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**PERSONNEL QUESTIONS**

**Report of the Fifth Committee**

**Rapporteur: Mr. Soeprapto HERIJANTO (Indonesia)**

**I. INTRODUCTION**

1. At its 3rd plenary meeting, on 20 September 1986, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-first session the item entitled:

"Personnel questions:

- (a) Composition of the Secretariat: report of the Secretary-General;
- (b) Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations: report of the Secretary-General;
- (c) Other personnel questions: reports of the Secretary-General."

At the same meeting, the Assembly decided to allocate the item to the Fifth Committee.

2. The Fifth Committee considered the item at its 27th to 30th, 32nd, 33rd, 37th, 39th and 44th to 46th meetings, held on 17, 19-21 and 26 November and 1, 8-10 December 1986. The views expressed by the delegations during the discussions are reflected in the relevant summary records (see A/C.5/41/SR.27-30, 32, 33, 37, 39, 44-46).

3. Under this agenda item, the Committee also considered a note by the Secretary-General, transmitting the views of the staff representatives of the United Nations Secretariat (A/C.5/41/39).

4. For its consideration of sub-item (a), the Committee had before it the following documents:

(a) Report of the Secretary-General on the composition of the Secretariat (A/41/627);

(b) Report of the Secretary-General on the system of desirable ranges for the geographical distribution of staff in the Professional category and above (A/C.5/41/6);

(c) Report of the Secretary-General, transmitting a list showing, by office, department and organizational element, the name, functional title, nationality and grade of all staff members of the United Nations Secretariat as at 30 June 1986 (A/C.5/41/L.2).

5. For its consideration of sub-item (b), the Committee had before it a report of the Secretary-General on the respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations (A/C.5/41/12 and Corr.1).

6. For its consideration of sub-item (c), the Committee had before it the following documents:

(a) Report of the Secretary-General on the amendments to the Staff Rules (A/C.5/41/2);

(b) Report of the Secretary-General on the establishment of an office of Ombudsman in the Secretariat and streamlining of the appeals procedures (A/C.5/41/14);

(c) Report of the Secretary-General on the improvement of the status of women in the Secretariat (A/C.5/41/18);

(d) Report of the Secretary-General on the situation of the staff in the General Service category (A/C.5/41/29).

7. At its 28th meeting, on 19 November, the Committee decided without objection to invite a designated representative of the staff of the United Nations Secretariat to make an oral statement before the Committee, pursuant to the provisions of the General Assembly resolution 35/213 of 17 December 1980.

## II. CONSIDERATION OF PROPOSALS

8. At its 28th meeting, on 19 November, on the proposal of the Chairman, the Committee decided without objection to recommend that the General Assembly defer to its forty-second session consideration of the report of the Secretary-General on the establishment of an office of Ombudsman in the Secretariat and streamlining of the appeals procedures (A/C.5/41/14) (see para. 29, draft decision I).

9. At its 39th meeting, on 1 December, the representative of the Netherlands, on behalf of Australia, the Bahamas, Belgium, Canada, Colombia, Costa Rica, Denmark, Fiji, Finland, the Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Samoa, Sierra Leone, Spain and Sweden, introduced a draft resolution entitled "Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organisations" (A/C.5/41/L.12). The Committee then adopted the draft resolution without objection (see para. 28, draft resolution I). The representative of the Union of Soviet Socialist Republics explained the position of his country (see A/C.5/41/SR.39).

10. At its 44th meeting, on 8 December, the Chairman, following informal consultations, introduced four draft resolutions A, B, C and D (A/C.5/41/L.21) and two draft decisions (A/C.5/41/L.22) on personnel questions.

11. At the 45th meeting, on 9 December, the Chairman announced that general agreement had been reached on draft resolutions A, B and D but that there was no agreement on draft resolution C.

12. At the same meeting, draft resolutions A and B were adopted without a vote (see para. 28, draft resolutions II A and B);

13. At the same meeting, a draft resolution on the composition of the upper echelons of the Secretariat (A/C.5/41/L.8/Rev.1), proposed by the representative of Bolivia, was withdrawn.

14. At the same meeting, the Chairman withdrew draft resolution C.

15. At the same meeting, draft resolution D was adopted without a vote (see para. 28, draft resolution II D).

16. At the same meeting, the representative of Burundi, on behalf of Bolivia, Burundi, China, India, Indonesia, the Islamic Republic of Iran, Pakistan and Uganda, introduced a draft resolution on desirable ranges (A/C.5/41/L.20), which read as follows:

The General Assembly,

Recalling its resolution 34/219 of 20 December 1979 and, in particular, section I,

Recalling its resolution 35/210 of 17 December 1980 by which it decided, inter alia, further to review at its forty-first session the question of desirable ranges, taking into account the concept of parity between the membership and contribution factors and discussions on this concept at the thirty-fifth session,

Also recalling its resolution 40/258 A of 18 December 1985 by which it requested the Secretary-General, inter alia, to submit to the Assembly at its forty-first session proposals for the review of the system of desirable ranges

with a view to achieving a balanced application of all factors relevant to the calculation of the desirable ranges, including the population factor,

Having examined the report of the Secretary-General on the system of desirable ranges for the geographical distribution of staff in the Professional category and above, 1/

1. Requests the Secretary-General to calculate new desirable ranges for all Member States, to apply from 1 January 1987, on the basis of the following initial criteria:

(a) The base figure for the calculations will be in strict conformity with the actual number of posts and will be adjusted whenever the actual number of posts increases or decreases by 100;

(b) The weight of the membership factor will be based on 39.75 per cent of the base figure;

(c) The population factor, to which 7.2 per cent of posts shall be allocated, will be directly related to the populations of Member States and be distributed among the Member States in proportion to their populations, with the populations of those Member States whose populations are above 250 million being calculated at a progressively reduced rate, that is, full value to population under 250 million, three quarters value to population from 250 to 450 million, half value from 450 to 650 million and one quarter value above 650 million;

(d) The contribution factor will be based on the distribution of the remaining posts among the Member States in proportion to the scale of assessments;

(e) The upper and lower limits of each range will be based on a flexibility of 15 per cent upwards and downwards from the midpoint, but not less than 5.5 posts up and down;

2. Further requests the Secretary-General to inform the General Assembly at its forty-second session on the implementation of the present resolution;

3. Decides to review at its forty-sixth session the question of new desirable ranges, with a view to achieving a balanced application of section II, paragraph 3, of its resolution 35/210, which reaffirmed the concept of parity between the factors of contribution and membership, taking into account the views expressed by Member States.

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1/ A/C.5/41/6.

17. In introducing the draft resolution, the representative of Burundi, on behalf of the co-sponsors, revised the draft as follows:

- (a) In operative paragraph 1 (b), replace 39.75 per cent by 46.37 per cent;
- (b) In operative paragraph 1 (c), replace 7.2 per cent by 7.17 per cent;
- (c) In operative paragraph 1 (e), replace 5.5 by 6.75;
- (d) In operative paragraph 3, replace forty-sixth by forty-fifth.

18. At the same meeting, the Chairman proposed that the words "The General Assembly" in draft decision I in A/C.5/41/L.22 be replaced by the words "The Fifth Committee" and that the text then be inserted in the report of the Fifth Committee to the General Assembly (see para. 20 below).

19. At the same meeting, the Fifth Committee decided to include the following paragraph in its report to the General Assembly and to recommend that the General Assembly take note of the paragraph (see para. 29, draft decision II).

20. The Fifth Committee decided to request the Secretary-General to include in his report to the forty-second session of the General Assembly on the implementation of the action programme for the improvement of the status of women in the Secretariat the following information, distributed by region and degree of representation, for the two-year period 1985-1986:

(a) The number of promotions, including, in particular, accelerated and ad hoc promotions, of men and women in posts subject to geographical distribution, as well as the average length of time-in-grade of these staff members at the moment of promotion;

(b) The distribution by department or office and by grade of women in technical co-operation posts at the beginning and the end of the period;

(c) The distribution of women consultants engaged during the period by field of activity and length of contract;

(d) The number of men and women participating in the work of personnel advisory boards such as appointment and promotion bodies, appeals boards, disciplinary committees, grievance panels, classification review bodies and other joint staff-management bodies.

21. At the same meeting, draft decision II included in A/C.5/41/L.22, on amendments to the Staff Rules, was adopted without a vote (see para. 29, draft decision III).

22. At the same meeting, a draft decision (A/C.5/41/L.19) on improvement of the status of women, proposed by Burundi, Canada, Denmark and Ireland, was withdrawn.

23. Statements in explanation of their position were made by the representatives of the United Republic of Tanzania, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, Morocco, Kenya, the Philippines, Zambia, Jordan, the United States of America and the Byelorussian Soviet Socialist Republic (see A/C.5/41/SR.45).

24. At the 46th meeting, on 10 December, the Chairman introduced a draft resolution entitled "Desirable ranges" (A/C.5/41/L.24), submitted following informal consultations.

25. The Committee then adopted the draft resolution without a vote (see para. 28, draft resolution II C).

26. At the same meeting, draft resolution A/C.5/41/L.20, as orally revised, was withdrawn.

27. Statements in explanation of vote were made by the representatives of Denmark, Indonesia, the Federal Republic of Germany, China, India, Japan, Burundi, Algeria, Benin, Belgium, Pakistan, Guinea, Uganda, Canada, the United States of America, Kenya, Nepal, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland, Tunisia, France, the Philippines and Nigeria (see A/C.5/41/SR.46).

III. RECOMMENDATIONS OF THE FIFTH COMMITTEE

28. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Respect for the privileges and immunities of officials  
of the United Nations and the specialized agencies and  
related organizations

The General Assembly,

Recalling Article 100 of the Charter of the United Nations,

Recalling that, under Article 105 of the Charter of the United Nations, officials of the Organization shall enjoy in the territory of each of its Member States such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization, which are indispensable for the proper discharge of their duties,

Reaffirming its previous resolutions, in particular resolutions 39/244 of 18 December 1984 and 40/258 C of 18 December 1985,

Reiterating the obligation of the staff in the conduct of their duties to observe fully the laws and regulations of Member States,

1. Takes note with concern of the report 2/ submitted to the General Assembly by the Secretary-General, on behalf of the Administrative Committee on Co-ordination, and of a number of negative developments reported therein, which together represent a deterioration of the situation with regard to the observance of the principles related to the respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations;

2. Takes note with particular concern of the views expressed by the Secretary-General in paragraph 3 of his report;

3. Deplores the growing number of cases where the functioning, safety and well-being of officials have been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals;

4. Also deplores the increasing number of cases in which the lives and well-being of officials have been placed in jeopardy during the exercise of their official functions;

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2/ A/C.5/41/12.

5. Calls upon all Member States scrupulously to respect the privileges and immunities of all United Nations officials and to refrain from any acts that would impede such officials in the performance of their functions, thereby seriously affecting the proper functioning of the Organization;

6. Calls upon all Member States currently holding United Nations officials under arrest or detention, or otherwise impeding them in the proper discharge of their duties, to review these cases and to co-ordinate efforts with the Secretary-General to resolve each case with all due speed;

7. Calls upon the staff of the United Nations and the specialized agencies and related organizations to comply with the obligations resulting from the Staff Regulations and Rules of the United Nations, in particular regulation 1.8, and from the equivalent provisions governing the staff of the other agencies;

8. Calls upon the Secretary-General, as chief administrative officer of the United Nations, to continue personally to act as the focal point in promoting and ensuring the observance of the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations by using all such means as are available to him;

9. Urges the Secretary-General to give priority, through the United Nations Security Co-ordinator and his other special representatives, to the reporting and prompt follow-up of cases of arrest, detention and other possible matters relating to the security and proper functioning of officials of the United Nations and the specialized agencies and related organizations;

10. Requests the Secretary-General, as Chairman of the Administrative Committee on Co-ordination, to review and appraise the measures already taken to enhance the proper functioning, safety and protection of international civil servants and to modify them where necessary.

## DRAFT RESOLUTION II

### Personnel questions

#### A

### Composition of the Secretariat

#### The General Assembly,

Recalling Article 101, paragraph 3, of the Charter of the United Nations, which states:

"The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity.



Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible",

Recalling its previous resolutions on personnel questions, in particular resolutions 33/143 of 20 December 1978, 34/219 of 18 December 1979, 35/210 of 17 December 1980, 37/235 of 21 December 1982, 39/245 of 18 December 1984 and 40/258 A of 18 December 1985,

Noting that, despite the suspension of recruitment activities owing to the financial difficulties of the Organization, vacant posts are being filled by internal candidates through promotion,

Concerned that the targets set in the first phase of the 1986-1987 medium-term plan of recruitment were not achieved because, inter alia, of the suspension of recruitment,

1. Once again requests the Secretary-General to strengthen the role and emphasize the authority of the Office of Personnel Services of the Department of Administration and Management in recruitment and other personnel matters throughout the Secretariat and to report to the General Assembly at its forty-second session on the steps he has taken to that end;

2. Requests the Secretary-General, in all questions relating to the composition of the Secretariat, to continue his efforts to implement both the letter and the spirit of Article 101, paragraph 3, of the Charter of the United Nations;

3. Also requests the Secretary-General to apply, to the extent possible, the second medium-term plan of recruitment, 1986-1987, with specific recruitment targets for unrepresented and underrepresented Member States and to continue to conduct appropriate consultations with Member States, particularly those seriously affected by the recruitment freeze, to ensure the targets are met as soon as possible;

4. Further requests the Secretary-General to make every effort to increase the number of staff recruited from Member States below the mid-point of their desirable ranges in order to bring them closer to their mid-points;

5. Further requests the Secretary-General to continue to ensure the representation of developing countries and other countries in senior and policy-making posts, with due regard to equitable geographical distribution and in accordance with the relevant resolutions of the General Assembly;

6. Regrets the increase in the number of unrepresented or underrepresented Member States resulting from the suspension of recruitment of external candidates, including most of the successful candidates in the 1985 national competitive examinations, and requests the Secretary-General to recruit these successful candidates as soon as possible and further to make every effort to achieve, to the extent possible, an improvement in recruitment from unrepresented and underrepresented Member States;

7. Requests the Secretary-General to lift the freeze on recruitment activities for external candidates at the earliest possible date, and at the same time requests the Secretary-General to explore alternatives to the recruitment freeze policy and to issue a report thereon not later than 21 March 1987;

8. Requests the Secretary-General to continue his efforts aimed at the improvement of the composition of the Secretariat by ensuring a wide geographical distribution at the Professional and higher levels in all departments and main offices;

9. Requests the Secretary-General to continue his efforts aimed at the improvement of the status of women in the Secretariat without prejudice to the principle of equitable geographical distribution;

10. Notes that the introduction, in 1986, of a national competitive examination at the P-3 level, proposed on an experimental basis by the Secretary-General and taken note of by the General Assembly in 1985, was postponed;

11. Requests the Secretary-General to examine ways and means of conducting the internal and external competitive examinations according to a comparable set of standards and criteria and to report thereon to the General Assembly at its forty-second session.

B

Composition of the upper echelons of the Secretariat

The General Assembly,

Recalling its previous resolutions on personnel questions, in particular resolution 35/210 of 17 December 1980, in which it, inter alia:

"Reaffirms that no post should be considered the exclusive preserve of any Member State or group of Member States, and requests the Secretary-General to ensure that this principle is applied faithfully in accordance with the principle of equitable geographical distribution",

Having examined the report of the Secretary-General on the composition of the Secretariat,

Noting the suggestions made by Member States during the deliberations of the Fifth Committee on personnel questions, as well as in the Plenary during the analysis of the report of the Group of High-Level Intergovernmental

Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations, 3/ during the forty-first session,

Expressing its satisfaction with the work that the Secretary-General is carrying out to improve the efficiency of the Organization,

Recalling Article 101, paragraph 3, of the Charter of the United Nations, which states,

"The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible",

1. Requests the Secretary-General, in order to preserve the principle of equitable geographical distribution and the need for rotation in the composition of upper echelons of the Secretariat, to ensure that equal opportunity is given to nationals of all Member States when making appointments to all posts at the levels of Under-Secretary-General and Assistant Secretary-General;

2. Calls upon the Secretary-General in making appointments at the levels of Under-Secretary-General and Assistant Secretary-General to strive to appoint only a national of a country other than that of the incumbent to be replaced in order to reinforce the principle of rotation of post in upper echelons of the Secretariat, unless the Secretary-General considers that there are exceptional circumstances, in the light of Article 101, paragraph 3, of the Charter;

3. Further requests the Secretary-General to report on the implementation of this resolution to the General Assembly at its forty-second session.

C

Desirable ranges for the geographical distribution  
of staff in the Professional category and above

The General Assembly,

Reaffirming its resolution 34/219 of 20 December 1979,

Reaffirming paragraph 3 of section II of its resolution 35/210 of 17 December 1980 by which it decided to review further at its forty-first

session the question of desirable ranges for the geographical distribution of staff in the Professional category and above, taking into account the concept of parity between the membership and contribution factors and discussions on this concept at the thirty-fifth session,

Also reaffirming its resolution 40/258 A of 18 December 1985 by which it requested, inter alia, the Secretary-General to submit to the General Assembly at its forty-first session proposals for the review of the system of desirable ranges with a view to achieving a balanced application of all factors relevant to the calculation of the desirable ranges, including the population factor,

Taking note of the report of the Secretary-General on the system of desirable ranges for the geographical distribution of staff in the Professional category and above, 1/

1. Requests the Secretary-General to submit updated calculations on desirable ranges for all Member States, taking into account the views expressed by Member States during the current session and, in particular, the following criteria:

(a) The desirability of the base figure for the calculations being related to the actual number of posts subject to geographical distribution;

(b) The movement towards the establishment of parity between the membership and contribution factors;

(c) The posts subject to the population factor, of 7.2 per cent, being allocated directly to Member States in proportion to their populations;

(d) The need for flexibility upwards and downwards from the mid-point of the desirable ranges;

2. Requests the Secretary-General to present proposals thereon to the General Assembly with a view to reaching a decision at its forty-second session.

D

Improvement of the status of women in the Secretariat

The General Assembly,

Recalling Articles 8 and 101 of the Charter of the United Nations,

Recalling also article 8 of the Convention on the Elimination of All Forms of Discrimination against Women, 4/

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4/ Resolution 34/180, annex.

Recalling further its previous resolutions on the improvement of the status of women in the Secretariat, in particular its resolution 40/258 B of 18 December 1985,

Reaffirming the relevant resolutions of the General Assembly on the need to increase both the overall number of women in posts subject to geographical distribution and the proportion of women at the senior and policy-making levels,

Concerned at the low proportion of women in the senior and policy-making posts,

1. Welcomes the continuing efforts of the Secretary-General to improve the status of women in the Secretariat and notes his appointment of two women at the Under-Secretary-General level;
2. Takes note of the first progress report of the Secretary-General on the implementation of the action programme 5/ and, in particular, of section I of the report, which contains the measures accepted by the Secretary-General, on the recommendation of the Steering Committee for the Improvement of the Status of Women in the Secretariat, to overcome the current constraints;
3. Endorses the development of monitoring and accountability systems covering all aspects of women's employment in the Organization and takes note of the special priority given to these matters by the Secretary-General in section III of his report;
4. Stresses the importance of the recommendations of the Steering Committee, accepted by the Secretary-General, which were aimed at enhancing the career development prospects of staff at all levels, in particular at the General Service level, and looks forward to a report on the effects of their implementation;
5. Requests the Secretary-General to take the necessary measures to increase the number of women in posts subject to geographical distribution with a view to achieving, to the extent possible, an overall participation rate of 30 per cent of the total by 1990, without prejudice to the principle of equitable geographical distribution of posts;
6. Urges the Secretary-General to make every effort to appoint more women to senior decision-making positions throughout the Organization on as wide a geographical basis as possible and from all groups of Member States;
7. Requests the Secretary-General to report to the General Assembly at its forty-second session on progress made in meeting the objectives of each of the five work-plans set out in the report of the Secretary-General to the

General Assembly at its fortieth session 6/ and to make recommendations thereon for further appropriate action;

8. Reiterates its request to Member States to continue to support the efforts of the United Nations and the specialized agencies and related organizations to increase the proportion of women in the Professional category and above by, inter alia, nominating more women candidates.

29. The Fifth Committee also recommends to the General Assembly the adoption of the following draft decisions:

DRAFT DECISION I

Office of Ombudsman and streamlining of appeals procedures

The General Assembly decides to defer until its forty-second session consideration of the report of the Secretary-General on the establishment of an office of Ombudsman and the streamlining of appeals procedures. 7/

DRAFT DECISION II

Improvement of the status of women in the Secretariat

The General Assembly decides to take note of paragraph 20 of the report of the Fifth Committee. 5/

DRAFT DECISION III

Amendments to the Staff Rules

The General Assembly, noting the need periodically to review the Staff Rules and to report annually to the General Assembly the full text of provisional Staff Rules and amendments, decides to take note of the report of the Secretary-General on amendments to the Staff Rules. 8/

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6/ A/C.5/40/30, sect. IV.

7/ A/C.5/41/14.

8/ A/C.5/41/2.