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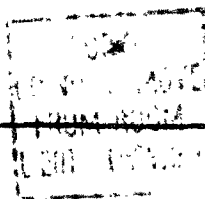
44th meeting

held on

Wednesday, 24 November 1982

at 10.30 a.m.

New York



SUMMARY RECORD OF THE 44th MEETING

Chairman: Mr. ABRASZEWSKI (Poland)

Chairman of the Advisory Committee on Administrative and
Budgetary Questions: Mr. MSELLE

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 104: PROGRAMME PLANNING (continued) (A/37/3 (Part II), chap. VI, sect. 3, A/37/6, 7, 38, 154 and Corr.1-2, 206 and Add.1 and Corr.1, 207, 460; E/1982/INF/12 (decision 1982/173); A/C.5/37/25, 53)

1. Mr. RAFFRAY (United Nations Educational, Scientific and Cultural Organization) said that the consideration of the United Nations proposed medium-term plan coincided with the review by the General Conference of UNESCO's second medium-term plan. The proposed plan submitted to the membership of UNESCO had two major parts. Part One was an analysis of the world situation followed by a list of the tasks which UNESCO was setting itself for the years 1984-1989. Part One had been published and distributed to Member States in the form of a fascicle entitled "Where the Future Begins". Part Two described the 13 major programmes that were to form the basis of UNESCO's activities.
2. UNESCO's second medium-term plan was the product of long and painstaking labour. He gave an account of that work and said, in conclusion, that the fascicle containing Part One of the plan and the full text of the plan in all the official languages were available for any delegations interested.
3. Mr. PRASAD (India) said that the proposed medium-term plan before the Committee, although it was uneven in quality, was an enormous improvement on the previous plan. His delegation nevertheless felt bound to offer some constructive criticism.
4. First, despite the effort to make a distinction between intergovernmental and Secretariat objectives, the distinction remained very vague. The problem was compounded by the recurring confusion of strategy with objectives. What was presented as a strategy was simply a list of activities, and an effort of analysis and synthesis would be required in order to show that the Secretariat had a co-ordinated goal in its activities.
5. In accordance with resolution 31/93, the plan should give an indicative estimate of the resources necessary to implement it, in overall terms and by major programme. That indication was not given in the proposed plan as it stood. It was stated in paragraph 55 of the report of the Committee on Programme and Co-ordination (A/37/38) that the plan had been posited on the assumption that the real resources available to the Organization would increase moderately during the period. Unfortunately, the Secretary-General's introduction gave no indication of what growth rates had been assumed. A few delegations had urged the Secretary-General to observe the zero budget growth principle without any concern for programme implications. The Committee had to make sure that the demands of a handful of countries did not distort the preparation of the budget, which had to be based on intergovernmental wishes, as codified in General Assembly resolutions and distilled in the medium-term plan.
6. Resolution 31/93 had instructed that the plan should give an indication of both the regular budget and the extrabudgetary resources that would be needed to implement it. The magnitude of the extrabudgetary resources created a danger that

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the emphasis in programmes and the priorities set by the General Assembly might be distorted at the behest of donors. The General Assembly should exercise greater supervision over the use of extrabudgetary resources.

7. It was likewise regrettable that the planning period was no longer divided into the biennia of the programme budgets. That meant that there was no longer any safeguard against putting off essential activities purely in order to limit budgetary growth. The Committee for Programme and Co-ordination should examine future budgets in the light of the plan's strategy and objectives and if the Secretariat had to submit zero-growth budgets without considering programme needs, CPC should point that out to the Economic and Social Council and the General Assembly.

8. His delegation had already proposed that there should be a medium-term personnel plan which would state the personnel resources required for every programme included in the medium-term plan. Personnel projections should be an integral part of the planning process. The proposed plan gave no information about staffing or, consequently, about the appropriations required for programme implementation. The result was that resources continued to be allocated arbitrarily, the more so since plan priorities were not adequately defined.

9. The results with regard to the co-ordination function of the plan were, in his view, very discouraging. The General Assembly had repeatedly stressed the importance of that function of the medium-term plan. The plan, as it stood, gave no information on that question, however. The report of the Administrative Committee on Co-ordination on expenditures of the United Nations system in relation to programmes (E/1982/87), which contained that very type of information was, unfortunately, submitted to neither CPC nor the Fifth Committee.

10. All those shortcomings of the medium-term plan intensified the need to adopt the draft rules and regulations for programme planning recommended by CPC and the Economic and Social Council, so that the next plan could be based on real programme needs. His delegation strongly urged the General Assembly to adopt those instruments.

11. The absence of a single authority for programme planning created very complex programmes, and his delegation was gratified that the Secretary-General had, as an initial measure, set up the Programme Planning Board. In that field the United Nations lagged behind other organizations in the system and it would be well for it to be guided by the practice of the other agencies. His delegation was gratified to note in the report of the Secretary-General on the restructuring of the economic and social sectors of the United Nations system that ACC had continued the "work which aims to harmonize financial and budgetary practices and procedures in the organizations of the system" (A/37/439, para. 26).

12. With reference to the annual report of ACC (E/1982/4) he was gratified by the efforts to start joint planning in certain spheres and particularly by the conclusion in the report that "the international community must provide the

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resources to carry out such wider responsibilities and new activities as it may request the organizations of the United Nations system to undertake".

13. In conclusion he stressed that the activities of the United Nations must be planned in close co-ordination with those of the other agencies of the system, that a clear indication must be given in the plan of the resources required for its implementation and that the General Assembly must accept the prospect of budgetary growth. If the plan was drawn up in the light of those requirements, the efficiency of the United Nations would increase commensurately.

AGENDA ITEM 112: REPORT OF THE INTERNATIONAL CIVIL SERVICE COMMISSION (continued)
(A/37/30 and A/C.5/37/29)

14. Mr. AKWEI (Chairman of the International Civil Service Commission), replying to questions asked by members of the Committee during the general debate, referred first to the very interesting suggestions made by delegations of the Netherlands and the Soviet Union. The Netherlands representative had suggested that it might be useful to distinguish between personnel questions involving the common system as a whole and those involving the United Nations and to give priority to questions involving the common system. The USSR representative had expressed the view that organs that formulated proposals on personnel questions that had implications for the common system should submit those proposals to ICSC for its recommendations. ICSC was convinced that those two proposals would make it possible to avoid duplication and to save time and effort. It would in due course bring them to the attention of the bodies concerned when preparing its future work programme.

15. With regard to personnel policy, ICSC welcomed the positive comments made by many delegations concerning the recommendations contained in its study on the concepts of career, types of appointment, career development and related questions. As he had pointed out when introducing the study, the Commission intended to formulate a set of personnel policies which could be applied flexibly by organizations, in the light of their specific requirements but which would at the same time provide the common ground for an integrated approach to personnel management based on the broad principles of human resources planning. In that study, the Commission had sought to integrate the views expressed by delegations in the Fifth Committee and the reports of the Joint Inspection Unit (JIU). As many delegations had noted, there was a high degree of correlation between the recommendations of JIU and those of ICSC. The Commission had taken into account virtually all the proposals made by JIU, including those dealing with the need for a systematic approach to personnel management based on standard career paths in clearly defined occupational groups, equitable promotion policies, average rates of advancement, staff participation in career planning, objective methods of recruitment, establishment of desirable percentages for external recruitment, the development of medium- and long-term plans, the strengthening of in-service training activities and the granting of permanent appointments to fixed-term staff after five years of service. The concept of integrated personnel management based on human resources planning would assist organizations in achieving their programme objectives in an efficient manner while providing improved conditions for career

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development to all categories of staff in the common system, whether they served in career or fixed-term appointments.

16. A large number of delegations, including those of Canada, the members of the European Economic Community, the Nordic countries and the Philippines, had spoken in favour of granting a career appointment to long-term staff. While some delegations might have reservations in principle on career appointments, ICSC hoped that the Committee would endorse its recommendation to the organizations of the common system that, after five years of service, each employee should be given every reasonable consideration for a career appointment. That recommendation in no way infringed the organizations' freedom to determine the ratio between fixed-term and career staff in accordance with their particular programme needs; those needs would of course vary considerably from one organization to another.

17. ICSC noted with appreciation that several delegations had welcomed the notion of human resources planning as a basis for systematic personnel management. The expansion of human resources planning was now under consideration by the various organizations in the common system; it should greatly facilitate career development based on charted career paths, both within and across occupational groups.

18. The Cameroonian delegation had asked how the Commission would reconcile career prospects for numerous employees, based on nobility and promotion, with the classification standards adopted by the General Assembly, which were suited more for the recruitment of a specific candidate for a specific post than for a series of assignments within an occupational group. The Commission agreed that job classification should not create additional or artificial impediments to career development. Job classification was intended to determine the level of individual posts, and to create a structure that enabled organizations to chart career paths both within and across occupational groups, allowing staff to move to positions of increasing responsibility in accordance with the staff member's performance and merit.

19. Unlike JIU, the Commission did not consider that such movement across occupational groups should be determined by entry examinations. Certainly, the basic academic qualification should be there but the rest of the movement would depend on such factors as experience, merit, training and availability of vacancies in the upper echelons. The higher one went in a pyramidal structure, the fewer the vacancies became, until the apex was reached. However, the normal incidence of separation due to retirement, end of fixed-term appointment or death should provide promotion opportunities for deserving staff members.

20. He wished to point out in that respect that the Common Classification of Occupational Groups (CCOG) developed by the Commission in 1979 should be of value to organizations in identifying career paths suitable to their particular requirements. There should be no question of the concept of occupational groups being applied too rigidly to restrict career development opportunities for all categories of staff. The wealth of talent in the United Nations system must be used to its utmost through good human resources planning.

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21. Several delegations had spoken against the concept of linked grades, arguing that it would destroy the principle of equal pay for equal work, and that the determination of equivalent pay levels in the comparator civil service would be made much more complex, if not impossible. It would also distort the grade level hierarchy. The Commission noted with satisfaction that there appeared to be general agreement with its position on linked grades.

22. The Commission agreed with the statement by the USSR representative that the systematic use of examinations for the common system would certainly be premature, since a thorough evaluation of examinations had yet to be made by ICSC. The Commission intended, as part of its work programme on recruitment policies, to carry out a full study of the experience gained from, and usefulness of, competitive examinations already conducted.

23. The Commission had also noted with interest the suggestion made by the representative of Suriname that recruitment interviews should be conducted by a panel, or at least more than one person, to ensure greater objectivity in hiring.

24. Many delegations had spoken against a raising of the mandatory age of retirement, mainly because of its deleterious effects on geographical distribution and career development. It seemed, therefore, that there was a clear majority for retaining the status quo pending a review of the effects of raising the mandatory age of retirement on personnel policy. That accorded with the position of ICSC.

25. In that regard, there were noticeable differences between the international civil service and the Noblemaire comparator. Sixty per cent of the staff of the common system belonged to the General Service and related categories, for which no comparator had been established in respect of working conditions. Hence the situation in the national civil service taken as a comparator could not be the dominant factor; local conditions in many other countries must also be taken into account. In addition, 90 per cent of staff in the Professional and higher categories were expatriate. Yet the Commission also understood that the comparator country granted to its foreign service officers extra credits towards retirement benefits for foreign service; that point should be reviewed before a change was considered.

26. Finally, the actuaries to the Pension Board had estimated that an increase in the mandatory retirement age to 62 would on average increase the length of service by only six months. That measure would reduce the actuarial deficit by only 0.4 per cent. Thus, the cost savings hardly seemed significant. The Commission felt that all those various factors should be carefully reviewed over the coming year before any change was made in that very important element of human resources management.

27. The representative of Ghana had requested clarification concerning the criteria used for classifying duty stations according to conditions of life and work. In its two most recent annual reports, the Commission had provided detailed information on that question and had therefore deemed it sufficient to indicate in the report now before the General Assembly the new developments that had occurred

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during the past year. In that connection, ICSC had decided, in order to reduce delay, to authorize its Chairman to classify provisionally the duty stations which had not yet been studied, on the understanding that the provisional classification, before being finally adopted, would be reviewed during the next annual meeting of the tripartite working group composed of representatives of the Consultative Committee on Administrative Questions, the Federation of International Civil Servants Associations and the Commission itself.

28. Replying to a question asked by the representative of Argentina, he said that ICSC expected to complete work on the general methodology for surveys of best prevailing conditions of employment for General Service staff and other locally recruited staff members at non-headquarters duty stations at its summer session the following year. Staff of the ICSC secretariat had visited various non-headquarters duty stations in order to obtain information needed by ICSC.

29. ICSC was planning to prepare classification standards for the General Service category at other headquarter duty stations, as had been done for New York, before carrying out any new salary surveys. Thus, at any given duty station, all organizations would apply the same or compatible classification standards.

30. Noting that the United States and Canadian delegations had opposed an increase in the children's allowance for staff in the Professional and higher categories from \$450 to \$700 on the ground that the tax abatement enjoyed by employees of the federal civil service with comparable income levels amounted to only approximately \$450 per year, he pointed out that ICSC had based its recommendation of the increase on the average tax abatement and social security provisions applicable at seven headquarters duty stations where many staff in the Professional and higher categories were posted and not solely on the tax abatement and social security benefits available in the United States. In that connection, it should be noted that the comparison of remuneration of employees of the United States federal civil service and that of United Nations staff was limited to salaries. For the purpose of comparing total compensation, account was taken of allowances and benefits payable to employees in the two civil services but it was not appropriate to make an individual comparison of each and every allowance or benefit.

31. While recognizing that an increase in the installation grant and assignment allowance was justified, the representative of Denmark had questioned the basis for the Commission's recommendation of such an increase. In that connection, it should be noted that in various multilateral organizations and national civil services, four categories of allowances were paid in connection with re-assignments: a pre-assignment subsistence allowance or reimbursement of expenses; a lump sum payment; installation subsistence or reimbursement of expenses; and pre-departure allowance or subsistence allowance. The United Nations system paid neither a pre-assignment allowance nor reimbursement of pre-departure expenses. ICSC had decided not to institute such allowances until further studies had been made. It had also decided not to increase the subsistence allowance, which represented by far the largest part of the existing installation grant. It had, however, decided to raise the amount of the lump sum to \$600 for each staff member and dependent, up

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to a maximum payment of \$2,400 for each family. The lump sum was paid only to field staff. It should be noted that that allowance had not been increased since 1968 and that the recommended increase was only 100 per cent, whereas the rate of inflation during the period had been 287.1 per cent. Similarly, the amount of the assignment allowance had not changed since 1957 for duty stations in Europe and North America and since 1975 for all other duty stations, whereas, the comparable allowances had been increased substantially during the period.

32. The representative of Egypt had urged ICSC to continue its review of the education grant and proposed that a progressive, rather than regressive, scale should be introduced for the reimbursement of such expenses. ICSC was awaiting detailed information on current education expenses requested from the organizations. At its next session in March 1983, it would review the current levels of the grant as well as other possible formulae for reimbursement, including that suggested by the representative of Egypt.

33. The representative of Australia had questioned the validity of paying the education grant to staff in the Professional and higher categories returning to their home country after an assignment in another country for the balance of an academic year. As was well known, owing to the exigencies of the service, it might be necessary to reassign staff at any time and it was not always possible to arrange a reassignment to coincide with the end of the academic year. Since it was undesirable to interrupt the schooling of children, families were often separated. That was why the Commission had recommended that measure, which would be applicable during a relatively short transition period.

34. Several delegations had emphasized the problem of the high rents faced by newcomers in headquarters duty stations, in particular New York, and had urged the Commission to take urgent action to provide relief. ICSC and its Advisory Committee on Post Adjustment Questions were conscious of the financial difficulties faced by newcomers. A special working group of the Advisory Committee would be meeting in December 1982 in New York to consider the latest available data on rents at headquarters duty stations and to propose a solution for consideration by ICSC at its forthcoming session in March 1983. If the findings of the special working group so warranted, ICSC might recommend the establishment of a housing allowance payable solely to newcomers similar to the existing rental subsidy scheme for field staff.

35. The representative of Austria had observed that the increase of 7.1 per cent in pensionable remuneration which had taken effect on 1 October 1982 had been due to movements in the United States consumer price index and that, under the previous system, in which pensionable remuneration had been indexed to movements in the weighted average of post adjustments (WAPA), that increase would not have been justified. In that connection, it should be recalled that pensionable remuneration for contribution purposes was tied to the United States consumer price index. Any change in the existing scheme would have profound effects on the actuarial balance of the Pension Fund. Any request for a re-examination of the scheme should, therefore, be addressed directly to the Joint Staff Pension Board, with which ICSC stood ready to co-operate if it was deemed necessary. It should also be noted that

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for a time the movement of the United States consumer price index and that of the weighted average of post adjustments had been very similar.

36. The representative of Australia had referred to the possibility of establishing a non-pensionable expatriation allowance, equal to approximately 15 per cent of the remuneration of the comparator civil service. In that regard, two points needed to be clarified. First, the margin between the remuneration of international civil servants and that of employees of the comparator civil service had never been precisely set. The Commission's official policy, which had been endorsed by the General Assembly, was not to define what the optimum margin would be but to monitor closely movements in remuneration, taking all relevant factors into account. Consequently, any proposal to define a specific margin would be inappropriate as long as the Commission did not have a recommendation from the General Assembly as to what the margin might be.

37. Second, the proposal to establish a non-pensionable allowance was not a new idea. International Civil Service Advisory Board (ICSAB), the precursor of the International Civil Service Commission, and the Special Committee for the Review of the United Nations Salary System had previously rejected the idea since it would exclude payment of the allowance to non-expatriate staff serving in New York.

38. The United States delegation had asserted that ICSC had grossly underestimated the benefits of United Nations staff members and that their remuneration was in fact more than 35 per cent higher than that of their counterparts in the United States civil service. Following the statement by the United States representative, the Commission had received from the United States delegation a detailed analysis in support of its contentions.

39. The Commission regretted that no technical consultations had taken place prior to the statement by the United States delegation. In 1981, the methodology used by the Commission had been worked out in close consultation with the United States Office of Personnel Management, which was the competent unit in the matter. The assumptions currently used were the same as those adopted in 1981 and the Commission did not understand why the United States delegation should suddenly have objections to them.

40. In order to clarify the matter, ICSC suggested that the United States delegation should consult with the Commission's technical experts, one of whom was the former Deputy Chief of the unit concerned with the comparison of total remuneration of the Office of Personnel Management and who was carrying on within the ICSC secretariat of the Commission work which he had begun in the United States civil service.

41. With regard to the comparison of total remuneration, the United States representative had pointed out that the length of the work week for United Nations staff members was 37 hours, as against 40 for their United States counterparts, and that the former received 30 days of annual leave, as against 20 for the latter. The Commission had taken due account of the difference in working hours, which amounted to 2.5 per cent in favour of the United Nations employees; having regard

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to the liberal provisions applicable in the United States civil service with regard to overtime and compensatory leave, the Commission had decided that the difference was negligible.

42. The representative of the United States had then alluded to the difference between salary scales in the United States federal civil service and the international civil service. Members would recall that when the Commission began its grade equivalency study, in 1979, it had found it appropriate to make the margin comparison at step one in each civil service; no objection had been raised at the time.

43. Finally, the representative of the United States had referred to recent changes relating to disability retirement provisions. The revisions would affect actuarial rates only after a considerable period, and would thus have only a negligible effect on current calculations. Besides, the disability retirement rates taken into account by the Commission in comparing total compensation were based on 30 years of practice in the United States federal civil service.

44. A reply to the assessment made by the United States administration of the Commission's total compensation comparison study had already been submitted to the United States Mission. The Commission still held that the assertion by the United States that there was a 35 per cent margin between salaries paid in the United States federal civil service and the remuneration of international civil servants was technically incorrect: the margin was only 14 per cent.

45. Concerning the "untimeliness" of the proposal to grant a salary increment for staff in the Professional and higher categories, he pointed out that ICSC had been dealing with the question since 1980, when the Federation of International Civil Servants Associations (FICSA) had requested the Commission to recommend an immediate 10 per cent increase for staff in the Professional and higher categories as an interim measure. At that stage, the Commission had decided that it could not address the issue until it had completed both its investigations of whether the civil service of the Federal Republic of Germany would be a better comparator than the United States federal civil service, and its total compensation comparison study. The former had been completed in 1981, while the latter was bogged down because the Commission had been directed not to include expatriate benefits in its comparison. Since the Administrative Committee on Co-ordination had urged the Commission to consider a 5 per cent increase for the staff concerned as an interim measure, the Commission had decided to address the problem.

46. The Commission had intended to discuss the issue on two levels: an appraisal of the level of professional remuneration, and a reconsideration of the principles used in establishing professional salaries (such as the Noblemaire principle). It wished to stress that the Noblemaire principle was not the perfect tool that many delegations thought it to be, for at least four reasons. First, under-secretaries-general and assistant secretaries-general were currently excluded from the scope of the principle because of difficulties in finding their grade equivalents in the United States; even D-1's and D-2's were becoming difficult to integrate into the

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system because of problems created by the Senior Executive Service of the United States federal civil service. Secondly, the comparator had been changed since 1977 because successive United States administrations had departed from the Pay Comparability Act for domestic reasons of no relevance to the international civil service. Thirdly, the Commission had used in its analysis the salaries which the American administration should be paying its civil service, not actual salaries. Fourthly, neither the Commission nor the General Assembly had firmly established the size of the margin that should exist between the salaries paid by the United States Government and the United Nations to their respective employees. The 15 per cent margin to which a large number of delegations often referred as if it were authoritative had never been established as the desirable margin. Other levels, ranging as high as 30 per cent, had also been proposed by different bodies. The method currently being used by the Commission was, therefore, a pragmatic one. It was because the Commission was unable to reach consensus on the appraisal of the Noblemaire principle that it had decided to postpone consideration of the question.

47. Faced with such an impasse, the majority of the Commission's members had decided that there was justification for an interim increase in Professional and higher level salaries. FICSA and the Administrative Committee on Co-ordination had both argued for the restoration of at least some portion of purchasing power. Some had argued in favour of a 3 per cent increase, which would restore purchasing power to its level in 1975, when the last salary review had taken place; those arguing for a 5 per cent increase wished to restore purchasing power to its 1971 level; and those arguing for 7 per cent based their position on the Pay Comparability Act of the United States, the definition of the Noblemaire principle given by the Special Committee for the Review of the United Nations Salary System, and the application of the Noblemaire principle before 1978. Whatever the problems posed by the Noblemaire principle, it was clear that the question of restoring purchasing power had to be addressed.

48. Some delegations, notably those of the United States and Japan, had asserted that the purchasing power argument and comparisons with other salary trends were incompatible with the Noblemaire principle. But, in the absence of consensus, the Commission had tried to reach an interim solution on reasonable technical bases - by comparing salary trends in the international civil service and various national civil services. The comparison showed that United Nations salaries were sharply lower than those offered by some national civil services. The assertion that United Nations salaries were higher at the outset than those paid by national civil services was not necessarily valid, since World Bank salaries, for example, which had always been higher than United Nations salaries, were continuing to grow more rapidly. On the other hand, the salaries paid in the comparator civil service had declined by 15.3 per cent between 1975 and 1982, making any comparison between them and United Nations salaries deceptive. The same argument applied to the loss in the purchasing power of United Nations salaries since 1971 and 1975. Given that the previous quadrennial salary reviews had been followed by increases, an interim adjustment seemed justifiable at present.

49. Another argument advanced by delegations against a salary increase was that there was no recruitment problem. It was, of course, impossible to prove that for

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every 100 applicants for a job 200 more people had not applied because the salary offered was not sufficiently attractive. But unless a salary increase was granted there was a risk that the composition of the staff would change, as nationals of countries paying salaries at least as high as the comparator country lost interest in working for the Organization. A fall in the level of staff competence and efficiency was liable to ensue. Thus, the Federal Republic of Germany and Japan were below the mid-point of their desirable ranges and the United States was only slightly above its mid-point. The United States was in a better position only because it was easier for the Secretariat to recruit American nationals, since the Headquarters of the Organization was in the United States. But in several United Nations agencies based in Europe and Canada, the United States was considerably underrepresented. That factor might perhaps not be unrelated to the incidence of supplementary payments.

50. The difficulty of recruiting high-level technical and scientific personnel had also been confirmed by the executive heads of the specialized agencies and UNDP. Those organizations were thus obliged to enter into contracts with consultancy firms in order to obtain qualified personnel.

51. It would be advisable for the Fifth Committee to decide to tackle that particular personnel problem if it wanted to avoid a worse crisis. A positive attitude on its part would be welcomed as an encouraging sign by those who ultimately carried out its decisions.

52. The Ghanaian representative's statement that the General Assembly had decided that expatriate benefits should not be taken into account was incorrect.

53. The representative of the Soviet Union had argued that the Commission had not implemented resolution 36/233, whereby expatriate benefits granted to the comparator civil service were to be excluded from the comparison of total compensation. At the previous session, he (Mr. Akwei) had pointed out (see para. 9 of document A/C.5/36/SR.81) that taking into account expatriate benefits in the case of the international civil service alone, and not in that of the comparator civil service as well, was a technical error that caused the Commission difficulties. He had raised the point with the sponsors of draft resolution A/C.5/36/L.43/Rev.1, and the Belgian representative had replied that, while subparagraph 8 (b) of the draft resolution was to be understood as excluding any request for a study of expatriate benefits, the General Assembly could, in the light of the study the Commission was making, make other recommendations at its thirty-seventh session. ICSC had therefore respected the spirit of the General Assembly resolution.

54. In reply to the representative of the Soviet Union, who had asked what the position was with regard to repatriation grants in the specialized agencies, he observed that only the United Nations and probably a few other organizations closely connected with it had decided to comply with General Assembly resolution 34/165, whereby a retired official must give evidence of relocation in order to be entitled to the repatriation grant. The Fifth Committee would no doubt remember

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that ICSC had objected vigorously to that resolution, because the General Assembly, at its thirty-third session, had instructed ICSC to establish the conditions governing payment of the grant, which it had done with the stipulation that acquired rights should be protected. It had added that the resolution to be adopted by the Assembly should apply from 1 July 1979 onwards.

55. The General Assembly decision reversing ICSC's recommendation could give rise to a series of class action suits before the United Nations Administrative Tribunal by officials who regarded themselves as injured. Moreover, the decision could do harm to the common system, since the organizations applying it had stated that they would respect ICSC's decision.

56. The representative of the Secretary-General would answer the Soviet delegation's comments on the Administrative Tribunal, as the Tribunal's decisions were his direct concern. It should be remembered, however, that if Member States wished to retain the trust of the staff, they would be well advised to respect the Administrative Tribunal's decisions.

57. Regarding the collection of cost-of-living data, the representative of the Soviet Union had said that the Advisory Committee on Post Adjustment Questions (ACPAQ) should take part in cost-of-living surveys. ICSC itself had no statisticians for carrying out such highly specialized operations. The members of ACPAQ, as the name implied, played a purely advisory role. Moreover, in view of the fact that there were about 150 duty stations and that ACPAQ had only five members, it would have to recruit more staff to do the work, which would be more expensive than the current practice of recruiting investigators on the spot. The data collected by the investigators were communicated to the Commission's secretariat, which studied them in detail. It had been implied that the members of the Commission were not impartial. If the Commission's members, whose integrity and competence had long been acknowledged, were not to be trusted, the question then arose what role the Commission was expected to play.

58. Mr. GRODSKY (Union of Soviet Socialist Republics) said that his delegation disagreed on several points with the statement of the Chairman of the International Civil Service Commission.

59. First, it was extraordinary that the repatriation grant should continue to be paid to officials who had not proved that they were in fact repatriated, contrary to the provisions laid down by the General Assembly in its resolution 34/165. It was quite intolerable that a decision of ICSC antedating that resolution should continue to be applied, since any resolution or decision of the General Assembly should automatically annul any contrary decision of a subsidiary body. In order to justify the current practice, the Chairman of ICSC had said that the officials to whom the resolution in question might be applied could oppose it by claiming acquired rights. He (Mr. Grodsky) would like to know what General Assembly resolution it was that envisaged the payment of the repatriation grant to officials who had not been repatriated: such a decision would obviously be absurd. There could therefore be no question of acquired rights.

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(Mr. Grodsky, USSR)

60. With regard to total compensation, he recalled that the General Assembly had provided quite unambiguously, in paragraph 1 of section III of resolution 36/233, that the comparison of total compensation between the comparator civil service and the international civil service should be carried out "taking into account all relevant elements, including the level of pensions, but excluding expatriate benefits applicable to staff members in the Professional and higher categories in the comparator civil service". It was surprising therefore that, in paragraph 85 of its report, the ICSC asked for the allocation of additional resources in order to be able, when making the comparison, to take into account expatriate benefits applicable on both sides. The argument put forward by the Chairman of ICSC was perhaps technically justified but the General Assembly had taken a decision that ICSC could not ignore. General Assembly decisions on personnel questions were extremely important since 80 per cent of the Organization's budget went on personnel costs. The Fifth Committee must remind ICSC that it was required to carry out all General Assembly decisions to the letter, which it had not done with regard to the repatriation grant and the comparison of total compensation.

61. The Fifth Committee had heard various arguments in favour of a salary increase for Professional staff. Some of them had laid stress on the need to maintain a difference between the remuneration of the officials of the comparator civil service and that of the United Nations staff. However, that difference had never been precisely determined by the General Assembly. In 1978, the margin had been 9 per cent and there had been no question of a salary increase. However, according to ICSC, the margin was currently 18.2 per cent, and according to the United States delegation, which had made a fuller and more objective study, it was in fact more than 35 per cent. It was therefore incomprehensible and wholly illogical that ICSC, on the pretext that real salaries in the United States had declined, should be requesting an increase in the pay of Secretariat officials. There was in fact no link between the movement of salaries in the United States and the application of the Noblemaire principle, which simply provided that remuneration in the international civil service should be slightly higher than it was in the comparator civil service; if the salaries of United States officials had declined appreciably, there would then have been grounds for choosing another civil service as the comparator. The Soviet delegation recognized that the position of the staff was currently not very favourable, but saw no reason for a salary increase.

62. With regard to cost-of-living surveys in the various duty stations, his delegation could not accept the reasons advanced by the Chairman of ICSC to explain why the collection of data had not been carried out by ICSC and ACPAQ specialists and statisticians, who were thoroughly competent and impartial. The survey was currently being carried out by Secretariat officials, who could not be objective in the matter, since any post adjustment increases they received were directly related to increases in the cost of living in their duty stations. It was thus essential for them to be assisted, particularly in the major headquarters duty stations (New York, Geneva, etc.) by people who had no direct interest in the results of the survey, even if that entailed additional expenditure, since it was essential for the surveys to be carried out with the utmost objectivity.

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63. The CHAIRMAN informed the members of the Committee that the Advisory Committee on Post Adjustment Questions would subsequently submit a report on the question of the repatriation grant, which would be taken up again at that time.

64. Mr. GARRIDO (Philippines) inquired whether, in its next report, ICSC would release the results of the study requested by the General Assembly at its thirty-sixth session on the actuarial situation of the United Nations Joint Staff Pension Fund, and whether it would make recommendations on the statutory age of retirement and propose measures designed to improve the Fund's actuarial balance.

65. Mr. AKWEI (Chairman of the International Civil Service Commission), replying to the remarks of the representative of the Soviet Union, who had regretted that the organizations participating in the common system did not respect the decisions of the General Assembly, observed that, while ICSC was a subsidiary organ of the Assembly, it was primarily an interagency organ and was not under the sole jurisdiction of the United Nations. The 13 other organizations belonging to the common system had accepted, for reasons of convenience, that ICSC should be attached to the United Nations, but on certain conditions. No deliberative organ of any of the organizations was empowered to impose its decisions on the other organizations. The various organizations had agreed that the General Assembly should take decisions affecting the common system, on condition that ICSC could express its views and that it would make recommendations only after having consulted all the organizations and their staff. It was apparent from article 24 of the ICSC statute that decisions taken by the General Assembly, for example, were not binding on the other organizations.

66. Mr. GRODSKY (Union of Soviet Socialist Republics) observed that he had never stated that the decisions of the General Assembly were binding on the governing bodies of the other organizations. What he had said was that the decisions of the General Assembly should be implemented by ICSC, which should take account of them when making recommendations and decisions. His delegation was fully aware of the provisions of article 24 of the ICSC statute and wholeheartedly supported them. Nevertheless, until there was good reason to do otherwise, ICSC should implement the decisions of the General Assembly.

67. Mr. AKWEI (Chairman of the International Civil Service Commission) said that, contrary to what had been stated earlier by the representative of the Soviet Union, there was nothing improper about the refusal of the other organizations participating in the common system to comply with the General Assembly decision relating to the repatriation grant.

68. With regard to the acquired rights of staff, he referred the Soviet delegation to article 26 of the ICSC statute, which stipulated that "the Commission, in making its decisions and recommendations, and the executive heads, in applying them, shall do so without prejudice to the acquired rights of the staff under the staff regulations of the organizations concerned". ICSC had merely complied with its statute, as drawn up by the General Assembly.

(Mr. Akwei)

69. ICSC had already explained the technical grounds on which it had contested the figure of 35 per cent put forward by the United States delegation with regard to the margin. ICSC had sent a note on the subject to the delegation concerned, and was willing to submit a copy to the Soviet delegation, which might perhaps be induced to change its point of view.

70. With regard to the comparison of total compensation, he could only repeat that ICSC had not contravened a decision of the General Assembly, but that it was the other organizations which, as they were entitled to do, had decided to disregard it. A mistake had apparently been made in 1981, when the General Assembly, in expressing its desire that the comparison of total compensation between the comparator civil service and the international civil service should be improved, had requested that no account should be taken of the "expatriate benefits applicable to staff members in the Professional and higher categories in the comparator civil service". But there was no such category of officials in the United States civil service. The resolution had been adopted in haste, which explained the mistake. It had thus been necessary to implement it in the light of the explanations given to the Committee by the sponsors of the draft resolution. It was noteworthy that Finland, speaking on behalf of the Nordic countries had requested that account should be taken of those benefits in the study of the two civil services.

71. In reply to the question raised by the representative of the Philippines, he stated that, under the relevant General Assembly resolution, only pension matters which were of direct concern to the staff fell within the jurisdiction of ICSC and that ICSC would not be able to make available until 1983 the conclusions of the study it was now conducting on the effects of an increase in the statutory age of retirement.

72. Mr. GRODSKY (Union of Soviet Socialist Republics) said that the concept of acquired rights was indeed referred to in the ICSC statute, as the Chairman of ICSC had mentioned, but that it did not apply specifically to the question of the repatriation grant. In any event, his delegation would be willing to modify its position if the Chairman of ICSC was able to produce explicit textual references to acquired rights in that area.

73. With regard to expatriate benefits, he recalled that he had himself taken part in the consultations between the sponsors of the draft resolution and the Chairman of ICSC which had led up to the resolution. It was the Soviet delegation which had proposed the reference to expatriate benefits, requesting that they should not be included in the total compensation of the comparator civil service, since approximately 90 per cent of the Professional staff of the United Nations were expatriates, which was true of only a small percentage of United States civil servants. The General Assembly had thus been aware of the facts when it had adopted the resolution, and ICSC should comply with it.

74. Mr. PAPENDORP (United States of America) said that, like the representative of the Soviet Union, he had a number of reservations concerning the remarks made by the Chairman of ICSC in introducing, in a very comprehensive manner, the Commission's report. He would transmit to his Government the explanatory note provided to him by ICSC, and reserved the right to take up the question of the comparison of total compensation between the comparator civil service and the international civil service at a later date. His delegation endorsed the observations made by the Soviet delegation concerning expatriate benefits and agreed with it that there could be no question of paying a repatriation grant to an official who had not in fact been repatriated. He reserved the right to return to that question when he had studied the report to be issued by ACPAQ.

The meeting rose at 1.25 p.m.