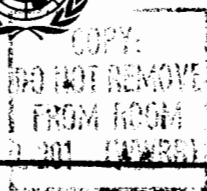


DEC 21 1981



FIFTH COMMITTEE

50th meeting

held on

Monday, 23 November 1981

at 10.30 a.m.

New York

UN/SA COLLECTION

SUMMARY RECORD OF THE 50th MEETING

Chairman: Mr. ABDALLA (Sudan)

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

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- (a) COMPOSITION OF THE SECRETARIAT: REPORT OF THE SECRETARY-GENERAL
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The meeting was called to order at 10.55 a.m.

AGENDA ITEM 109: UNITED NATIONS PENSION SYSTEM (continued) (A/36/9, A/36/624 and Corr.1)

- (a) REPORT OF THE UNITED NATIONS JOINT STAFF PENSION BOARD
- (b) REPORT OF THE SECRETARY-GENERAL

Consideration of draft resolutions (A/36/9 (annex IX); A/C.5/36/L.5/Rev.1, A/C.5/36/L.7/Rev.1 and A/C.5/36/L.13)

1. The CHAIRMAN said that the Committee had before it three draft resolutions on the United Nations pension system: the draft resolution in annex IX of the report of the United Nations Joint Staff Pension Board (A/36/9); the draft resolution submitted by Egypt in document A/C.5/36/L.13; and the draft resolution submitted by Belgium, Kenya and United States of America in document A/C.5/36/L.7/Rev.1. On the question of the investments of United Nations Joint Staff Pension Fund, the Committee had before it a draft resolution, contained in document A/C.5/36/L.5/Rev.1, submitted by the United Kingdom on behalf of the States members of the European Economic Community.
2. Mr. EL SAFTY (Egypt), introducing the final version of draft resolution A/C.5/36/L.13, said that a few changes had been made to reflect the comments made during the discussion. A number of delegations had suggested that the preamble of the draft resolution should refer to the reports of the Joint Staff Pension Board and the Advisory Committee; however, that was not necessary, because the draft resolutions adopted by the Committee under agenda item 109 would be combined in a single draft resolution, whose preamble would include a reference to those reports.
3. Mr. KUTTNER (United States of America), introducing the revised version of draft resolution A/C.5/36/L.7/Rev.1, said that his delegation was concerned because the Regulations and Rules of the Joint Staff Pension Fund failed to provide for the financial obligations of a pensioner to his or her spouse or former spouse. That could give rise to serious hardship for the latter, and the Pension Board secretariat had at times been apprised of distressful situations which would warrant action for their alleviation. Unfortunately, neither the secretariat nor the Pension Board could take action, because there was no provision on the subject in the Regulations and Rules of the Pension Fund. The problem was being compounded as the rate of divorce increased. That was why the sponsors of the draft resolution deemed it necessary to request the Pension Board to study ways of dealing with such situations and to make recommendations thereon to the General Assembly at its thirty-seventh session. The sponsors urged the Committee to support that proposal, which was designed to put an end to a serious injustice.
4. Mr. HAND (United Kingdom) said that the revised draft resolution in document A/C.5/36/L.5/Rev.1 reflected the changes requested by the representative of the United Republic of Cameroon.

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Decision on the draft resolution in annex IX of the report of the United Nations Joint Staff Pension Board (A/36/9)

5. The CHAIRMAN invited the Committee to adopt the draft resolution proposed by the United Nations Joint Staff Pension Board in annex IX of its report.

6. The draft resolution proposed by the United Nations Joint Staff Pension Board in annex IX of its report was adopted without a vote.

Decision on draft resolution A/C.5/36/L.13

7. The CHAIRMAN invited the Committee to adopt the draft resolution in document A/C.5/36/L.13.

8. The draft resolution in document A/C.5/36/L.13 was adopted without a vote.

Decision on draft resolution A/C.5/36/L.7/Rev.1

9. The CHAIRMAN invited the Committee to adopt the draft resolution in document A/C.5/36/L.7/Rev.1.

10. The draft resolution in document A/C.5/36/L.7/Rev.1 was adopted without a vote.

11. Mr. QUINN (Australia), explaining his delegation's position, said that the study proposed in the draft resolution just adopted should seek ways of helping to provide appropriate financial protection for the dependent spouses of United Nations staff members. However, when the Pension Board carried out the study, it was important that it should take duly into account national legal provisions concerning the protection of dependent spouses, in particular the relevant provisions of family law. Respect for the national sovereignty of Member States required that former spouses of United Nations staff members should, in the first instance, avail themselves of the rights afforded to them under their national legislation. It would not be wise for the Pension Board to intervene in lawsuits between a retired United Nations staff member and his or her former spouse.

12. Mr. RALLIS (Greece) said that his delegation had supported draft resolution A/C.5/36/L.7/Rev.1 on the understanding that the financial obligations of a retired staff member towards his or her former spouse should be determined in accordance with the legal rules applicable.

13. Mr. BUNC (Yugoslavia) said that his delegation had approved draft resolution A/C.5/36/L.7/Rev.1 on the understanding that the single draft resolution to be transmitted to the General Assembly under agenda item 109 would refer explicitly to General Assembly resolutions 34/222 and 35/216.

14. Mr. EL SAFTY (Egypt) said that his delegation had not raised any objection to draft resolution A/C.5/36/L.7/Rev.1. However, the Joint Staff Pension Board, in the study which it was to undertake, should take account of national laws inspired by religious doctrine which contained specific prescriptions for separated or divorced spouses.

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Decision on draft resolution A/C.5/36/L.5/Rev.1

15. The CHAIRMAN invited the Committee to take a decision on draft resolution A/C.5/36/L.5/Rev.1

16. Draft resolution A/C.5/36/L.5/Rev.1 was adopted without a vote.

17. Mr. ZINIEL (Ghana) said that, had the draft resolution been put to a vote, his delegation would have abstained for the same reasons as it abstained on General Assembly resolutions 34/222 and 35/216. It could not accept the false hypothesis underlying those two resolutions, and the draft resolution just adopted, that only investments in developing countries were risky.

AGENDA ITEM 100: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1982-1983 (continued)

Administrative and financial implications of the draft resolution and the draft decision submitted by the Fourth Committee in documents A/C.4/36/L.3/Rev.1 and A/C.4/36/L.19 concerning agenda item 19 (A/C.5/36/47)

18. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the report of the Advisory Committee, said that the recommendations contained in draft resolution A/C.4/36/L.3/Rev.1 and draft decision A/C.4/36/L.19 would entail expenditure under the United Nations regular budget. Pending the completion of the consultations between the United Nations and OAU, the Secretary-General was not in a position to submit accurate estimates for approval at the present session. Accordingly, the Secretary-General was asking to be authorized to incur such expenditures as might be necessary and appropriate under the provisions of the resolution to be adopted at the current session of the General Assembly on unforeseen and extraordinary expenses for the biennium 1982-1983.

19. The Fifth Committee should therefore inform the General Assembly that the adoption of draft resolution A/C.4/36/L.3/Rev.1 and draft decision A/C.4/36/L.19 would not for the moment necessitate any appropriation, and that the Secretary-General should be authorized to incur the necessary expenditures under the terms of the General Assembly resolution on unforeseen and extraordinary expenses.

20. Mr. LAHLOU (Morocco) recalled the position taken by his delegation in the debate on agenda item 19 in the Fourth Committee. Morocco accepted draft decision A/C.4/36/L.19, which had been submitted by an African country, because it provided for assistance in carrying out the decisions of the Heads of State and Government of OAU and of the Implementation Committee, which Morocco was committed to implementing.

21. Morocco could not, however, accept draft resolution A/C.4/36/L.3/Rev.1, which would only impede the implementation of the decisions of that Committee.

22. Mr. BOUZARBIA (Algeria) said that his delegation supported both draft resolution A/C.4/36/L.3/Rev.1 and draft decision A/C.4/36/L.19. They were in no

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(Mr. Bouzarbia, Algeria)

way contradictory, since they both called for the implementation of the decisions taken by the Heads of State and Government of OAU at its eighteenth ordinary session at Nairobi with respect to the conduct, under OAU and United Nations supervision, of a free and fair referendum in Western Sahara. His delegation therefore supported the recommendation of the Advisory Committee on the administrative and financial implications of the proposals.

23. The CHAIRMAN suggested that the Committee, in the light of the recommendations of the Advisory Committee, should inform the General Assembly that, if it adopted draft resolution A/C.4/36/L.3/Rev.1 and draft decision A/C.4/36/L.19, the Secretary-General would be authorized to incur such expenditure as might be necessary and appropriate, subject to the prior consent of the Advisory Committee on Administrative and Budgetary Questions, under the terms of the resolution to be adopted at the current session of the General Assembly on unforeseen and extraordinary expenses for the biennium 1982-1983, and that the Secretary-General would report to the General Assembly in his first performance report on the programme budget on any expenditure incurred in that respect. Accordingly, no additional appropriation would be required at that stage.

24. It was so decided.

25. Mr. PAPENDORP (United States of America) recalled his delegation's statement to the Fourth Committee to the effect that the Secretary-General ought to respond to the request for assistance in implementing the decisions on the question of Western Sahara addressed to him by OAU. It had accordingly supported draft decision A/C.4/36/L.19 by which the General Assembly would request the Secretary-General to give assistance to the Implementation Committee in the discharge of its mandate regarding the question of Western Sahara.

26. His delegation, in accordance with its long-standing position, held that Member States should give prior approval to commitments entered into under the terms of the resolution on unforeseen and extraordinary expenses, in accordance with rule 103.11 of the Financial Regulations of the United Nations. It therefore expected the Secretary-General to report to the General Assembly at its next session on any expenditure incurred in that respect.

27. Mr. PEDERSEN (Canada) said that, had the administrative and financial implications of draft resolution A/C.4/36/L.3/Rev.1 and draft decision A/C.4/36/L.19 been put to a vote, his delegation would have abstained.

28. Mr. NKOUNKOU (Congo) said that his delegation had joined the consensus on draft resolution A/C.4/36/L.3/Rev.1 and draft decision A/C.4/36/L.19 and therefore had no problem with the consequential administrative and financial implications.

Administrative and financial implications of the draft resolution submitted by the Fourth Committee in document A/C.4/36/L.4 and Corr.1 concerning agenda item 94 (A/C.5/36/48)

29. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) observed that the United Nations Centre on Transnational Corporations

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(Mr. Mselle. ACABQ)

would be requested to undertake certain activities in accordance with draft resolution A/C.4/36/L.4 and Corr.1. The Secretary-General, in his statement of the administrative and financial implications of that draft resolution (A/C.5/36/48), was requesting additional appropriations under section 9 (Transnational corporations) to cover eight work months of consultants at an estimated cost of \$25,000. The Secretary-General also considered that temporary assistance at the G-4 level would be required for a six-month period at an estimated cost of \$11,100. Lastly, the Secretary-General had estimated at \$7,900 the travel and subsistence expenses for missions to be undertaken by a consultant or by a staff member of the Centre.

30. The Advisory Committee took the view that the cost of consultants' services could be covered by the appropriations which the Committee had already approved under section 9. Accordingly, the Advisory Committee recommended a total additional appropriation of \$19,000 under section 9, should the General Assembly adopt the draft resolution contained in document A/C.4/36/L.4 and Corr.1.

31 Mr. PAPENDORP (United States of America) requested a roll-call vote on the recommendation of the Advisory Committee. In his opinion, the financing of any expenditure arising from a resolution in which his country was referred to in such malicious terms, and which would be of no help whatsoever in solving the problems addressed, was totally unjustified.

32. At the request of the representative of the United States of America, a roll-call vote was taken.

33. Democratic Kampuchea, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Afghanistan, Algeria, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, China, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ecuador, Ethiopia, German Democratic Republic, Ghana, Guinea, Hungary, India, Indonesia, Iran, Ivory Coast, Jamaica, Jordan, Kuwait, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mozambique, Nepal, Niger, Oman, Panama, Philippines, Poland, Qatar, Romania, Saudi Arabia, Sri Lanka, Sudan, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Australia, Belgium, Canada, France, Germany, Federal Republic of, Greece, Israel, Italy, Japan, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Austria, Chile, Denmark, Finland, Ireland, New Zealand, Norway, Singapore, Spain, Sweden, Turkey, Upper Volta, Uruguay*

* See para. 36.

34. The recommendation of the Advisory Committee for an additional appropriation in the amount of \$19,000 under section 9 of the proposed programme budget for the biennium 1982-1983, should the General Assembly adopt the draft resolution in document A/C.4/36/L.4 and Corr.1, was adopted by 62 votes to 13, with 13 abstentions.

35. Mr. RUGWIZANGOGA (Rwanda), Mr. FRASER (Guyana), Mr. DIA (Senegal), Mr. FALL OULD MAALOU (Mauritania), Mr. EL SAFTY (Egypt), Mr. SUEDI (United Republic of Tanzania), Mr. GANI (Nigeria), Mr. BANGURA (Sierra Leone), Mr. YOUNIS (Iraq), Mr. DUSMANE (Benin), Mr. OKEYO (Kenya) and Mr. NDOM (United Republic of Cameroon) said that, had they been present during the voting, they would have voted in favour of the Advisory Committee's recommendation.

36. Mr. VOSS RUBIO (Uruguay) explained that his delegation had intended to vote in favour of the recommendation, by mistake, it had abstained.

37. Mr. LAHLOU (Morocco) said that, had he been present during the voting, he would have voted in favour of the Advisory Committee's recommendation. However, his delegation deemed it inappropriate to refer by name to certain countries in the text of draft resolution A/C.4/36/L.4.

38. Mr. BASSOLE (Upper Volta) said that for the reason mentioned by the representative of Morocco, his delegation had abstained.

AGENDA ITEM 107: PERSONNEL QUESTIONS (continued)

(a) COMPOSITION OF THE SECRETARIAT: REPORT OF THE SECRETARY-GENERAL (A/36/407, A/36/495; A/C.5/36/L.2, A/C.5/36/CRP.2)

(b) OTHER PERSONNEL QUESTIONS: REPORTS OF THE SECRETARY-GENERAL (A/36/432; A/C.5/36/9, A/C.5/36/19, A/C.5/36/31)

39. The CHAIRMAN pointed out that the Committee had still not received the Secretary-General's comments on the two reports of the Joint Inspection Unit (A/36/407 and A/36/432) which dealt with the agenda item under consideration.

40. Mr. JONAH (Assistant Secretary-General for Personnel Services) explained that the Secretary-General had not yet completed his consultations with the regional commissions, but that his comments on the two reports mentioned by the Chairman would appear very shortly.

41. Mr. STUART (United Kingdom) inquired what procedure should be followed in view of the fact that the Committee was lacking part of the documentation which it needed to consider the agenda item.

42. Following a procedural debate in which the CHAIRMAN, the representative of the United Kingdom, Mr. MONTHE (United Republic of Cameroon) and Mrs. DORSET (Trinidad and Tobago) took part, it was agreed to proceed with the debate on agenda item 107.

43. Mr. JONAH (Assistant Secretary-General for Personnel Services), replying to a question from Mr. RUGWIZANGOGA (Rwanda), announced that the list which the Assembly

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(Mr. Jonah)

had requested in resolution 35/210 showing the qualification, nationality and sex of candidates selected for posts in the Secretariat would shortly be published as a conference room paper.

44. The CHAIRMAN recalled that at its forty-first meeting the Committee had decided without objection to invite a representative of the staff of the Secretariat orally to introduce the report submitted in document A/C.5/36/19.

45. Ms. JOHNSTON (President of the Staff Committee) welcomed the opportunity to address the Committee on behalf of staff members and to illustrate how necessary it was that representatives of Member States should hear the views of the staff whose conditions of employment they determined.

46. Referring to the report submitted by the Staff Unions and Associations of the United Nations Secretariat in document A/C.5/36/19, she referred first to the problem of political interference. The original intentions of the General Assembly were being increasingly perverted by a system fraught with political patronage, which appeared to the staff to be the paramount consideration for appointment and promotion. The principle of equitable representation of Member States was enshrined in the Charter, but the solution proposed by the Joint Inspection Unit in the name of that principle would undermine the very foundations of the international civil service by replacing a dedicated pool of the best talent with a rotating cadre of national civil servants. Any such reduction in the number of permanent posts would lead to a drastic plunge in staff morale.

47. The arrest and detention of staff members of the Organization had had a strong impact upon the staff. Presently there were at least five known cases of staff members arrested and detained by Member States; in addition, news had just been received that four UNICEF staff members had been arrested, one of them perhaps having been executed. In none of those cases had the United Nations been able to intervene to verify either their medical or legal status. The staff therefore proposed the extension of diplomatic immunity, but not privileges, to all international civil servants. In his report on that issue (A/C.5/36/31), the Secretary-General had listed new incidents of arbitrary arrest and detention. It was obvious that the effectiveness and authority of the Organization were seriously compromised when the Secretary-General was unable to offer reasonable guarantees of protection to his staff. It was amazing that he had made no proposal in his report to preclude the recurrence of such incidents.

48. With respect to physical security and protection of staff in dangerous duty stations, the report of the Staff Unions and Associations of the Secretariat made some proposals, which, while not exhaustive, did offer basic minimum requirements for staff members serving in dangerous duty stations.

49. In terms of staff-management relations in the Secretariat, the staff saw the right of access to their governing body as an extremely constructive overture, and perhaps even the beginning of creative collaboration. The fact remained, however, that relations between the staff and the Administration were, at best, sclerotic

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(Ms. Johnston)

and, at worst, non-existent. The latter's paternalistic and adversarial style had become outmoded for the simple reason that it was grossly inefficient. The staff would give more value for money if treated as an equal partner. To reform those relations, the report of the Staff Unions and Associations proposed respect for the principles of freedom of association and effective bargaining between equal partners and all the other rights accorded to employees in modern administrative practice.

50. Turning to matters relating to conditions of employment, she stated that the staff found the present two-tier structure to be discriminatory: it certainly did not serve the purpose for which it had been intended. Since the change to a unified structure would have far-reaching implications, ICSC should be asked to undertake a study of its feasibility.

51. On the subject of staff assessment for locally-recruited categories of staff, the General Assembly had the previous year, on the recommendation of the Fifth Committee, adopted resolution 35/214, the implementation of which had decreased the pensionable remuneration and changed the net income replacement value of pensions. That measure violated the acquired rights of locally-recruited staff members under Staff Regulation 3.3. The Organization and its subsidiary organs had not consulted the staff representatives in all duty stations, and yet each duty station was affected differently by the new rates, that alone should result in the invalidation of those rates. Furthermore, some specialized agencies had refused to implement the rates; the entire ethical practice called into question the very concept of a common system. The Fifth Committee should therefore refer the question back to the International Civil Service Commission and retain the plan that provided a uniform staff assessment for all staff in the United Nations system.

52. On the competitive examination, the staff believed that a thorough reform should be undertaken of the examination process itself to lessen the influence of the Training and Examinations Service while strengthening the role of the Central Examinations Board, and also increasing the percentage of P-1 and P-2 posts available for the examination. Many departments had not accepted successful candidates, and there was also the anomaly of some P-1 candidates who had scored higher than some candidates promoted to P-2 which still had to be resolved.

53. There was no reason why the education grant should not be paid to all staff, nor were there any grounds for not treating the children of all staff members as equals. The staff therefore proposed the extension of the education grant to all categories of staff.

54. On the transfer and assignment of staff within the Secretariat, she noted that the majority of transfers took place at the personal initiative of staff members themselves. There were no vacancy notices at all for the General Service and related categories and most of the posts advertised were filled in advance because they were considered the exclusive preserve of one particular Government or regional group. The establishment of clear guidelines on that subject could solve many problems.

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(Ms. Johnston)

55. As to career development, the fact that both the Career Development and Placement Unit and the General Recruitment Section were understaffed could only be construed as a lack of seriousness on the part of the Administration. The Fifth Committee was therefore urged to increase the proportion of career appointments over fixed-term appointments. Any good career development should comprise an effective recruitment programme, a job classification system which took account both of the needs of the Organization and the mobility of staff, the expansion of training facilities, incentives for the acquisition of new skills, more flexible study leave, an updated performance evaluation reporting system, and affirmative action programmes to correct discriminatory practices against women.

56. On professional development outside the Secretariat, the staff recommended the adoption of a less restrictive code on authorship: while the United Nations would maintain its proprietary rights over publications there should be an easing of restrictions in respect of outside activities not related to the activities or interests of the Organization. In addition, there should be greater flexibility in inter-organizational exchange of posts, which would help to improve the training of staff members.

57. Mr. BUNC (Yugoslavia) said that he wished to comment on the recruitment of Professional staff. In the first place, he supported the approach to recruitment planning set forth in the Secretary-General's report (A/36/495, paras. 20-22). He then went on to note that the vacancy projection system had improved substantially, but that departments should observe the provision in section I of the annex to resolution 35/210 that no prior commitments for appointments should be made. Full information was required for recruitment planning. Yet, the Secretary-General had stated that currently the information was only available through a manually maintained report, which did not suffice to monitor over-all recruitment activities. The introduction of a new computerized system should make it possible for vacancy announcements to be issued earlier. That should make it possible to ensure the publicity requested in the annex to General Assembly resolution 35/210 with a view to filling 40 per cent of the total number of posts subject to geographical distribution with nationals of unrepresented or under-represented Member States, and especially women. His delegation noted with satisfaction that contacts had already been made in that regard with the Governments of the Member States concerned.

58. His delegation was also glad to note that the Secretariat had made a start on implementing the provisions of General Assembly resolution 35/210 relating to the concept of occupations and occupational groups in order to establish a pool of candidates considered suitable for posts in a given occupational group. In that resolution the Secretariat was also requested to compile a dossier for each post open to recruitment (para. 38). His delegation was pleased to note the adoption of such a procedure. The General Assembly had also requested that the qualifications, nationality and sex of selected candidates should be indicated on a list published twice yearly and communicated to delegations of Member States.

59. His delegation believed that the targets set in resolution 35/210 should be achieved by 1982. As for the employment of women, it considered that 40 per cent

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(Mr. Bunc, Yugoslavia)

of posts in the Professional category and above should be occupied by women. In that connexion, it was grateful for the efforts made by the Secretary-General to recruit women in above average numbers at the P-1 and P-2 levels and also to increase the proportion of female staff in the Secretariat.

60. As for movement from the General Service category to the Professional category, his delegation believed that the principle of competitive selection established in General Assembly resolution 33/143 remained valid. The modalities of its implementation were the responsibility of the Secretary-General, experience alone would demonstrate whether they were valid. Finally, the Committee should not become in any way an arbiter or engage in negotiations between the staff and the Secretary-General; personnel policies were his exclusive responsibility.

61. Mr. van HELLENBERG HUBAR (Netherlands), referring to the report on respect for the privileges and immunities of officials of the United Nations and the specialized agencies (A/C.5/36/31), recalled that in his report on the work of the Organization (A/36/1) the Secretary-General had indicated in chapter XI that the staff of the United Nations system was sometimes disillusioned. There was no doubt that the security situation was one of the causes of their disenchantment. It appeared that the relevant conventions regarding the inviolability of the international civil service were not being fully complied with. The Secretary-General's appeal to all Governments to uphold their commitments in regard to the international civil service, and, if problems arose, to be frank about them with him and with the Administration, was therefore timely. Under the terms of paragraph 2 of Article 100 of the Charter of the United Nations, every member of the Organization undertook to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

62. His country supported the Secretary-General's request that he should be able to converse with arrested or detained staff members and should be apprised of the charges against them. The Secretary-General should also be enabled to assist the staff members in arranging for legal counsel and be given the right to appear in legal proceedings to defend any United Nations interest affected by the arrest. Furthermore, it was exclusively for the Secretary-General and, mutatis mutandis, the executive heads of United Nations organizations to determine the extent of the duties and functions of United Nations officials.

63. In that context, his country shared the view of the Director-General of UNESCO and the Legal Counsel of the United Nations that it was impossible to dismiss an employee without independently determining the facts of the case, and to accept a resignation not presented by the employee in person.

64. However, the Secretary-General's report failed to mention several known cases and gave no indication of the measures taken or likely to be taken with regard to some of the cases it did mention. The cases described were serious enough to warrant a request to the Secretary-General to submit an annual report to the General Assembly on steps taken and on any new cases. Proposals aimed at improving the situation would also be appreciated.

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(Mr. van Hellenberg Hubar, Netherlands)

65. In that connexion, his delegation would like to know what tools the Secretariat needed in order to solve the existing cases and to prevent new incidents. It would also like to know whether the Secretary-General's report had received the prior approval of the Administrative Committee on Co-ordination.

66. With respect to the wider perspective of security, his delegation found it impossible to reach a conclusion on any proposal at that stage. It would therefore appreciate it if a report could be issued on the security situation of the United Nations system.

67. In conclusion, his country appealed to the Secretary-General and to Member States to do everything in their power to uphold the exclusively international character of the United Nations and its staff and to ensure observance of the provisions of the Charter. Consultations were currently under way on the preparation of a draft resolution on that subject.

68. Mr. SAGRERA (Spain) referred to his country's representation in the staff of United Nations bodies. The list of staff members of the United Nations Secretariat (A/C.5/36/L.2) showed that there were 203 Spanish staff members, an infinitesimal increase of one staff member as compared with the previous year. In 1980 the number had increased by eight in comparison with 1979. Thus, despite numerous General Assembly resolutions, including the famous resolution 35/210, which in itself encompassed the whole question of the representation of Member States, and despite the unquestionable goodwill which had inspired the establishment of the new desirable ranges, it could be noted that Spain continued to be under-represented, both quantitatively and qualitatively.

69. From the quantitative point of view, Spain was among the 26 under-represented Member States (document A/36/495, para. 14) and, what was more, only 25 Spanish staff members (of whom 7 were women) were in posts subject to geographical distribution, whereas Spain's desirable range was from 30 to 46. The situation had deteriorated by comparison with the previous year, since in 1980 there had also been 25 Spanish staff members, of whom 5 were women, and yet at that time Spain's desirable range had been from 29 to 40. That situation would have to be remedied because there was an obvious imbalance between the number of Spaniards in the Secretariat and Spain's contribution, which represented 1.70 per cent of the Organization's regular budget.

70. From the qualitative point of view, Spain was also at a disadvantage because at New York it had only one national at the director level; among the staff members occupying posts with special language requirements (table 14 of document A/36/495), Spain had 50 staff members in the Professional category, of whom 9 were women, that showed a decline by comparison with the previous year when it had had 52 Professionals (of whom 11 were women).

71. On the question of national recruitment examinations, he welcomed the news that it would be possible to hold such an examination in his country in 1983. However, he deplored the fact that the competitive examinations in question were aimed exclusively at the recruitment of staff at the P-2 level rather than at the P-3 and P-4 levels.

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(Mr. Sagrera, Spain)

72. The report of the Joint Inspection Unit (A/36/407) clearly showed that the principle of equitable geographical distribution was not being applied and that there was a need to comply strictly with the provisions of Article 101, paragraph 3, of the Charter. His delegation subscribed to recommendation 6 of that report, which called for the setting of national targets for each geographic region. On the other hand, it opposed recommendation 3, which called for a reduction in the number of permanent contracts and an increase in the number of fixed-term contracts. That recommendation would have the effect of totally distorting the spirit of the United Nations Secretariat because it would deal a blow to the independence of international civil servants vis-à-vis their countries of origin and would, furthermore, be an obstacle to career development, by depriving staff members of the opportunities for advancement offered by permanent contracts.

73. First and foremost, the international character of the Organization had to be preserved. If not, political interference by the countries of origin of staff members would end up destroying it. In his day, Secretary-General Dag Hammarskjöld had warned against such interference, stressing that under the terms of Article 105 of the Charter, the staff of the Organization enjoyed such privileges and immunities as were necessary for the independent exercise of their functions in connexion with the Organization.

74. With respect to retirement, his delegation believed that the age of retirement should be raised, not only because life expectancy had increased and health improved, but also because such a measure would help to reduce the actuarial deficit of the Joint Staff Pension Fund.

75. His delegation reiterated that the International Civil Service Commission should vigorously reaffirm before the General Assembly its position on the security of international civil servants and on arbitrary arrest and detention, which constituted a violation of human rights and of the agreements concluded by the Member States concerned.

76. Finally, he stressed the importance of the roster, of the competitive examinations, and of the announcement of vacant posts as means to improve the recruitment system. In his opinion, it would be useful to harmonize the functions of the Joint Inspection Unit and the International Civil Service Commission with a view to establishing a genuine personnel administration system.

The meeting rose at 1.10 p.m.