



SUMMARY RECORD OF THE 45th MEETING

Chairman: Mr. FONTAINE-ORTIZ (Cuba)

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

CONTENTS

AGENDA ITEM 117: PERSONNEL QUESTIONS (continued)

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The meeting was called to order at 3 p.m.

AGENDA ITEM 117: PERSONNEL QUESTIONS (continued) (A/C.5/41/L.8/Rev.1, L.20, L.21 and L.22)

1. The CHAIRMAN said that the Group of 77 had requested additional time to consult on the draft resolutions under agenda item 117. If there was no objection, he would take it that the Committee was prepared to accede to that request.

2. It was so decided.

The meeting was suspended at 3.05 p.m. and resumed at 4.05 p.m.

3. Mrs. CARRASCO (Bolivia) said that, on the understanding that draft resolution B submitted by the Chairman in document A/C.5/41/L.21 would be adopted without objection, her delegation was withdrawing draft resolution A/C.5/41/L.8/Rev.1.

4. The CHAIRMAN said that it was his understanding that a consensus had been reached on draft resolutions A, B and D in document A/C.5/41/L.21. If he heard no objection, he would take it that the Committee wished to adopt those draft resolutions without a vote.

5. It was so decided.

6. The CHAIRMAN said that he was withdrawing draft resolution C in the absence of any agreement on it.

7. Mr. NTAKIBIRORA (Burundi), introducing draft resolution A/C.5/41/L.20, drew attention to a number of revisions. In paragraph 1 (b) "39.75 per cent" should be replaced by "46.37 per cent"; in paragraph 1 (c) "7.2 per cent" should be replaced by "7.17 per cent"; and in paragraph 1 (e) "5.5" should be replaced by "6.75". Lastly, paragraph 3 should read: "Decides to review at its forty-fifth session the question of new desirable ranges".

8. Article 101 of the Charter called for the appointment of staff meeting the highest standards of efficiency, competence and integrity, with due regard for recruitment on as wide a geographical basis as possible. Draft resolution A/C.5/41/L.20 represented a continuation of the efforts made at earlier sessions to give practical expression to those principles, and reflected the need for changes in desirable ranges and the allocation of posts. In particular, General Assembly resolutions 34/219, 35/210 and 40/258 had indicated the need for parity between the membership and contribution factors. In that connection, the draft resolution offered a basis for improved desirable ranges. He trusted that it would receive wide support.

9. Mr. KASTOFT (Denmark) said that the sponsors of the draft resolution had placed his delegation in an embarrassing position by introducing substantial amendments when time was short. Although he did not wish to delay the Committee's work, it would be difficult to take a decision on the draft resolution without further instructions from his Government.
10. Mr. MUDHO (Kenya) said that he sympathized with the position of the Danish representative. He wondered whether it would be possible or, indeed, useful to defer consideration of the draft resolution in view of the limited time that would be available for further consultations.
11. Mr. MURRAY (United Kingdom) said that his delegation regretted that draft resolution C in document A/C.5/41/L.21 had proved not to be the agreed text that his delegation had understood it to be. It seemed reasonable to allow more time for consultations over draft resolution A/C.5/41/L.20, in view of the substantial revisions made to it.
12. Mr. LADJOUZI (Algeria) said the essential point was whether members were ready to reach a consensus on the draft resolution. His delegation's position was quite clear: parity should be established between the membership and contribution factors.
13. The CHAIRMAN said that the utility of further consultations evidently depended on whether there was a willingness to move towards parity.
14. Mr. KRAMER (United States of America) said that, while his delegation realized that there was a movement towards the establishment of parity between the membership and contribution factors and agreed that the former should be one of the criteria for the calculation of desirable ranges, it did not recognize the concept of parity as an agreed principle.
15. Mr. KASTOFT (Denmark) said that his earlier remarks, in effect, amounted to an explanation of position on draft resolution A/C.5/41/L.20.
16. The CHAIRMAN asked whether the Committee wished to put the draft resolution to a vote.
17. Mr. TAKASU (Japan) observed that a decision on desirable ranges was both a political and a technical one; it was as basic to the functioning of the United Nations as the calculation of the scale of assessments. In the past - in General Assembly resolution 35/210, in particular - such a decision had been taken by consensus, with the obvious aim of avoiding divisiveness among Member States or instability in the management of the Secretariat. The revisions just announced required close technical study. The Committee should therefore not decide on them immediately.
18. The CHAIRMAN suggested that the Committee should defer a decision on draft resolution A/C.5/41/L.20, as orally revised, until the following day.
19. It was so decided.

20. The CHAIRMAN, turning to document A/C.5/41/L.22, said that it had been decided, after further informal consultations and consultation with the Legal Counsel, not to take action on draft decision I of that document but instead to include a paragraph in the report of the Fifth Committee to the General Assembly on agenda item 117 to read:

"The Fifth Committee considers that the report of the Secretary-General 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 should include 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."

The Fifth Committee would then recommend in the report that the General Assembly should take note of this paragraph. The proposed procedure would make substantive the decision in question a decision of the Fifth Committee rather than of the General Assembly.

21. In response to questions asked by the representatives of Jamaica, Kenya and Nigeria as to why it was necessary to depart from the usual practice of having all decisions taken by the General Assembly, he said that the new approach had emerged during the informal consultations as a way to satisfy delegations which were prepared to accept the draft decision on the status of women as a Fifth Committee decision but not as a General Assembly decision.

22. Mr. LOZA (Egypt) reaffirmed the position taken by his delegation in the course of the informal consultations.

23. Mr. NGAIZA (United Republic of Tanzania) noted that normally when there was no agreement on a draft text in informal consultations, the draft was either withdrawn or put to a vote in the Committee. Had those delegations which had objected to draft decision I in document A/C.5/41/L.22 also objected to putting it to a vote?

24. The CHAIRMAN said that the point was, precisely, to avoid a vote.
25. Mr. TETTAMANTI (Argentina) asked what power the Main Committees had, according to the Legal Counsel, to take decisions, and on what kinds of items they could do so. It would be an unfortunate development if the Committees began to take decisions motu proprio and the General Assembly merely to take note of them.
26. The CHAIRMAN said that the Legal Counsel had explained during the informal consultations that the Main Committees could not take substantive decisions on their own, and any decision taken by them would have no force unless it was validated by the plenary Assembly. Hence the procedure he had proposed for dealing with the matter.
27. If he heard no objection, he would take it that the Committee wished to include the proposed paragraph in its report on personnel questions and to recommend to the General Assembly that it take note of the paragraph. By the same token, he would take it that draft decision A/C.5/41/L.19 was therefore automatically rejected.
28. It was so decided.
29. The CHAIRMAN said that he would also take it, if he heard no objection, that the Committee wished to adopt draft decision II regarding amendments to the staff rules, contained in document A/C.5/41/L.22.
30. It was so decided.
31. The CHAIRMAN invited any delegations wishing to do so to speak in explanation of their positions on any of the draft resolutions or decisions considered.
32. Mr. NGAIZA (United Republic of Tanzania) said that his delegation had accepted the approach proposed by the Chairman with regard to draft decision I in document A/C.5/41/L.22, but only on the understanding that it would not set a precedent. His delegation would have reservations if, in trying to reach consensus, the Committee had to resort to such an approach again.
33. Mr. MURRAY (United Kingdom) said that his delegation had not objected to the approval by consensus of draft resolutions A, B and D in document A/C.5/41/L.21, or to the Chairman's procedure for dealing with document A/C.5/41/L.22; it felt, however, that the draft resolutions and decisions, although no worse than their predecessors, were a step in the wrong direction as far as United Nations personnel management was concerned. The effect of the resolutions adopted over the years had been to create an impressive set of mandates which reached far into the day-to-day work of the Office of Personnel Services. States were naturally interested in how many of their own nationals served in the United Nations and, more recently, in the status of women in the Secretariat. His delegation shared those interests. It parted company with other delegations, however, over the importance to be ascribed to the need for staff of the highest standards of efficiency, competence and integrity. References in resolutions on personnel matters to Article 101,

(Mr. Murray, United Kingdom)

paragraph 3, of the Charter were all too often perfunctory, appearing in the preambular part only to be swamped in the operative paragraphs by mandates on geographical distribution, due representation and the recruitment of women. His delegation was, therefore, glad to find a reference to Article 101, paragraph 3, in the operative part of the draft resolution on the composition of the Secretariat.

34. The effect of the draft resolution would be to generate thick piles of reports every year. The Office of Personnel Services must employ a small army of statisticians merely to keep the necessary data up to date. The staff of OPS were only human, and it was all too likely that the criteria of efficiency, competence and integrity would be set aside, under pressure from the Secretariat and staff members' own missions, in favour of improved statistical picture of the Organization's staff. The profusion of resolutions and instructions must make personnel management a nightmare: the Secretary-General could hardly make a move without falling foul of at least one General Assembly or Charter requirement, and his ability to make optimum use of his staff was sadly circumscribed. For all the good intentions underlying the drafts just adopted, his delegation believed that OPS would strive to little effect to improve the status of women until more women candidates came forward or were proposed by their Governments for service in the United Nations.

35. If the General Assembly was serious about improving standards in the Secretariat, it should limit itself to a few broad directives recalling the requirements of the Charter, and then leave the Secretary-General in peace for several years before calling for another report on any aspect of personnel management.

36. If his delegation had any additional recommendation to make, it was that the Secretary-General should in future recruit staff only from Member States whose contributions to the Organization were fully paid up.

37. Mr. KHALEVINSKIY (Union of Soviet Socialist Republics) said that although his delegation had not stood in the way of consensus on draft resolutions A, B and D in document A/C.5/41/L.21, it had serious reservations about them. There was no mention of putting a stop to the over-representation of some Member States. It was time to speak openly of the problem of over-representation and how to deal with it. There was no mention of enhancing the dynamism of the Secretariat by making more use of fixed-term contracts, which were a vital means of providing the Organization with fresh blood and new ideas.

38. The draft was not specific about possible exceptions to the recruitment freeze. A whole series of States had suffered a decline in the number of their nationals serving in the Secretariat: the freeze should not apply to them. Exceptions should also be made to ensure that the freeze left no State completely unrepresented. On practical grounds, the freeze ought not to extend to the language services and word-processing or typing units since it was cheaper to fill vacancies in those services and units than to recruit temporary staff. The draft did not set a date for the end of the freeze. The Organization's financial

(Mr. Khalevinskiy, USSR)

problems had made representation in the Secretariat a serious problem for many States. In the circumstances, an unwarranted amount of time and attention had been devoted to the status of women. The Secretary-General was taking steps to increase the number of female professional staff and progress had been made, but efforts in that area should not overshadow the main task, which was to ensure fair representation in the Secretariat for all States.

39. The Secretary-General was taking steps to ensure that more States were represented at the upper levels of the Secretariat. That was in accordance with the spirit and letter of Article 101, paragraph 3, of the Charter. The Charter should continue to govern the Secretary-General's steps.

40. Mr. SEFIANI (Morocco) said that his delegation had no difficulty with the procedure followed by the Chairman in dealing with the substance of document A/C.5/41/L.22. It believed, however, that delegations were entitled to explanations of two kinds: from those who had objected to the submission of the draft decision to the General Assembly in its original form, or their reasons for doing so and from the Office of Legal Affairs on the validity and effects of the novel procedure used.

41. Mr. MUDHO (Kenya) said that he had not objected to the procedure for dealing with draft decision I in document A/C.5/41/L.22, but only in order to facilitate the Chairman's task. Positions presented and agreed to in informal consultations should not necessarily bind the hands of delegations in formal meetings. The decision just taken should not be interpreted to mean that the Fifth Committee could not submit resolutions or decisions to the General Assembly; the procedure followed should not set a precedent.

42. Mr. MENDEZ (Philippines) said that draft resolutions A and B contained in document A/C.5/41/L.20 reflected the view that the Secretariat could be effective and command the confidence of Member States only if the staff were as international as the Organization itself. He especially applauded paragraph 5 of draft resolution A and paragraph 1 of draft resolution B. It was only fair to the nationals of each country to allow them an equal opportunity to serve the Organization at the highest levels. His delegation did not wish the attainment of equitable geographical distribution to become a mere mathematical exercise, but the reductions in staff now planned would leave fewer posts with which to satisfy the reasonable expectations of Member States. The principle of rotation had long been honoured in the elective bodies of the United Nations; the time had come to apply the same principle in the Secretariat, and no less in the regional economic commissions than in the headquarters duty stations.

43. His delegation had no objection to the submission to the General Assembly of draft decision I in document A/C.5/41/L.22 and disagreed with the suggestion that the Fifth Committee could not take such a decision. It was not substantive, but only a request for information to be provided. The Fifth Committee was entitled to request any information it needed to perform its functions.

44. Mr. KAZEMBE (Zambia) said that, although he had not objected to the adoption of the draft resolutions in document A/C.5/41/L.21, he felt they should have incorporated a paragraph on the movement of staff from the General Service to the Professional category reaffirming that the previous limits on such movement still applied. Not all countries had been able to supply candidates for the internal competitive examinations, and the procedure therefore contained an element of unfairness.

45. The Secretary-General should pay particular attention to paragraph 2 of draft resolution B. Replacement of a departing staff member by a national of the same country was not desirable; still, the paragraph gave the Secretary-General enough flexibility to run an effective organization.

46. Of the regional economic commissions, only the Economic Commission for Africa was truly multinational in character. The others tended to employ only a very narrow range of nationalities. His delegation would therefore have liked to ask the Secretary-General to consider that matter; it hoped that the point would be borne in mind when the next report on the composition of the Secretariat was submitted to Member States.

47. Mr. SUKAYRI (Jordan) said that although his delegation had not objected to the procedure followed by the Chairman with respect to draft decision I in document A/C.5/41/L.22, it had not understood why some delegations objected to the submission of the draft decision in its original form. The Fifth Committee was perfectly entitled to adopt decisions on behalf of the General Assembly.

48. Mr. ORLANDO (United States of America) said that his delegation shared the reservations about the Chairman's procedure already expressed by the representatives of Trinidad and Tobago, Morocco, Kenya, the Philippines and Jordan. It would have great difficulty in accepting the technique applied to document A/C.5/41/L.22 as a precedent.

49. Mr. BELYAEV (Byelorussian Soviet Socialist Republic) said that his delegation had not objected to the adoption of the draft resolutions and decisions by consensus chiefly out of a desire to uphold the recent tradition that decisions on personnel policy were adopted without a vote. The decisions just taken would do nothing to alleviate the long-term shortcomings in personnel policy within the United Nations. The Secretariat could be truly international, efficient and competent only if staffed by qualified experts recruited on a broad geographical basis with strict respect for the requirements of the Charter and the established quotas for staff from individual States. The Secretariat must contain people from countries representing all the world's different political systems, without discrimination or special benefits for any group or individual. His delegation firmly supported Article 101, paragraph 3, of the Charter. The two principles it enunciated were interdependent, and not in any way mutually exclusive. Neither one should be given priority over the other.

50. The extensive information provided to the Fifth Committee at the current session showed once again that altogether insufficient progress had been made on a



(Mr. Belyaev, Byelorussian SSR)

number of General Assembly resolutions concerning equitable geographical distribution. The status of the Group of Eastern European States was cause for grave concern, for several were at the very bottom of their desirable ranges and, overall, the region was under-represented. The reason was that departmental heads ignored the General Assembly's instructions or contrived special reasons or procedures for circumventing them.

51. The drafts just adopted gave unwarranted priority to the recruitment of more women Professional staff for the Organization. They reflected the determination to extend the competitive examination procedure as a means of recruitment. They failed, however, to indicate that the main reason for the Secretary-General's failure to comply with earlier decisions of the General Assembly was the preponderance of staff serving on permanent contracts. His delegation had repeatedly said that it did not oppose an increase in the number of women in the Secretariat. It did not object if competent members of the General Service, in certain circumstances, moved to Professional posts subject to geographical distribution. It did not oppose the principle that posts should not be the exclusive preserve of specific States. But it could not accept that, because the nationals of certain States served on permanent contracts, they could hold the same posts for decades. The approaches now being used to increase the number of women in the Professional category would aggravate the geographical imbalance in the Secretariat. It was becoming increasingly hard for his delegation to reach compromise on decisions of that kind. If the Eastern European States were sometimes reproached for their inflexibility in negotiations, it was because the Secretary-General did not take proper steps to ensure that all Member States were duly represented in the Secretariat.

The meeting rose at 6.10 p.m.