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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 Secretary-General

Summary

In its resolution [74/254](#), the General 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 relevant staff regulations and rules and the national legislation of some Member States with respect to their active-duty military and police personnel seconded to the Secretariat. The Assembly requested the Secretary-General to present his proposals to address the conflicts to the Assembly at the first part of its resumed seventy-fourth session.

The present report, submitted in response to that request, provides a description of the outcome of the Secretariat's latest efforts to engage with Member States concerning the issue and a proposal for addressing the conflicts.



I. Introduction

1. In his report entitled “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), the Secretary-General brought to the attention of the General Assembly a conflict 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 its resolution 67/287, the Assembly noted the difficulties related to such secondment and requested the Secretary-General to report during the main part of its sixty-eighth session on proposals for its consideration, and, as an exceptional measure not to be extended beyond 31 December 2013, to facilitate the full participation of all Member States in seconding active-duty officers.

2. The Secretary-General, in his report on seconded active-duty military and police personnel (A/68/495), described the difficulties encountered in the secondment of such personnel to posts in the Secretariat and proposed amendments to certain staff regulations and rules (staff regulation 1.1 (b) on the written declaration and staff regulation 1.2 (j) and staff rule 1.2 (l) on honours, decoration, favour, gifts or remuneration) in an effort to address the conflicts. In addition, he suggested amendments to staff rule 4.15 on the central review bodies and changes to the onboarding process.

3. Following consideration of those reports, the General Assembly, in its resolution 71/263, endorsed the recommendation of the Advisory Committee on Administrative and Budgetary Questions that the application of the exceptional measures authorized in its resolution 67/287 be extended for up to three years, until 31 December 2019, during which time the Secretary-General was to intensify his engagement with Member States with a view to identifying alternative solutions to the conflicts.

4. The Secretary-General, in his note on seconded active-duty military and police personnel (A/74/546), proposed extending the application of the exceptional measures by a further year, until 31 December 2020, to allow the Secretariat to continue its efforts to obtain information from Member States on potential conflicts and on remuneration and benefits provided to seconded active-duty officers.

5. In its resolution 74/254, the General Assembly authorized the Secretary-General to extend the exceptional measures until 30 June 2020 with a view to identifying solutions to the conflicts.

II. Conflict or potential conflict with national legislation

6. Seconded active-duty military and police personnel make up a unique category of staff serving in the United Nations, in that they are in active service with both their Governments and the Organization. As such, they are subject to the regulations and rules that govern their service with both entities. In some instances, national legislation prohibits such personnel from accepting remuneration from an outside organization. In others, the payment of certain benefits to personnel is a requirement for them to remain in active status. Such situations conflict with staff regulation 1.2 (j), under which staff members are prohibited from accepting any honour, decoration, favour, gift or remuneration from any Government.

7. Since 2014, in an effort to gauge the type of conflicts and the number of affected Member States and staff members, the Secretariat has engaged with Member States and seconded active-duty personnel in numerous different ways, including surveying

Member States, surveying seconded personnel, sending notes verbales, engaging with the Military and Police Advisers Community and meeting representatives of permanent missions. The Secretariat has consistently seen a very low response rate to the surveys, making it very difficult to identify solutions. To facilitate the full participation of all Member States in seconding active-duty personnel, including those whose seconded personnel are currently benefiting from the exceptional measures, the Secretariat has thus far continued to request the extension of the measures. To date, the Secretariat has entered into formal agreements with four Member States in which exceptional measures applicable to seconded personnel from those Member States are specified.

8. As part of the above-mentioned activities, on 17 October 2019, the Secretariat circulated a survey requesting Member States to provide information on potential conflicts between their national legislation and the Staff Regulations and Rules that might have an impact on the contractual obligations of active-duty military and police personnel holding United Nations appointments. Given the low response rate, the initial deadline of 31 October 2019 was extended to 18 November 2019.

9. Further to the survey, the Secretariat has identified 16 Member States with national legislation that provides for the payment of salaries and/or entitlements to personnel seconded to the United Nations. Those Member States are in addition to the four that already have agreements with the Secretariat. Only 5 of the 16 Member States that reported a conflict currently provide active-duty seconded personnel serving at Headquarters. To render the situations compliant with the Staff Regulations and Rules, agreements with those Member States should be prepared.

10. In accordance with the administrative instruction on reporting, retaining and disposing of honours, decorations, favours, gifts or remuneration from governmental and non-governmental sources (ST/AI/2010/1), 111 seconded active-duty personnel serving at Headquarters were requested in January 2020 to self-report any payments, benefits and allowances that they might be receiving from their Governments as a result of their active-duty status. The survey was circulated on 15 January 2020 with a deadline of 20 January 2020. Of the 88 staff members who replied, 79 reported that they received no remuneration or benefits from their Government, while 9, from six countries, reported receiving some benefits. Of those six countries, four have no formal agreement with the Secretariat.

11. While the above-mentioned exceptional measures enabled the Secretariat to address some of the immediate and specific challenges posed by the national legislation of some Member States, the Secretariat continues to find it challenging to obtain a full picture of the situation. While the Secretariat strives to ensure the full participation of all Member States in the secondment arrangements, it needs to ensure a fair and transparent remuneration scheme for all seconded active-duty personnel.

12. The Secretary-General is of the view that any viable option to address the conflicts between the relevant staff regulations and rules and the national legislation of some Member States must:

- (a) Enable all Member States to participate;
- (b) Ensure that the same conditions of service apply to all seconded active-duty military and police personnel;
- (c) Provide the contractual modality necessary to enable the seconded personnel to carry out the full functions of their position, including staff supervision and/or the commitment of funds and/or resources;
- (d) Ensure that the seconded personnel who are subject to the Staff Regulations and Rules, by virtue of holding an appointment with the United Nations,

abide by them, and, in case of failure to do so, ensure that the disciplinary measures contained in the Staff Regulations and Rules can be enforced.

III. Proposal

13. To avoid duplication of remuneration or benefits of seconded active-duty personnel who are subject to the Staff Regulations and Rules for the period of the secondment to the Organization, the Secretariat intends to assess the level of contributions at the following three stages, before and upon the onboarding of the seconded personnel:

(a) Submission of nominations in relation to a military/police recruitment campaign: when submitting nominations, Member States will be asked to declare any remuneration or benefits that they would normally provide while personnel are on secondment. If necessary, the remuneration or benefits will form the basis for the preparation of an agreement between the Member State and the Organization that would be required before letters of offers are sent to their nationals when selected. Such agreements would specify the salaries and allowances that the Member State plans to pay to the seconded personnel and indicate the adjustments to the United Nations conditions of service that the Secretariat would accordingly have to make, for example excluding or adjusting remuneration or benefits in the offer of appointment. The purpose of the agreement is to ensure that there will be no duplication of remuneration or benefits;

(b) Issuance of offer of appointment: the offer will be conditional on the existence of an agreement between the Member State and the Secretariat for those Member States that provide salary and/or benefits and allowances to the seconded military and police personnel while in service with the United Nations;

(c) Letter of appointment: reference will be made in the letter of appointment to the special conditions of the agreement between the Member State and the Secretariat to ensure that there is no duplication of remuneration or benefits.

14. Given that the receipt of remuneration or benefits from a Government is not permitted under staff regulations 1.1 (b) and 1.2 (j) and staff rule 1.2 (l), the General Assembly is requested to authorize the Secretary-General to continue to enter into agreements with Member States with regard to the appointment of seconded active-duty military and police personnel, waiving compliance with the relevant staff regulations and rules when necessary to prevent the duplication of remuneration or benefits by some and ensure fair and equitable treatment of that type of personnel.

15. 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. Those appointments will not be further extended.

16. Seconded active-duty military and police personnel recruited after the approval of the proposal who are found to receive remuneration or benefits from their Government, if that Government has not entered into a formal agreement with the Organization, will be subject to disciplinary measures in accordance with the Staff Regulations and Rules.

IV. Actions to be taken by the General Assembly

17. The General Assembly is requested:

(a) **To take note of the additional information provided in the present report concerning the findings of the surveys conducted among Member States and seconded active-duty military and police personnel and of the continuing difficulties that the Secretariat has faced in identifying alternative solutions in a way that does not preclude the participation of all Member States;**

(b) **To authorize the Secretary-General to continue to enter into agreements with Member States to prevent duplication in the payment of salaries, benefits and allowances to active-duty seconded military and police personnel, as described in paragraph 14 of the present report;**

(c) **To authorize the Secretary-General to waive staff regulation 1.2 (j) and staff rule 1.2 (l) for active-duty seconded military and police personnel provided that there will be no duplication in the payment of salaries, benefits and allowances by the Government and the Secretariat;**

(d) **To approve the continuation of the exceptional measures already approved in resolution [67/287](#) for currently serving seconded personnel until the end of their appointments.**
