


DPKO
OLA
DM

Note to Ms. Kane

Assistance to seconded officers

1. Many thanks for your note dated 24 March 2009 on the above subject. Given the circumstances explained and the action that is underway, I approve the continuation of the existing arrangement through mid-2010 as requested by DPKO in the note from Mr. Le Roy dated 1 December 2008. I take note that that this arrangement would not be allowed for further US officers coming on board or for any extension for existing officers. It is expected that in the interim, DPKO will arrive at other suitable arrangements that permit the continued employment of US seconded officers in compliance with the Staff Regulations and Rules.
2. I would appreciate receiving a response to the issue of housing assistance as requested in my note dated 2 January 2009.

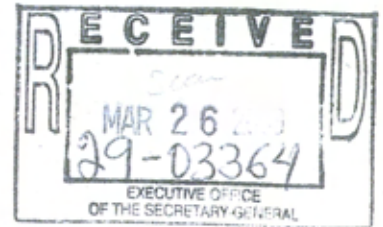

Vijay Nambiar
6 April 2009

cc: Mr. Le Roy
Ms. Malcorra
Ms. O'Brien
Ms. Pollard
Mr. Kim

ACTION COPY

Note to Mr. Nambiar

Assistance to seconded officers



Related to 28-10000

1. This refers to your note of 2 January 2009 transmitting a note from Mr. Le Roy dated 1 December 2008 on the assistance to seconded officers. I regret the delay in responding, which was due to the need for consultations with the Office of Legal Affairs (OLA) and the Office of the Controller.
2. You requested DM's and OLA's advice on whether the Department of Peacekeeping Operations's (DPKO) request to continue an existing arrangement where payment of UN salaries for seconded active US military officers are deposited in a US treasury bank account, to run through the end of the current seconded officers' contracts ending mid-2010, would be contrary to the Staff Regulations and Rules. You also inquired whether the OLA was consulted when the arrangement was introduced in 1999.
3. Upon consultation with the OLA, the Office of Human Resources Management (OHRM/DM) was advised that OLA was consulted on this matter in November 1998. The then Legal Counsel advised the then Under-Secretary-General for Peacekeeping Operations that such payment would not be consistent with the Staff Regulations, and recommended not to agree to the arrangements suggested by the US Government. OLA notes that it was understood that the Administration nevertheless decided that it was in the best interest of the Organization to accept the arrangement at the time.
4. With respect to the issue of the possibility of allowing the existing arrangement to continue through the end of the current officers' contracts, OLA welcomes the indication that these arrangements are to be phased out, and that other suitable arrangements will be found for future secondments of US military officers.
5. Upon consultation with the Office of the Controller, OHRM/DM was informed that concerns regarding the arrangement were raised by the then Director of the Accounts Division and by the then Controller, in connection with the first appointment of a US officer on a secondment basis in April 1999, which resulted in salary payments being withheld until May 2000. Subsequent negotiations eventually resulted in the deposit of the officer's salary into a 'special' US Treasury bank account established for the officer. It is understood that these arrangements were made to satisfy the UN requirements to have salary payments deposited into an account in the name of the employee, and to report taxable earnings for US citizens while also complying with the US requirements, which purportedly prohibits active duty military from receiving salary payments from the United Nations.
6. Attempts to avoid a similar situation for the next US officer recruited on a secondment basis failed when the officer refused to accept any payments from the UN, indicating that any deposit of salary should be made to the US Treasury. A request by the US Treasury, followed by consultations between the Legal Counsel, the Assistant Secretary-General for Human Resources Management and the Under-Secretary-General for Management, resulted

in the Under-Secretary-General for Management requesting the U.S. Ambassador's assistance in receiving the necessary bank account number. Payments were subsequently deposited into the U.S. treasury account identified by the U.S. Mission. The same arrangement was subsequently approved by the Office of the Controller for two other seconded US officers in 2004 and 2005 respectively. The Office of the Controller states in its recent response to OHRM/DM that these special arrangements have required problematic manual intervention, and supports that other suitable arrangements should be sought prior to recruiting US Officers in the future.

7. Based on the foregoing, it is evident that the arrangement described above is undesirable for the future, both for legal and administrative reasons. I am therefore pleased to note that the DPKO confirms in its note of 1 December 2008, that this arrangement would not be permitted beyond mid-2010 for the existing or for new US seconded officers.

8. Considering the political ramifications a post facto change to the existing UN/US arrangement could have, however, I would recommend that approval be given to the DPKO for a continuation of the existing arrangement through mid-2010, as requested. I trust that the DPKO in the interim would, as indicated, seek to arrive at other suitable arrangements which would permit the continued employment of US seconded active military officers in compliance with the Staff Regulations and Rules.

9. Finally, I will respond to your query on the issue of housing assistance to seconded officers from their Governments in a separate communication.

[Signature]
O.I.C./DM
for Angela Kane
24 March 2009

cc: Ms. O'Brien
Mr. Yamazaki
Ms. Pollard

*Given the circumstances explained
and the action that is underway,
I approve the continuation of
the existing arrangement through
mid-2010 as requested. It is
expected that in the interim DPKO
will arrive at suitable arrangements
that permit the continued employment of
the US seconded officers in compliance with
the Staff Regulations and Rules.*

Angela Kane

3/04