional or higher categories”.

The Staff Regulations and Rules of the United Nations can be found in [ST/SGB/2018/1](#), which can be downloaded from the United Nations policy portal (<https://policy.un.org/policy-doc/29078>).

<i>United Nations entitlements and benefits</i>	<i>Remuneration provided by the Government for the same or comparable benefit</i>	<i>Amount provided by the Government for the same or comparable benefit and the legal basis</i>
Salary or monthly emolument (net base salary plus post adjustment)	<input type="checkbox"/>	
Rental subsidy	<input type="checkbox"/>	
Dependency allowances (spouse allowance, children’s allowance, single parent allowance)	<input type="checkbox"/>	
Travel expenses for seconded officer to duty station	<input type="checkbox"/>	
Travel expenses for family members to duty station	<input type="checkbox"/>	
Home leave travel	<input type="checkbox"/>	
Education grant	<input type="checkbox"/>	
Education grant travel	<input type="checkbox"/>	
Relocation shipment or shipment of personal effects and household goods or relocation grant	<input type="checkbox"/>	
Repatriation grant	<input type="checkbox"/>	
Pension fund participation	<input type="checkbox"/>	
Health insurance	<input type="checkbox"/>	
Hardship allowance	<input type="checkbox"/>	
Non-family service allowance	<input type="checkbox"/>	
Danger pay	<input type="checkbox"/>	
Any additional payment, benefit and/or allowance (please list)		

¹ The list of entitlements and benefits in annex I is as provided to the Advisory Committee by the Secretariat.

Annex II¹**Summary results of surveys of Member States and of staff members conducted since June 2012**

	<i>Member States reporting possible conflicts</i>	<i>Staff members reporting possible conflicts</i>	<i>Number of countries with possible conflicts</i>
African Group	1	1	2
Asia-Pacific Group	6	14	20
Eastern European Group	7	2	9
Latin American and Caribbean Group	4	1	5
Western European and Others Group	12	8	20
Total	30	26	56

¹ The survey information in annex II is as provided to the Advisory Committee by the Secretariat.