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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 note of the Secretary-General containing a request for authorization to extend to the end of 2020 the exceptional measures to facilitate the full participation of all Member States in seconding active-duty military and police personnel ([A/74/546](#)). During its consideration of the note, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 3 December 2019.

2. In his note, the Secretary-General indicates that the request is submitted pending consideration of the latest report of the Secretary-General ([A/71/257](#)) by the General Assembly at its current session. In that report, the Secretary-General recalls the difficulties identified in his previous report to the General Assembly ([A/68/495](#)) and first brought to the attention of the General Assembly 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](#)), which resulted from conflicts between the Staff Regulations and Rules of the United Nations and the national legislation of some Member States that affected the administrative arrangements pertaining to the active-duty military and police personnel seconded to the Secretariat.

3. The Advisory Committee recalls that, in its resolution [71/263](#), the General Assembly endorsed the conclusions and recommendations contained in the report of the Committee ([A/71/557](#)), in which the Committee recommended that the application of the exceptional measures be extended for up to three years, in order to allow sufficient time for more productive engagement with Member States. The Committee also recommended that the Assembly request the Secretary-General to intensify his engagement with Member States with a view to identifying alternative 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 (*ibid.*, para. 159; see also [A/71/257](#), para. 17).

4. Upon request, the Advisory Committee 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 notes that a follow-up survey on the matter was sent to Member States on 17 October 2019, following the initial survey undertaken during the 2014–2015 period. The Committee was also informed that the responses to the second survey were expected by November 2019. An additional survey of the seconded officers themselves is expected to be carried out between December 2019 and January 2020. The proposal of the Secretariat for a one-year extension would provide time to analyse the survey results and finalize a proposal to the General Assembly. The Committee was also informed that engagement has 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.

5. The Advisory Committee notes with 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.

6. Upon enquiry, the Advisory Committee was informed that, as at 3 December 2019, there were four Member States with arrangements in place and that eight serving seconded officers who benefit from exceptional measures from three of those Member States were currently serving at United Nations headquarters locations. The Committee was also informed, based on the 2019 survey responses, that there were 16 other countries with active-duty seconded officers serving at headquarters or field locations that had no agreement in place nor measures to manage active-duty military and police personnel. Moreover, the Committee was informed that the Secretariat was currently aware of approximately 20 countries whose national legislation conflicted with the Staff Regulations and Rules. Given the insufficient number of responses, however, the exact number of non-complying Member States was not known.

7. The Advisory Committee notes with concern the lack of information and clarity regarding the extent to which the national legislation of Member States conflicts with the provisions of the Staff Regulations and Rules of the United Nations and the number of active-duty uniformed personnel affected. Furthermore, the Committee requested, but did not receive, the total number of seconded active-duty personnel in headquarters and field locations and, therefore, recommends that the General Assembly request the Secretary-General to include such information in his next report on the issue (see para. 10 below).

8. The Advisory Committee recalls that, in his report [A/68/495](#), the Secretary-General proposed a number of options aimed at addressing the difficulties encountered with the secondment of active-duty military and police personnel against posts. In paragraph 20 of that report, the Secretary-General proposed that, in order to address the potential conflict involving dual loyalty to both the national Government and the United Nations, the written declaration to be signed by all seconded active-duty military and police personnel under staff regulation 1.1 (b) be amended to include an additional undertaking requiring seconded personnel to inform the United Nations of any conflict between the declaration and the oath or affirmation of office made with their national authorities and to offer to resign in the event that such conflict arose.

9. Upon enquiry, the Advisory Committee was informed that each active-duty seconded officer was requested to sign a written declaration and was furthermore provided with a copy of the declaration. The Committee was also informed that staff rule 1.2 (l) was the rule to which exceptional measures applied as required, thereby

allowing active-duty seconded personnel to accept any honour, decoration, favour, gift or remuneration from their Government while in service with the Organization. **The Advisory Committee is of the view that the oath of office for seconded active-duty military and police personnel needs to be strengthened as proposed by the Secretary-General in paragraphs 20 and 21 of his report [A/68/495](#).**

Conclusion and recommendations

10. In paragraph 5 of his note, the Secretary-General requests the General Assembly to authorize him to extend the exceptional measures referred to in the note to the end of 2020. **The Advisory Committee recommends that the General Assembly request the Secretary-General to provide detailed factual information thereon in the context of his report on the overview of the financing of the United Nations peacekeeping operations, including the scope of the issues involving the engagement of seconded active-duty uniformed personnel, the statistical information referred to in paragraph 7 above, the measures taken to date and the results of the most recent survey. Furthermore, the Committee recommends that the Assembly request the Secretary-General to present his proposals to address the matter in the main part of its seventy-fifth session. The 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 identifying 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/71/557](#), para. 159, and [A/71/257](#), para. 17).**

11. 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 to 31 December 2020.