Note by the Chairman

1. The general feeling of the Working Party was that any decision taken in respect of this case should not create a precedent for the GATT secretariat or for other organizations and that the advice given by the Working Party on Budget to the Executive Secretary should be as informal as possible. I suggest that the best procedure would be for me to write a personal letter to the Executive Secretary indicating the views of the Working Party on this point.

2. In order to expedite the work of the Working Party, I thought it useful to submit in draft form the three possible answers to the question put by the Executive Secretary which reflect the views expressed by individual members at a previous meeting of the Budget Working Party.

(a) **Positive answer:** In view of the uncertainty of conditions of work in the GATT secretariat and taking into account the special circumstances, the Working Party feels that the Executive Secretary would be justified in making use of his right of deviating from the United Nations Regulations when the provisions of these Regulations are not applicable to the special circumstances of the GATT secretariat. As this deviation is motivated by the special conditions of work in the GATT secretariat, this option will no longer operate when the status of the GATT is on a more permanent basis.

(b) **Negative answer:** While recognizing that the circumstances of the case and the conditions of work in the GATT secretariat would justify some flexibility in the application of the home leave provisions, the Working Party feels that the granting of this request would be bound to create an embarrassing precedent for other international organizations and would also create an excessive privilege in favour of one official. In these circumstances, the Working Party does not feel that the Executive Secretary would be justified in making use of his right to deviate from the United Nations Regulations when the provisions of those Regulations are not applicable to the special circumstances of the GATT secretariat.

(c) **Intermeditate Solution:** Although the Working Party feels that the granting of a standing option to an official for determination of his home leave station would not be consistent with the purposes of the home leave provisions, which expressly provide that only one place should be considered as home leave station, and that therefore the consideration of a standing
deviation from the rules in favour of one official would not be justified, the Working Party feels that in view of the special circumstances of the case and the conditions of work at the GATT secretariat, the Executive Secretary would be justified and allowing the official to choose between the two countries when he takes his next home leave. There should be an understanding, however, that after his return from his home leave he will make a final choice and that the Executive Secretary would be justified in determining the home leave station of that official according to the wishes expressed by that official.

3. My intention is to ask the Working Party to express their views on each of these solutions. If the Working Party is unable to arrive at a clear-cut decision on the point, I suggest that my letter to the Executive Secretary should briefly summarize the individual views expressed by the various members of the Working Party.