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Chairman: Mr. Chowdhury (Bangladesh)
*Chairman of the Advisory Committee on Administrative
and Budgetary Questions:* Mr. Mselle

Contents

Adoption of the agenda and organization of work

Agenda item 153: Human resources management (*continued*)

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The meeting was called to order at 3.25 p.m.

Adoption of the agenda and organization of work
(A/C.5/52/L.57)

1. **The Chairman** said that, with regard to the organization of work for the third part of the resumed fifty-second session, the Bureau had suggested that consideration of questions for which a report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) had not yet been issued should be deferred to the fifty-third session. Under agenda item 114 the relevant documents were A/C.5/52/56 and A/52/898, as well as the report of the Secretary-General on results-based budgeting, which had not been submitted for processing; under agenda item 116, document A/52/1009; under agenda item 119, documents A/51/946, A/52/685 and A/52/1000; under agenda item 135, document A/C.5/52/4/Add.1; and under agenda item 137, documents A/52/784 and A/C.5/52/13/Add.1. In connection with the last two items, relating to the two international criminal tribunals on the former Yugoslavia and on Rwanda, the Chairman of ACABQ, by letters dated 21 May and 8 May 1998 respectively, had authorized the Secretary-General to enter into commitments in an amount not exceeding \$2,627,300 gross (\$2,443,700 net) in 1998 for activities called for by Security Council resolutions 1166 (1998) and 1160 (1998), and had concurred in the Secretary-General entering into commitments in an amount not exceeding \$1,464,600 gross (\$1,350,500 net) in 1998 for the activities called for by Security Council resolution 1165 (1998). He took it that the Committee agreed to defer consideration of the reports mentioned to the fifty-third session.

2. *It was so decided.*

3. **The Chairman** said that, in the light of the decision just taken, the third part of the resumed session would be devoted to consideration of agenda items 114 (Review of the efficiency of the administrative and financial functioning of the United Nations), 118 (Joint Inspection Unit) and 153 (Human resources management).

4. **Mr. Atiyanto** (Indonesia), speaking on behalf of the Group of 77 and China, said that the Committee would not be in a position to consider some very important questions, in particular the Development Account and gratis personnel. He wondered if ACABQ could rearrange its work programme in order to avoid such delays between the submission of reports of the Secretary-General and its reports. Moreover, the third part of the resumed session, which was rather short in any case, coincided with the second part of the thirty-eighth session of the Committee for Programme and Coordination

(CPC). Better coordination of the work programmes of the Committee and CPC would perhaps be appropriate. The Group of 77 and China were, nevertheless, ready to participate in a constructive way in the debate on those subjects which could be considered.

5. **The Chairman** suggested that the Committee should take note of the views expressed by the Group of 77 and China and begin its consideration of agenda item 153, which essentially concerned the proposed United Nations Code of Conduct, given that informal consultations would first be conducted on items 114 and 118.

6. *It was so decided.*

Agenda item 153: Human resources management
(*continued*) (A/52/488/Add.1 and addendum to A/52/30)

7. **Ms. Salim** (Assistant Secretary-General for Human Resources Management) said that document A/52/488/Add.1 contained the Secretary-General's proposed revisions to his initial proposed Code of Conduct. Those revisions were of two types: first, since the International Civil Service Commission (ICSC) had recommended replacing the title "code of conduct" by more appropriate wording, the Secretary-General had proposed "Status, Basic Rights and Duties of Staff". Second, the Staff-Management Coordination Committee, believing that the rights and duties of staff representatives arose from Article VIII of the Staff Regulations and Chapter VIII of the Staff Rules, had recommended the deletion of any reference to those representatives from the proposed code. The Secretary-General therefore proposed to proceed with those changes, which affected draft staff regulations 1.1 (c) and 1.2 (g) and draft staff rule 101.2 (h).

8. **Ms. Butschek** (Austria), speaking on behalf of the European Union as well as Norway, the Central and Eastern European States associated with the Union (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia) and Cyprus, said that the European Union had welcomed the Secretary-General's proposal as part of the track II reforms, while pointing out that the proposed code must not undermine basic rights of staff. The Union had agreed to request ICSC, an expert body, to comment on those proposals. The Secretariat had taken into account comments made by ICSC and the proposed modifications were an adequate response to the problems raised. The European Union welcomed the change in title, which would help to avoid any misinterpretation regarding the nature of the Secretary-General's proposal by clarifying not only the duties of staff but also their rights. It took note of the proposal to delete all references to staff representation

and to treat that issue under a different item, and hoped that, under those conditions, the Fifth Committee could approve the Secretary-General's proposal without further delay.

9. **Mr. Atiyanto** (Indonesia), speaking on behalf of the Group of 77 and China, stressed the importance it attached to human resources management and the need to improve the performance of the supervisors and other staff of the Organization, including through the adoption of the Code of Conduct proposed by the Secretary-General. The latter had attempted to solve some of the problems which had arisen, in particular regarding the rights and duties of staff, the responsibilities of programme directors and staff-management relations. The time allotted for the consideration of that question would allow a substantive debate on the various aspects of the Secretary-General's proposals. The views of ICSC were very useful, and the Group of 77 and China hoped that constructive discussions on them would take place during the informal consultations. It also hoped, taking into account the statement made on 19 March 1998 by the Assistant Secretary-General for Human Resources Management, that the "separate" codes of conduct addressing the rights and duties of the Secretary-General and managers and experts on mission would be issued in the near future.

10. **Mr. Mekdad** (Syrian Arab Republic) said that the views and recommendations of ICSC were important and should be taken into account, in particular the recommendation contained in paragraph 25 of its comments (addendum to A/52/30) regarding draft staff regulation 1.1 (c), which would establish a better balance between the rights and duties of international civil servants on the one hand and on the other, the rights and interests of Member States, which should in the end take precedence. The rights and duties of staff should be returned to the context of the biennial review of human resources management. The Secretary-General had rightly based his proposed code on the twin principles of responsibility and transparency, but, in its current version, the draft did not clearly extend the application of those principles to supervisors. ICSC was thus correct in noting in paragraph 44 of its comments that supervisors were automatically included under "staff members" and that accountability of managers was understood to be an inherent part of regulation 1.3 (a). The latter should clearly indicate that the professional behaviour of supervisors was also subject to regular evaluation.

11. In paragraph 26 of its comments, the ICSC had also commented on draft regulation 1.1 (d). If that provision was maintained in the code, it must mention expressly the principle of equitable geographical distribution. Finally, the new title suggested for the code was appropriate to its content.

12. **Mr. Sial** (Pakistan) shared the views expressed by ICSC in paragraph 18 of its comments regarding the confusion created by the terms used in the code. The code constituted a revision of chapter I of the Staff Rules and article I of the Staff Regulations, each of which contained 11 other chapters. The new title proposed by the Secretary-General did little to clarify matters. It would be best to call the code what it was, a revision of the Staff Regulations and Rules. His delegation approved of the ICSC proposal to delete from the code the reference to Article 99 of the Charter, which concerned the duties and responsibilities of the Secretary-General. It also approved the recommendation to delete from regulation 1.1 (d) the phrase "recruitment and" (paragraph 26 of the ICSC report). Finally, he supported the Secretary-General's proposal that the rights and duties of staff representatives should be examined in the context of Article VIII of the Staff Regulations and hoped that a report on the subject would be submitted to the Fifth Committee.

13. **Ms. Silot Bravo** (Cuba) stressed the particular importance of human resources questions and her delegation's interest in the proposed code of conduct. She welcomed the proposal to modify the title of the draft to express more precisely the content of the proposed text. However, that title seemed to go beyond a simple amendment to chapter I of the Staff Rules and article I of the Staff Regulations, and she hoped that the Secretariat would clearly specify the exact scope of the proposed code of conduct.

14. Furthermore, there seemed to be some haste to have the Fifth Committee take a decision on the document, and she would like to hear the views of the Secretariat on that subject. She would also like to know if the provisions of the draft code would be legally binding and whether it would be appropriate to request an opinion from a specialized legal body. Some provisions in the draft relied on concepts largely based on value judgements that could vary from one culture to another, for instance "sexual harassment" or integrity, and before proceeding to adoption of those provisions, the Committee should obtain a precise definition of the various concepts, which was lacking in the draft in its current form.

15. **Mr. Orlov** (Russian Federation) said that he found merit in the idea of establishing standards of conduct for international civil servants to follow, because the reform undertaken by the Secretary-General could only be effective if it also defined the conditions under which staff carried out their duties. He thanked ICSC for its comments on the proposed code of conduct as contained in the addendum to document A/52/30, which the Russian Federation generally supported.

16. In the view of his delegation, the Committee should not rush the consideration of document A/52/488 but should give itself the means to take a balanced decision on it.

17. **Mr. Medina** (Morocco) said that his delegation associated itself with the statement of the representative of Indonesia on behalf of the Group of 77 and China. It would have been preferable if the consideration of a question as important as the proposed code of conduct could have been conducted with sufficient time to allow an in-depth analysis. He noted that from paragraphs 4 to 10 of the views of ICSC (addendum to A/52/30), the need for more time was evident. In his view, it would be wiser to refer the draft to ICSC once again, in the framework of the mechanism established for consultations among Member States, the secretariats and staff, for a detailed study of its impact on the common system.

18. His delegation would reserve further comment on the subject for the informal consultations.

19. **Mr. Darwish** (Egypt) said that the report of ICSC (addendum to A/52/30) highlighted some important aspects which the new Code, if adopted, would improve. He took note of the statement by the representative of Pakistan and endorsed the statement of the representative of Indonesia on behalf of the Group of 77 and China.

20. **Mr. Hanson-Hall** (Ghana) said that the comment of ICSC and the report of the Secretary-General were useful. All the questions raised in them, which had resulted from consultations with staff, should be fully discussed during the informal consultations.

21. Concerning the title of the draft, his delegation was willing to show flexibility but looked forward to a general exchange of views. Consideration of the question of the automatic application of any possible new rules should take into account the specific needs and situations of various organizations and bodies.

22. His delegation believed that the commentary on the articles of the text should not be an integral part of the Code. It was, however, ready to show flexibility on that subject and was open to discussion.

23. **Ms. Ng** (Panama) said that her delegation had taken note with interest of the addendum to document A/52/30 and the report of the Secretary-General (A/52/488/Add.1). It supported the position stated by the representative of Indonesia on behalf of the Group of 77 and China and emphasized that a satisfactory solution must be found during informal consultations.

24. **Mr. Armitage** (Australia) noted that ICSC had recommended that the United Nations should follow up on the proposed amendments. That position was not at all

contradictory with the fact that certain delegations wished several of the problems to be considered in greater detail. On the other hand, his delegation was disappointed to hear some delegations requesting more time. He acknowledged that the concerns expressed and the questions raised by them were relevant, and his delegation was committed to a positive approach to the informal consultations, but the Committee must take a decision at the current resumed session. The debate on the subject had been going on for four years, and reference to haste seemed exaggerated.

25. His delegation was prepared to take an active role during the informal consultations in order to reach a decision.

26. **Ms. Salim** (Assistant Secretary-General for Human Resources Management) said that the application of the draft Code was limited exclusively to United Nations staff: it simply represented an amendment to the United Nations Staff Regulations and Rules and thus did not concern the organizations of the common system.

27. The proposed amendments involved article I of the Staff Regulations and chapter I of the Staff Rules, whose provisions would be replaced by those of the draft if the General Assembly should adopt it; the rest of the Staff Regulations and Rules would remain unchanged.

28. In reply to a question, she said that work was under way on the drafting of a code of conduct for the Secretary-General and experts on mission, and that those drafts would be brought before the Committee when they were ready.

29. Because project directors and other managers were also United Nations staff members, the rules contained in the draft which applied to the staff in general would also apply to them.

30. In response to the suggestion that the text should be referred back to ICSC, she said that such a step would not be justified, in that the ICSC mandate was not limited only to the United Nations. In addition, amending the Staff Regulations and Rules of the United Nations was among the prerogatives of the Secretary-General. The Secretariat was prepared to cooperate with ICSC, however, in the drafting of a code of conduct that would apply to all the organizations of the common system.

31. **Ms. Powles** (New Zealand) said that the explanations provided by Ms. Salim were highly satisfactory. She commended the Office of Human Resources Management for having maintained ongoing consultations with representatives of the staff and arriving at the deletion of references to staff representatives in the text of the draft.

32. Like the delegation of Australia, her delegation believed that four years was quite a sufficient amount of time to reach agreement on amendments that were so simple and so limited

in scope. Therefore, it believed that the Committee should take a decision before the end of the fifty-second session.

33. **Ms. Silot Bravo** (Cuba) said that several questions remained unanswered and should be considered during the informal consultations. Although four years had indeed gone by since consideration of the matter had begun, the General Assembly had nevertheless not yet been able to give the draft document the kind of attention that such an important matter required.

34. **The Chairman** said that, there being no other speakers, the Committee had thus concluded its general debate on the Proposed United Nations Code of Conduct (A/52/488). The informal consultations on that document would be conducted by the Committee Rapporteur.

The meeting rose at 4.40 p.m.