UNITED NATIONS



FORTY-FIFTH SESSION

Official Records

FIFTH COMMITTEE
27th meeting
held on
Monday, 13 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 27th MEETING

Chairman:

Mr. MAYCOCK

(Barbados)

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

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Distr. GENERAL A/C.5/45/SR.27 20 November 1990

ORIGINAL: ENGLISH

The meeting was called to order at 10.25 a.m.

AGENDA ITEM 127: UNITED NATIONS COMMON SYSTEM (A/45/30; A/C.5/45/23, 24 and 29)

AGENDA ITEM 128: UNITED NATIONS PENSION SYSTEM (A/45/9 and A/45/699; A/C.5/45/7 and A/C.5/45/22)

- 1. Mr. AKWEI (Chairman of the International Civil Service Commission), introducing the report of the International Civil Service Commission (ICSC) for the year 1990 (A/45/30) under agenda item 127, said that the Commission had taken into account in its report the useful suggestions made by members of the Committoe; it had included a glossary of technical terms and a summary of decisions and recommendations and their financial implications.
- 2. The Commission had modified its working methods in order to increase the participation of Administration and staff representatives: as a general rule, they could attend all Commission meetings at which issues of the conditions of service in the United Nations common system were discussed; on major issues, a tripartite working group could be established. As requested by the General Assembly, the Commission was co-operating with the Administrative Committee on Co-ordination (ACC) in a review of the Commission's functioning, on which a report would be submitted in 1991.
- 3. In accordance with General Assembly resolution 41/208 the Commission had reviewed, in conjunction with the United Nations Joint Staff Pension Board, the methodology for determining the scale of pensionable remuneration and monitoring the level of the scale and its adjustment between comprehensive reviews for the Professional and higher categories of staff. The Commission recommended that the methodology used to establish the 1 April 1987 scale and the interim adjustment procedure, as amended by the General Assembly in 1989, should continue to be used. It also recommended a revised scale of staff assessment to be used in future in conjunction with the pensionable remuneration methodology for those categories. The General Assembly had also requested the Commission to consider the establishment of a margin range between the pensionable remuneration of staff in the common system and staff in the comparator civil service. The Commission had concluded that the margin range of 110-120 applicable to net remuneration should also apply to pensionable remuneration; it also recommended a procedure for calculating and reporting the pensionable remuneration margin to the General Assembly. In the opinion of the Legal Counsel, neither resolution 41/208 nor the Commission's Statute gave ICSC competence to review the pensionable remuneration of ungraded officials. The Commission had therefore decided not to address the issue.
- 4. The Commission had begun its consideration of the question of pensionable remuneration for the General Service and other locally recruited categories. A joint preparatory working group made up of members of the Commission, the Pension Board, the Federation of International Civil Servants' Associations (FICSA) and the Co-ordinating Committee for Independent Staff Unions and Associations of the United Nations System (CCISUA) was to be established, and recommendations to the General Assembly were expected to be on hand in 1991.

(Mr. Akwei)

- 5. The Commission had considered the results of the studies made by a new working group on the remuneration structure for the salary system of the Professional and higher categories of staff. Since several problems associated with the separation of the housing component from post adjustment had remained unsolved, it had concluded that housing should not, for the time being, be treated as a separate element of the remuneration package. Pending further studies, it recommended that housing comparisons should continue to be made with the base, New York, using the post adjustment system. It also recommended revised procedures for housing-cost comparisons and important changes in the rental subsidy scheme for headquarters and other European duty stations. For field duty stations with small staffs, it recommended that housing costs should be reimbursed up to a reasonable maximum, with post adjustments based on the comparison of all elements of expenditure except housing. The new procedures would be reviewed after three years.
- 6. In response to the General Assembly's request, the report contained detailed information on the practices of organizations regarding the granting of expatriate entitlements to staff living in their home countries while stationed at duty stations located in another country and on the package of common-system allowances. A further report on expatriate entitlements would be submitted in 1991.
- 7. With regard to the conditions of service of the Assistant Secretary-General and Under-Secretary-General and equivalent levels, the Commission was of the view that a case could be made for the officials at those levels who needed to maintain superior housing close to their work location, and it had submitted proposals which would benefit senior officials who incurred significantly higher housing expenditures than the average. However, it felt that their representation allowance was not susceptible to a common-system treatment.
- 8. Again in response to a request by the General Assembly, the Commission had reviewed its 1989 decision on the procedure for the review of post adjustment indices at headquarters and other European and North American duty stations. It had concluded that the decision represented the most equitable solution for all staff. Moreover, as long as the revised system operated over a period of time, no financial implications would result. The Commission had also studied the question of duty stations at which, as a result of implementation of the findings of a place-to-place survey, there was a significant difference between the post adjustment index and the multiplier. It had decided that when the difference was five per cent or less, the normal post adjustment system should apply; when the difference was greater than five per cent, specific steps would be taken to reduce the post adjustment classifications with a view to narrowing the gap.
- 9. On the issue of longevity steps the Commission had noted that the practices of the International Labour Organisation (ILO) and the World Health Organization (WHO) differed considerably from those of the other organizations and could not be reconciled with its recommendations. It therefore recommended that the executive heads of ILO and WHO should recommend to their legislative bodies that the current system should be replaced by a scheme entailing the payment of a one-time non-pensionable cash award for merit.

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- 10. ICSC had noted that the margin between the net remuneration of United Nations officials in New York and United States federal civil service employees in Washington, D.C., was close to the desirable mid-point of 115 in 1990 but might move close to the upper limit of 120 in 1991. Given that situation, the General Assembly's decision that the average net remuneration margin should be maintained over a five-year period at about the mid-point of the range was unworkable and could result in difficulties in margin management. The Commission therefore requested the General Assembly to reconsider its decision. It also drew attention to the serious consequences for the entire common system of a freeze of New York post adjustment in 1991, a possibility which could not be discounted if the margin did move close to the upper limit. The Commission also commented briefly on developments in the salary system of the comparator civil service and would report in greater detail in 1991.
- 11. In 1989 the Commission had recommended the establishment of a base salary level for staff in the Professional and higher categories by reference to the corresponding levels for the comparator civil service. The proposed scale was to be used to calculate payments under the new hardship and mobility scheme and separation payments other than the commutation of unused annual leave; it would therefore have to be regularly adjusted, and the Commission had decided to recommend that the base salary scale should be revised upward by 8.5 per cent with effect from 1 March 1991.
- 12. As requested by the General Assembly, the Commission had embarked on a programme of place-to-place surveys on the basis of the revised methodology. It had approved the results of the surveys at headquarters locations and in Washington, D.C. Duty stations which accounted for more than 90 per cent of the staff would be surveyed by the end of 1991, and the others in 1992. A detailed report on the matter would be provided in the form of a supplement to the current annual report. The Commission continued to monitor data from various sources concerning supplementary payments and deductions. New information which became available would be reported as necessary.
- 13. ICSC had conducted surveys of the best prevailing conditions of service for the General Service and related categories in London, New York and Rome; the salary scales recommended to the executive heads of organizations with headquarters at those locations were included in the report. In New York three separate scales, for the General Service, Trades and Crafts, and Security Service categories, had been recommended to the Secretary-General, the Administrator of the United Nations Development Programme (UNDP) and the Executive Director of the United Nations Children's Fund (UNICEF). The scales represented overall increases for the Trades and Crafts and Security Service categories, but for the General Service the scale was some 4.6 per cent lower than the one in effect in March 1990. The survey had also indicated a need for increases in dependency allowances for all locally recruited staff in New York. The Commission's recommendations on dependency allowances for all categories of staff and on the salary scales for the Trades and Crafts and Security Service categories had been implemented. However, the Secretary-General and his colleagues had decided, for reasons which had given the

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Commission great concern, not to implement the proposed scale for the General Service category. The Commission was confident that the Committee would give careful consideration to its report on the issue.

- 14. ICSC had also examined the implications for the General Service and related categories of staff of the decisions arising out of the comprehensive review of conditions of service for the Professional and higher categories. It recommended necessary modifications relating to the applicability of the children's allowance in respect of disabled children, the mobility and hardship allowance, and the assignment grant.
- 15. The salary scales recommended by the Commission in 1987 for the General Service and related categories of staff in Vienna had incorporated an adjustment of 2.4 per cent to account for the commissary benefit available in Vienna. There had been a challenge to that adjustment, and the Tribunal of the International Labour Organisation had found for the complainants: it had set aside the salary scales and ordered that the cases should be sent back for recalculation of pay. The Commission had decided to study the matter further in 1991 in the light of legal advice.
- 16. ICSC recognized the importance of the education grant and the need to ensure that reimbursement levels kept pace with increases in education costs. It had concluded that, while an across-the-board increase would not be equitable, an increase was justified in locations where education expenditures had increased significantly as a result of inflation. It intended to make a full study of the procedure for setting education grant levels in 1991.
- 17. In the past the salary scales of the Field Service category had been determined by comparison with those of the United States foreign service. The Commission had now decided that it would be more appropriate to make the comparison with the United States federal civil service. It had therefore recommended a revised salary scale to the organizations. It had also approved the application to the Field Service category of the mobility and hardship matrix devised in 1989 for the Professional and higher categories.
- 18. The Commission had continued its work on the special measures for improvement of the status of women in the secretariats and had submitted recommendations to the organizations which should result in improvement in the Professional and higher categories. It had also appointed a tripartite working group to study the question of the status of women in the General Service category.
- 19. Mr. ZADOR (Chairman of the United Nations Joint Staff Pension Board), introducing the report of the Pension Board (A/45/9) under agenda item 128, said that the report covered not one but three sessions. Additional time had been required to arrange for and participate in the comprehensive review, in co-operation with ICSC, of the pensionable remuneration of staff in the Professional and higher categories, as requested in General Assembly resolution 41/208. Also, the Board had wished to achieve a consensus on a number of highly

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complex and contentious issues, including the redress of the actuarial imbalance of the Fund, the levels of pensionable remuneration and the consequent pensions of staff in the various categories, and the pension adjustment system. He was pleased to report that the Board had been able to achieve unanimity in its recommendations for action by the General Assembly.

- 20. In reviewing the pensionable remuneration of staff in the Professional and higher categories, both the Board and ICSC had agreed on the methodology for determining the scale of pensionable remuneration, as well as on the scale itself and the procedure for adjusting it between comprehensive reviews. With respect to the United Nations civil service and the comparator United States federal civil service, the two bodies had agreed that both the relationship between the pensionable remuneration of the two services and the income replacement ratios in those services should be calculated as recommended by ICSC and should be reported annually to the General Assembly. However, the Board had been unable to reach a consensus on the desirability of a margin range for pensionable remuneration and had therefore limited itself to noting the recommendation of ICSC to establish a range of 110 to 120. The Board had been divided as to whether it was permissible or advisable for it to complete the definitions in the Regulations of the Fund so as to include the pensionable remuneration of officials in ungraded posts. The Fund's member organizations had undertaken to present the information in annex IV, which showed the divergent practices that had emerged with respect to the remuneration of such officials, to their executive heads and governing bodies, so that they could submit their views thereon to the Board at its regular session. Those views would be reflected in the Board's recommendations to the General Assembly. The Board had also discussed the absence in the Regulations of any mention of longevity and/or merit steps that went beyond the maximum step of the scale of pensionable remuneration.
- 21. With regard to the upcoming 1991 review of the pensionable remuneration and consequent pensions of staff in the General Service and other locally recruited categories, the Board and ICSC had agreed on arrangements similar to those successfully followed for the review of the pensionable remuneration of staff in the Professional and higher categories.
- 22. The pension adjustment system had been reviewed with special attention to the impact of changes in the value of the dollar vis-à-vis other currencies. After extensive discussion of that highly contentious issue, it had been agreed to recommend to the General Assembly the establishment of personal "floor" amounts for the initial local currency pensions of participants in the Professional and higher categories, corresponding to the initial local currency pensions they would have received had they separated on 31 December 1990. It was to be understood that such amounts would be applicable only to those participants qualified for a retirement or early retirement benefit on 31 December 1990 who separated on or before 31 March 1992. The basic purpose of that transitional measure would be to prevent participants who stayed in service beyond 31 December 1990 from receiving lower local currency pensions. The Board had established a Preparatory Group to develop

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- a long-term method for determining the initial local currency pension. It would be very useful for the Board to receive guidance from the General Assembly on the direction that long-term modification should take, since any changes in the system should have the support of the Member States, especially if they entailed additional costs to those States. It was important for the actions of the Board to reflect the concerns of all of the organizations, participants and beneficiaries in order to avoid the emergence of complementary pension schemes in certain organizations, which might ultimately destroy the integrity of the Fund.
- 23. Finally, in reference to Judgement No. 900, in re Cuvillier (No. 3) vs. the International Labour Organisation (ILO), the Board had recommended that the request of ILO should be granted, provided that the conditions listed in paragraph 190 of the report had been met by that organization.
- 24. Mr. FORAN (Assistant Secretary-General, Representative of the Secretary-General for the Investments of the United Nations Joint Staff Pension Fund), introducing the report of the Secretary-General on the investments of the United Nations Joint Staff Pension Fund (A/C.5/45/7) under item 128, said that the 1990 report followed a format similar to that of recent reports in order to facilitate comparison. In briefly reviewing the contents of the document, he noted that, in the light of financial market volatility, weak bond markets outside the United States and high interest rates in many countries during the period under review, the return on investment could be considered good. Drawing attention to table 1, which showed nominal and real rates of return for the previous 5, 10, 15, 20, 25 and 30 years, he said that the real rate of return over the 30-year period had been 3.25 per cent, which slightly exceeded the actuarial assumption for the Fund's investments (3 per cent). Figure 1, on investment diversification, showed that the Fund's exposure to equities had been slightly reduced and that the bond portion of the portfolio had been increased. In response to requests of the General Assembly, the Fund had continued to increase investments in developing countries.
- 25. As the report had been prepared in the midst of a period of financial market declines triggered by the situation between Iraq and Kuwait, he wished to discuss their effect on the Fund's investments and to update some of the information in the document. As at 7 November 1990, the market value of the Fund was \$9.010 billion, or 5.3 per cent higher than on 31 March 1990. That increase was primarily, if not exclusively, the result of a fall in the value of the dollar. In view of the extreme volatility of the markets, the Fund might very well show a negative return before the reporting year was over. As at 7 November 1990, the market value of equities was \$3.3 billion (36 per cent of the market value of the Fund); that of bonds, \$3.6 billion (40 per cent); that of real estate, \$985 million (11 per cent) and that of short-term investments and reserves, \$1.2 billion (13 per cent).
- 26. The Fund's investment strategy was geared to the long term and emphasized safety. Any assessment of its performance should be based on an analysis of investment returns over a substantial period. In the opinion of the Fund, its

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defensive strategy, adopted in late 1985, and its policy of diversification had contributed to its comparatively good position during the current financial market crisis. Unless the invastment climate changed, it would continue to emphasize fixed-income investments.

- 27. In the five years from 31 March 1985 to 31 March 1990, a period which had seen more than its share of financial upheavals, the principal of the Fund had more than doubled, going from \$3.925 billion to \$8.558 billion. The Fund's comparatively favourable position despite the past few months of disarray in the world financial markets was probably due in large part to the personal interest which the members of the Investments Committee had taken in ensuring the protection of its assets.
- 28. Mr. DENTI (President of the Federation of International Civil Servants' Associations), introducing the Comments by the Federation of International Civil Servants' Association (FICSA) (A/C.5/45/23), said that conditions of service in the United Nations had deteriorated to such an extent that it was facing increasing difficulties in recruiting and retaining qualified staff. ACC had repeatedly drawn the attention of the Fifth Committee to the urgent need for a substantial improvement in those conditions. The purchasing power of staff in the Professional and higher categories continued to decline in duty stations such as Vienna, London, Rome, Paris and Geneva. Yet, despite the urgency of the situation, the comprehensive review of their conditions of service, requested in General Assembly resolution 42/221, had been a fiasco, since it had resolved none of the major issues, such as remuneration levels, competitiveness, simplification of the post adjustment system and the choice of comparator. Although the recommendations of ICSC in the context of the comprehensive review of the remuneration structure, the pensionable remuneration margin and the rental subsidy scheme seemed to reflect an increased awareness, it was nevertheless true that the real problems had not been dealt with.
- 29. FICSA welcomed the decision of ICSC to abandon its proposal to separate housing from the rest of remuneration and to recommend maintaining the present structure. That measure might have further complicated the management of an already complicated system. As FICSA had been repeating for many years, the crux of the problem was the comparator service. In the light of the deteriorating situation of the United States federal civil service, it would be more appropriate to align the United Nations common system with the World Bank and the International Monetary Fund.
- 30. With regard to the pensionable remuneration margin, ICSC itself recognized the disastrous consequences for the system of another prolonged freeze in remuneration. Even a short freeze would greatly undermine staff morale. It should be noted that the United States Congress had just decided on a series of measures to stop the deterioration of salaries in the public sector and to close the gap of 32 per cent between the public and private sectors in the United States. For those reasons, FICSA believed that the Fifth Committee should recommend the removal of any upper limit on the margin to the General Assembly. It might also request the ICSC to carry out a further review of the conditions of service of the Professional

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And higher categories so as to give proper consideration to the impact of the United States private sector in establishing the salary scale of the staff concerned.

- 31. The Federation accorded its unqualified support to the revised rental subsidy scheme proposed by the Commission, which represented real progress beyond the current arrangements.
- In connection with the comprehensive review of the pensionable remuneration of staff in the Profession l and higher categories, ICSC and the Pension Board had failed to define a viable and technically sound system based on equity and common sense. Instead, they had recommended the prolongation of a defective system which provided no long-term answer to the problem of protecting the local-currency pensions of staff members retiring in strong-currency countries. In particular, they had recommended that a period of 25 years of service be used as the basis of the methodology for establishing pensionable remuneration despite the fact that all countries, including the comparator service, based their calculations on the entire period of service. The proposals' total dismissal of the effect on pensionable remuneration of the progressivity of taxes would lead to a systematic underestimation of pensions. The proposals were also incompatible with the quidelines of the Fifth Committee because they exacerbated differences in local-currency pensions between staff members with the same length of service who retired on different dates. It was the view of FICSA that the proposals should be rejected in toto and ICSC and the Pension Board requested to review the matter further. The Fifth Committee should recommend that the General Assembly extend the application of floor exchange rates for the calculation of local-currency pensions of staff members retiring after 31 December 1990, until such time as the Pension Board submitted concrete proposals for long-term protection measures. extension would both help to restore the confidence of staff in international institutions and ensure that the system was not confronted at the end of the year with a massive exodus of staff members. The actuarial cost of the extension would, according to expert opinion, be minimal.
- 33. The Federation earnestly hoped that those responsible for the review of the functioning of ICSC would, bearing in mind current trends in labour relations and the spirit of the relevant conventions of the International Labour Organisation, recommend the introduction of negotiations in the common system. FICSA hoped to submit a comprehensive document on that subject to ACC at its next dession. Its resumption of contacts with ICSC did not mean it was any less datermined to obtain recognition and implementation of the right to negotiate without further delay.
- 34. In the opinion of FICSA, each organization of the common system should be able independently to introduce additional steps based on merit or longevity, which should be pensionable, and to take such other measures as they considered necessary to maintain their effectiveness, provided that fuch measures did not constitute a fundamental departure from the common system.

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- 35. The Federation supported the proposal of the Commission contained in paragraph ?07 of its report and hoped that the base/floor salary scale would in future be aligned with the comparator scale immediately rather than after 14 months, in accordance with current practice. It also supported the proposals contained in paragraph 251 (a), (d) and (e), while holding that a definitive choice of approach to the question of the education grant should not be made without careful study. It further supported the proposals contained in paragraph 235 (a), (b) and (c) but regretted the failure to extend to the General Service category the arrangement to grant, in cases of promotion within the Professional and higher categories, an increase in salary equivalent to at least two steps and hoped that the Fifth Committee would rectify that inequity during the current session.
- 36. The Federation considered it imperative that women should be enabled without delay to occupy their rightful place in the common system at all levels. Greater efforts should therefore be made not only to recruit women candidates for vacant posts but also to increase the possibilities of training female staff members to occupy posts at decision-making levels. The Commission's recent decision to form a tripartite working group on the status of women in both the General Service and Professional categories appeared to be a step in the right direction.
- 37. The practice of making supplementary payments or deductions was entirely inadmissible, and FICSA appealed to the growing number of countries concerned to halt such abuses. It also requested the Fifth Committee to be vigilant in ensuring that all Member States abided by the principles of the Charter. With respect to the security of staff members, FICSA had decided to join other groups on the occasion of the forty-second anniversary of the Universal Declaration of Human Rights in publicizing the disturbing situation of many international civil servants and members of their families who had been detained against their will.
- 38. Mr. SUNDARASAN (President of the Co-ordinating Committee for Independent Staff Unions and Associations of the United Nations System (CCISUA)) said that, despite the devotion and sacrifices of the staff in accepting the new challenges faced by the Organization, the international civil service was increasingly unable to attract and retain highly qualified staff due to detoriorating conditions of employment, an absence of clearly defined career prospects, uncertain pension benefits and the erosion of purchasing power.
- 39. The series of measures related to Professional remuneration adopted in 1989, while far from negligible, had fallen short of expectations. The across-the-board salary increase approved under General Assembly resolution 44/198 had not restored the purchasing power lest by Professional staff members. At the root of the problem was the situation in the comparator, the United States federal civil service, in which salaries were lagging behind those in the private sector by as much as 30 per cent. If current margin constraints were maintained, post adjustment would probably be frozen again in 1991 for a period of several years. CCISUA therefore urged the Assembly to adopt a more flexible attitude to the problem.

(Mr. Sundarasan)

- 40. With regard to the complex subject of housing, CCISUA fully supported the Commission's proposals to continue comparisons of housing on the basis of gross rents and to enhance the current rental subsidy scheme. It also believed that the housing component must be excluded from margin control. Until such time as ICSC established a methodology for identifying the comparator civil service, CCISUA strongly supported the adjustment of the base/floor salary scale to reflect the movement of requirement on the United States federal civil service. It also supported the Commission's recommendation for selective increases in the level of the education grant and stressed the need for the automatic adjustment of that benefit. All conditions of employment should, indeed, be reviewed on a continuous basis and adapted to the changing needs of organizations in the common system in a timely manner.
- 41. CCISUA had repeatedly emphasized that income replacement should remain the basis of the methodology for determining pensionable remuneration. For that purpose, total net remuneration at the base, New York, including the New York-Washington cost-of-living differential, should continue to be used. Any alterations or additions which complicated the system, including the establishment of a margin for pensionable remuneration, should be avoided. The Pension Board should be encouraged to find a long-term solution to the problem of disparities in the purchasing power of retirees at different duty stations; until such time as a solution was identified, CCISUA favoured maintaining the current interim measures, including floor protection measures.
- 42. CCISUA had always believed that ICSC should be an independent technical body and was gratified by recent decisions which made staff participation in the Commission's work more effective. It intended to participate actively in the review of the functioning of ICSC mandated under General Assembly resolution 44/198. Staff representatives should also be invited to attend informal consultations of the Fifth Committee whenever technical proposals made by the Commission were being explained. The occurrence of insidious discrepancies between the entitlements of staff employed by different organizations at the same duty station showed that the mechanism established to ensure uniform conditions of service throughout the common system was not operating as envisaged. In that connection, the proposal by a working group of medical directors of the common system that business-class tickets be authorized for official travel exceeding five hours deserved serious attention on the part of Member States.
- 43. Problems affecting the status of women in organizations of the common system included marked disparities in grade distribution, slow rates of advancement, a narrow range of occupations and limited career development prospects. Although the measures necessary to correct the situation had been outlined by the General Assembly and ICSC, few of the corresponding targets had been achieved. Responsibility for implementation of those measures rested primarily with the organizations themselves, requiring high-level commitment and inter-agency co-operation, but also involved efforts by individual departments and Member States. In that context, CCISUA welcomed the establishment by ICSC of a tripartite working group on the status of women in both the General Service and Professional categories.

(Mr. Sundarasan)

44. Local salary surveys at different duty stations had been characterized by an absence of constructive dialogue, faulty interpretation of methodology and lack of objectivity on the part of ICSC and its secretariat. In the particular case of New York, an extremely low rate of participation meant that the survey covered only about 25 per cent of the total population of General Service staff. A serious dispute between the staff and the ICSC secretariat over educational qualifications for higher-level General Service jobs was not brought to the attention of the Commission by its Chairman, in contravention of the related methodology requirements. Neither had any written guidelines been available for job matching. The Commission had further refused the staff's request that final consideration of the New York survey be postponed until its thirty-second session. Although the role of the Commission was to make recommendations concerning the establishment of General Service salary scales, and that of the Secretary-General to make decisions, the Commission implied in paragraph 301 of its report that the Secretary-General must accept the Commission's recommendations without question. Contrary to the Commission's claim that the Secretary-General should have referred the matter back to it for further consideration, it was in fact ICSC which had repeatedly refused to take the matter up again, to establish the facts of the case or to undertake an accelerated survey of New York General Service staff. By resting its case on supposedly infallible technical conclusions, the Committee had assumed the role of a regulatory agency rather than an advisory body. The Fifth Committee might wish to ensure that future surveys were carried out in a clear and transparent manner, in order to avoid the possibilities of any misinterpretation.

AGENT/A ITEM 126: PERSONNEL QUESTIONS (continued) (A/45/541 and A/45/548; A/C.5/45/3, A/C.5/45/10 and Corr. 1, A/C.5/45/11, 12, 18 and 19)

- (a) COMPOSITION OF THE SECRETARIAT (continued)
- (b) RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS (continued)
- (c) OTHER PERSONNEL QUESTIONS (continued)
- 45. Mr. DANKWA (Ghana) said that his delegation took a comprehensive view of personnel matters, in the conviction that the key to the realization of the Charter's objectives and to the efficient implementation of mandated programmes lay in the staff of the Organization, whose international character should be ensured by observance of the principle of equitable geographical distribution. Questions such as internal and external examinations, achievement of the 30 per cent target set for the recruitment of women and the need for equitable geographical distribution, especially at the senior and policy-making levels, could only be resolved through career development.
- 46. His delegation shared the concern of the Assistant Secretary-General for Human Resources Management about staff immobility, appreciating as it did the frustration of staff at the G-4 and P-3 levels. While it was true that the retrenchment exercise and the classification system hampered advancement, the problem of

(Mr. Dankwa, Ghana)

advancement could not be solved without due regard for the approved staffing table. To grant promotions without consideration of whether or not a post was vacant, as was being suggested by the Secretariat, would introduce instability into management and administration and nullify the gain; made through the reforms. It was only through the development of a career system which confined recruitment largely to the lower levels and left the higher levels open for promotion that the Organization could avoid frustration and immobility. Recommendations 43, 44, 48, 49 and 54 of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (Group of 18) provided sound guidelines for comprehensive career development, and, if properly applied, could create vacancies to which staff could be promoted.

- 47. Some inconsistencies or lack of realism were apparent in the recommendations of the Group of 18. For instance, the recommendation for direct recruitment to P-4 and P-5 posts on the basis of a scheme that tested drafting ability required clearer definition to link it with the prospects of advancement of staff at the P-1 to P-3 levels. The insistence on drafting ability was unfair on nationals of certain Member States, impeding efforts to achieve equitable geographical representation. Unqualified insistence on a 10-year service period at the higher levels did not take account of staff members who had been appointed through promotion from the lowest levels and had not reached the retirement age.
- 48. While agreeing that some posts should not be subject to geographical distribution, he said that the principle of equitable geographical representation in the Secretariat should guide recruitment at all levels, especially recruitment to General Service and related categories. In that connection he requested clarification of the statement that the residence status of an applicant determined his or her preliminary eligibility for recruitment to a General Service post.
- 49. Despite the commendable efforts to attain the 30 per cent target set for the representation of women in the Secretariat, it was regrettable that the effect had been to increase inequity in representation, particularly between developed and developing countries. Special efforts, including publicity, were required to bring the recruitment exercise to the attention of women in developing countries and to involve Member States directly or indirectly in that exercise. In Ghana's experience, vacancy notices were often received after the expiry date.
- 50. Reported infringements of agreements concerning respect for the privileges and immunities of officials of the United Nations were a matter of concern to his country. The fact must be faced, however, that nationals of a country hosting a United Nations office who were also staff members of the Organization were in a difficult situation. A citizen of such a country committing or omitting an act for personal reasons, and not in the performance of his or her official duties, could not claim privileges and immunities. Nor could a call to national duty be shirked by invoking those privileges and immunities.
- 51. His delegation was pleased to note the substantial reduction in cases pending in the tribunal system. It urged the administration to take further steps to

(Mr. Dankwa, Ghana)

reduce radically the need to resort to that system. In conclusion, he stressed the need for a comprehensive approach to personnel questions in order to ensure that the Organization was served by a highly motivated staff reflecting its international character, without sacrificing efficiency, competence and integrity.

- 52. Mr. BELHAJ (Tunisia) said that the Organization's greatest asset was a competent and dedicated staff. One of the most urgent tasks before it was, therefore, to retain its staff members by offering them decent career prospects and safe and comfortable working conditions. In that context, staff training and retraining were a priority. His delegation supported the activities on human resources management proposed in the medium-term plan (A/45/6).
- 53. His delegation viewed with concern the numerous reports of flagrant violation of the privileges and immunities of officials of the United Nations. Respect not only for the official service of a representative of the United Nations, but, above all, for his human dignity and inherent rights must be constantly borne in mind. His delegation supported all the Secretary-General's efforts to intervene in cases of arrest and detention of United Nations officials in the performance of their duties, in accordance with Article 105 of the Charter. It noted that the overwhelming majority of violations were to be found in the Middle East, especially in the occupied Arab territories. The international community should act in concert with the Secretary-General to induce those who failed to respect the Organization's humanitarian activities in that part of the world to change their practices.
- 54. Turning to the question of equitable geographical distribution within the Secretariat, the substantial decrease in the number of posts, especially at the senior levels, filled by nationals of developing countries since the introduction of the reform was a matter of concern and called for further adjustments. The inadequate representation of the Arab countries, in terms of both numbers and levels of pr.ts, was particularly flagrant. By way of example he cited the Office of Legal Affairs in which there was not a single staff member from an Arab country at levels P-5 and above, and only one in any category in the whole Office, despite the fact that the Office was meant to represent all existing legal systems. He urged the Secretariat to give further attention to the matter and to report periodically on the progress made. On the same subject, his delegation associated itself with those which had referred to the need to ensure that no post was the privilege or preserve of any individual, State or group of States and requested greater transparency in that regard.
- 55. Transparency must also be the rule when it came to vacancy management. As the representative of Ghana had pointed out, vacancy announcements reached delegations very late, often after the deadline for applications. He also agreed with the representative of Australia that the notorious practice of announcing a vacancy only after the future incumbent had been selected must cease.
- 56. His delegation supported the Secretary-General's efforts to increase the representation of women in the Secretariat in order to attain the 30 per cent target.

(Mr. Belhai, Tunisia)

- 57. The report of the Secretary-General on the administration of justice in the Secretariat (A/C.5/45/11) was rather too brief, failing to mention, for instance, the United Nations Administrative Tribunal. More specifically, on the subject of the functioning of the Join. Appeals Board (JAB), he would welcome more information on rotation procedures within the Board. In that connection, the document entitled "Utilization Survey", containing the list of all members of JAB and the number of cases in connection with which they had been selected to serve, might usefully be made available to delegations. Furthermore, contrary to the Administration's policy of accepting unanimous JAB recommendations, except where a major question of law or principle was involved, five unanimous JAB recommendations were reported as having been rejected. Clarifications would be welcome, as would further details on each of the unanimous JAB recommendation thus rejected and on the number of unanimous JAB recommendations rejected by the Administration and subsequently confirmed by the Administrative Tribunal.
- 58. With reference to General Assembly resolution 42/220 B, no official reply had yet been given to the General Assembly with regard to the appointment of an ombudsman within the Secretariat. A study should be carried out on that subject.
- 59. The composition, functioning and mandate of the Committee on Applications for Review of Administrative Tribunal Judgements left much to be desired and should be reviewed so as to enable applicants to bring appeals before a legally competent appeals body. Referring administrative cases to the already overburdened International Court of Justice was no solution. Moreover, continuity as well as the commitment and motivation of the members of that Committee would be better ensured if they were elected on the basis of some other criterion than membership of the General Committee of the General Assembly, and for a longer period. He suggested that the Secretariat should prepare a study reviewing the functioning and terms of reference of that Committee, for submission to the General Assembly at its forty-sixth session.
- 60. Mr. ABOU HADID (Syrian Arab Republic) expressed surprise that little information had been given in the report on the administration of justice in the Secretariat (A/C.5/45/L.11) on practical steps taken to improve the informal procedures for the amicable resolution of staff grievances, as requested by resolution 44/185 B. The third phase of the reform of the system of administration of justice in the Secretariat was to come to a close at the end of 1989. The report now before the Committee merely referred somewhat vaguely to the explanation of a new approach, which amounted to the establishment in one department of a departmental conciliation panel, to be followed by similar panels in other departments on an experimental basis, which in due course might replace the Secretariat bodies on discrimination and other grievances (para. 17).
- 61. The merits of that one panel had yet to be ascertained and, even if it were to prove successful, that success could not necessarily be replicated in other departments. In the event of an unresolved problem, the staff would still have to resort to the formal procedures. Such departmental panels might well lack the objectivity and confidentiality of the discrimination and grievance panels. In

(Mr. Abou Hadid, Syrian Arab Republic)

addition, the grievance might be against the management of the department to which the panel was required to report, in which case the formal procedures would again be necessary.

- 62. There was an even more manifest need for the panels on discrimination and other grievances where duty stations away from Headquarters were concerned, since many staff members had chosen in the past to refer their cases directly to the Headquarters panel for reasons of greater objectivity. Despite their much discussed shortcomings, the panels on discrimination and other grievances played a key role in the administration of justice in the Secretariat by separating insubstantial cases from those requiring referral to the formal procedures, thus easing the burden on the internal justice system. If the financial resources available for the internal justice system were not to be squandered on the mass of frivolous applications, the panels on discrimination and other grievances needed to be strengthened rather than replaced. The departmental panels, by their conciliatory nature, would not be in a position to handle the very serious matter of discrimination.
- 63. Discrimination and unfair treatment must be brought to light, a process which had been inhibited in the past by the fact that the panels' reports had always been rewritten to reflect a smoother functioning of the system and were not submitted directly to the General Assembly. The solution lay not in dismantling the panels, which would erode the informal process, but in retaining their overall reputation for objectivity while enhancing their authority and status and ensuring their efficient management. One way of doing that was to protect panel members and co-ordinators from any kind of pressure or coercion, and to provide them with maximum assistance and co-operation. Any further delay in the implementation of reform in that area through premature proposals on the replacement of the existing system would constitute a failure to comply with the General Assembly's specific directives.
- 64. Despite the requests in resolution 33/119 for a study of the possibility of establishing a single administrative tribunal for the entire system, and the wide debate that had ensued, the issue was still outstanding. The International Court of Justice was responsible for reviewing the judgements of the United Nations Administrative Tribunal and the International Labour Organisation Administrative Tribunal. The present limited method of review of their judgements was one of the most complex and controversial aspects of the functioning of those bodies. need for some review body other than the Committee on Applications for Review of Administrative Tribunal Judgements, through which applications involving individual staff members were channelled, was clear, since it was repeatedly called upon to consider cases of a very complicated legal nature when neither its mandate nor its composition enabled it to do so properly. As a political organ, it should not be competent to review the decisions of a judicial body, but did so for want of an alternative. The existing system of review depended upon that Committee, whose composition and procedures should be considered anew to enable it to perform judicial or at least quasi-judicial functions and to function more like a jury so as to afford both the applicant and the respondent a real opportunity to put

(Mr. Abou Hadid, Syrian Arab Republic)

forward their respective points of view. The existing system could not be said to observe and ensure fully the overriding interests of the United Nations and the legitimate claims at law of its staff members. In order to unify jurisdiction and harmonize jurisprudence, the ideal would be the establishment of a second-tier administrative court with competence to eview the decisions of the first-tier courts. Since that had so far proved difficult to achieve, a modified Committee on Applications for Review of Administrative Tribunal Judgements, with a new composition and new procedures, should be given the chance to improve and harmonize the administrative protection of staff members of international organizations and would be a step towards the introduction of that second-tier court.

The meeting rose at 1.10 p.m.