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Agenda item 111

PERSONNEL QUESTIONS 1/

Report of the Fifth Committee

Rapporteur: Mr. M. Adel EL SAFTY (Egypt)

I. INTRODUCTION

1. At its 4th plenary meeting, on 24 September 1982, the General Assembly decided to include in the agenda of its thirty-seventh 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;"

and to allocate it to the Fifth Committee.

2. The Committee considered the item at its 13th, 23rd, 25th to 34th, 36th to 41st, 47th, 49th, 53rd, 56th, 58th, 63rd, 65th and 70th meetings from 15 October to 14 December 1982. The views expressed by delegations during the discussion are

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1/ The following items were considered, in part, in conjunction with item 111:

- (a) Joint Inspection Unit (item 107);
- (b) Report of the International Civil Service Commission (item 112).

reflected in the relevant summary records (see A/C.5/37/SR.13, 23, 25-34, 36-41, 47, 49, 53, 56, 58, 63, 65 and 70).

3. The Committee considered under agenda item 111 the following documents:

- (a) Report of the International Civil Service Commission; 2/
- (b) Second report of the Joint Inspection Unit on the career concept (A/37/528) and related comments of the Administrative Committee on Co-ordination (A/37/528/Add.1);
- (c) Report of the Joint Inspection Unit on the application of the principle of equitable geographical distribution of the staff of the United Nations Secretariat (A/37/378) and related comments of the Secretary-General (A/37/378/Add.1 and A/37/378/Add.1/Corr.1);
- (d) Second progress report of the Joint Inspection Unit on the status of women in the Professional category and above (A/37/469) and related comments of the Administrative Committee on Co-ordination (A/37/469/Add.1).

4. At its thirty-sixth session, the General Assembly, by its decisions 36/456 and 36/457 of 18 December 1981, decided to discuss at its thirty-seventh session the following documents:

- (a) Report of the International Civil Service Commission; 3/
- (b) Report of the Joint Inspection Unit on personnel policy options (A/36/432 and Add.1) and the related comments of the Secretary-General (A/36/432/Add.2);
- (c) Report of the Joint Inspection Unit on the application of the principle of equitable geographical distribution of the staff of the United Nations Secretariat (A/36/407) the related comments of the Secretary-General (A/36/407/Add.1).

5. For its consideration of item 111 (a), the Committee had before it the following documents:

- (a) Report of the Secretary-General on the composition of the Secretariat (A/37/143);

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2/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 30 (A/37/30), annex I.

3/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 30 (A/36/30 and Corr.1), chap. II, sect. H, and annex I.

- (b) Report of the Secretary-General transmitting a list showing by office, department and organizational unit, the names, functional titles, nationality and salary level of all staff members of the United Nations Secretariat as of 30 June 1982 (A/C.5/37/L.2);
- (c) Note by the Secretary-General transmitting the report submitted by the staff unions and associations of the United Nations Secretariat (A/C.5/37/24).

6. For its consideration of item 111 (b), the Committee had before it the following documents:

- (a) Report of the Secretary-General on the respect for the privileges and immunities of officials of the United Nations and specialized agencies and related organizations (A/C.5/37/34 and Corr.1);
- (b) Letter dated 11 November 1982 from the Permanent Representative of Mozambique to the United Nations addressed to the Secretary-General (A/C.5/37/45).

7. For its consideration of item 111 (c), the Committee had before it the following documents:

- (a) Report of the Secretary-General on the implementation of personnel policy reforms (A/C.5/37/5);
- (b) Report of the Secretary-General on the amendments to the Staff Rules (A/C.5/37/6 and Corr.1);
- (c) Note by the Secretary-General on the repatriation grant (A/C.5/37/26) and related report of the Advisory Committee on Administrative and Budgetary Questions (A/37/675), including a draft resolution.
- (d) Note by the Secretary-General on the amendment of the Staff Regulations (A/C.5/37/54), containing, in paragraph 3, the text of proposed amendments to article VIII of the Regulations.

## II. CONSIDERATION OF PROPOSALS

8. At the 23rd meeting, on 1 November, the representative of Sweden proposed that the Committee extend an invitation to a representative of the staff of the United Nations Secretariat to make an oral presentation before the Committee, pursuant to the provisions of General Assembly resolution 35/213 of 17 December 1980.

9. The Committee decided, without a vote, to adopt the proposal.

A. Draft resolution A/C.5/37/L.30

10. At the 63rd meeting, on 10 December, Mr. Ernest Besley Maycock, Vice-Chairman of the Committee, introduced a draft resolution (A/C.5/37/L.30) recommended by him following informal consultations. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolutions 33/143 of 20 December 1978 and 35/210 of 17 December 1980 on personnel questions,

"Recalling its decisions 36/456 and 36/457 of 18 December 1981 on the application of the principle of equitable geographical distribution and on the concept of career, types of appointment, career development and related questions,

"Having examined the reports of the Secretary-General on the composition of the Secretariat (A/37/143), and on the implementation of personnel policy reforms (A/C.5/37/5),

"Having considered the study by the International Civil Service Commission on the concepts of career, types of appointment, career development and related questions (A/37/30, Annex I),

"Taking note of the reports of the Joint Inspection Unit and the related comments of the Administrative Committee on Co-ordination and of the Secretary-General, 4/

"Conscious of paragraph 1 of Article 101 of the Charter, which states that 'The staff shall be appointed by the Secretary-General under regulations established by the General Assembly',

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- 4/ (a) Personnel policy options (A/36/432 and Add.1) and comments of the Secretary-General (A/36/432/Add.2);
- (b) Second report on the career concept (A/37/528) and comments of the Administrative Committee on Co-ordination (A/37/528/Add.1);
- (c) Application of the principle of equitable geographical distribution of the staff of the United Nations Secretariat (A/36/407 and A/37/378) and comments of the Secretary-General (A/36/407/Add.1, A/37/378/Add.1 and Add.1/Corr.1); and
- (d) Status of women in the Professional category and above: second progress report (A/37/469) and comments of the Administrative Committee on Co-ordination (A/37/469/Add.1).

"Bearing in mind paragraph 3 of Article 101 of the Charter, which states that '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',

"Convinced that the principle of equitable geographical distribution is fully compatible with the necessity of securing the highest standards of efficiency, competence and integrity,

"Noting that some limited progress has been made with respect to the situation of unrepresented and underrepresented Member States and towards a balanced and equitable geographical distribution of staff in the Secretariat,

"1. Reaffirms the principles and procedures set forth in resolution 35/210, in particular in its section I, paragraphs 1 to 5, and section III;

"2. Stresses the importance of having the largest possible number of Member States represented at the higher levels of the Secretariat, (i.e., the D-2 level and above);

"3. Reiterates the principle of wide geographical representation throughout the Secretariat and welcomes the intention of the Secretary-General to monitor progress towards that objective in departments and main offices;

"4. Requests the Secretary-General to include in his annual reports on the composition of the Secretariat information on progress made in respect of improvement of geographical distribution in the Secretariat, particularly at the higher levels;

"5. Welcomes the intention of the Secretary-General to develop and apply a medium-term plan of recruitment in order to bring the number of staff from unrepresented and underrepresented countries within their desirable ranges by 1985 at the latest;

"6. Also welcomes the intention of the Secretary-General to develop and apply a medium-term plan for career development;

"7. Recommends that career planning be based upon clearly defined occupational groups for the Professional and General Service categories;

"8. Requests the Secretary-General to report to the General Assembly at its thirty-ninth session on progress made in the implementation of all aspects of personnel policy reform."

11. At its 65th meeting, on 11 December, the Committee adopted, by consensus, draft resolution A/C.5/37/L.30 (see para. 38, draft resolution I A).

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12. Statements in explanation of position were made by the representatives of Canada, Morocco, Zambia, the United States of America, Sierra Leone, the United Republic of Cameroon, the Dominican Republic, the United Kingdom of Great Britain and Northern Ireland, Peru and Barbados.

13. At the 63rd meeting, on 10 December, the representative of Ireland, on behalf of the Bahamas, Barbados, Belgium, Denmark, the Dominican Republic, Egypt, Finland, Ghana, Ireland, Mexico, the Netherlands, Norway, Sweden, the United States of America and Venezuela, introduced a draft resolution (A/C.5/37/L.39), which read as follows:

B. Draft resolution A/C.5/37/L.39

"The General Assembly,

"Conscious of Article 8 of the Charter on the equality of opportunity for men and women to participate in the work of the Organization,

"Noting resolution 24 adopted by the World Conference of the United Nations Decade for Women,

"Noting also the progress made towards the target set out in resolution 33/143 (Section III) that the number of women in posts subject to geographical distribution should be increased to 25 per cent of the total by 1982,

"Reaffirming its resolutions 33/143 (Section III) and 35/210 (Section V),

"Having considered the second progress report of the Joint Inspection Unit on the Status of Women in the Professional Category and Above (A/36/469),

"Recalling that the forthcoming Medium-Term Recruitment Plan is intended, inter alia, to improve the representation of women in the Secretariat,

"1. Requests the Secretary-General to intensify his efforts to implement fully resolutions 33/143 (Section III) and 35/210 (Section V), keeping in mind that the 25 per cent target set should not be viewed as a limit on the number of women employed, and paying particular attention to those areas of the United Nations where compliance with the resolution has lagged behind, as indicated in a lower than average percentage of women;

"2. Calls upon the Secretary-General to include in his Annual report on the Composition of the Secretariat statistical analyses on the number and percentage of women on all promotion registers and appointment lists, identifying both ad hoc and accelerated promotions as well as normal promotions and specifying women as a percentage of those eligible for promotion, actually promoted and appointed from outside within each grade, with a view to ensuring that women have equal opportunity for advancement and appointment, particularly at the higher ranks;

"3. Requests the Secretary-General, in his capacity as Chairman of the Administrative Committee on Co-ordination, to invite organizations to continue to provide updated information on the recruitment, promotion and assignment of women in each agency to the thirty-ninth session of the General Assembly;

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"4. Calls upon Member States to continue to support the efforts of the United Nations and the specialized agencies to increase the proportion of women in the Professional category and above by nominating more women candidates and by assisting in recruitment efforts by the Secretary-General and agency heads;

"5. Urges the Secretary-General to take concrete steps to ensure compliance throughout the United Nations with policy directives concerning the recruitment, promotion, career development, and training as well as other aspects of women's employment;

"6. Requests the Secretary-General through the Administrative Committee on Co-ordination to invite the heads of the organizations of the United Nations system which have not already done so to similarly take concrete steps to guarantee compliance;

"7. Requests the Secretary-General and the heads of all the organizations in the United Nations system to examine additional measures that will advance the attainment of the policy directives of the appropriate legislative bodies concerning the appointment, promotion and assignment of women in the United Nations system, in accordance with the principle of equitable geographical distribution;

"8. Requests the International Civil Service Commission in its ongoing work programme to keep these questions under continuing review and to report thereon as appropriate to the General Assembly."

14. At the 65th meeting, on 11 December, after considering proposals made by various delegations, the representative of Ireland, on behalf of the sponsors, further revised the draft resolution as follows:

(a) In operative paragraph 1, the words "as indicated in a lower than average percentage of women" were deleted;

(b) In operative paragraph 2, the words "by nationality" were inserted between the word "women" and the words "on all promotion registers";

(c) In operative paragraph 4, the words "Calls upon" were replaced by the word "Requests";

(d) In operative paragraph 7, the words "in accordance with" were replaced by "bearing in mind paragraph 3 of Article 101 of the Charter and".

15. At the same meeting, the Committee adopted without objection, draft resolution A/C.5/27/L.39, as orally revised (see para. 38, draft resolution I B).

16. Statements in explanation of position were made by the representatives of Algeria, Singapore, Cuba and the Bahamas.

C. Amendments to the Staff Regulations

17. At the 63rd meeting, on 10 December, the representative of the United States of America introduced an amendment (A/C.5/27/L.36) to the annex to the draft resolution contained in document A/37/675, annex II, as follows:

"1. In article XII, regulation 12.3, insert: 'The full text of' at the beginning of the regulation.

"2. In article XII, regulation 12.4, after the words 'in which the report is', replace the words 'made to' by 'considered by'."

18. At the 65th meeting, on 11 December, following a debate on the amendment, the representative of the United States of America withdrew the amendment contained in paragraph 2 of document A/C.5/37/L.36.

19. At the same meeting, the representative of the Union of Soviet Socialist Republics proposed an oral amendment to the annex of the draft resolution in document A/37/675, annex II, as follows:

"The validity of those regulations which give rise to different opinions in the General Assembly, but on which the General Assembly does not take any decision, shall be temporarily suspended."

20. Following a debate on the proposal, the representative of the Union of Soviet Socialist Republics withdrew his amendment.

21. At the same meeting, the Committee adopted, without a vote, the amendment contained in paragraph 1 of document A/C.5/37/L.36.

22. Also at the same meeting, the Committee adopted, without a vote, the draft resolution, as amended, contained in document A/37/675, annex II (see para. 38, draft resolution I C, sect. I).

23. A statement in explanation of position was made by the representative of the Union of Soviet Socialist Republics.

24. At the 70th meeting, on 14 December, the representative of the Union of Soviet Socialist Republics proposed that the consideration of the draft amendments to article VIII of the Staff Regulations contained in document A/C.5/37/54, paragraph 3, be deferred until the thirty-eighth session of the General Assembly.

25. At the same meeting, the Committee rejected, by 51 votes to 15, with 18 abstentions, the proposal made by the representative of the Union of Soviet Socialist Republics. Statements in explanation of vote before the vote were made by the representatives of New Zealand and Belgium.

26. Also at the same meeting, the Committee adopted, by 76 votes to 10, with 7 abstentions, the amendments to article VIII of the Staff Regulations as contained in paragraph 3 of document A/C.5/37/54 (see para. 38, draft resolution I C, sect. II).

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D. Draft resolution A/C.5/37/L.46

27. At the 70th meeting, on 14 December, the representative of Panama, on behalf of Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, Ethiopia, Iraq, Jordan, the Libyan Arab Jamahiriya, Panama, Peru, Spain, Uruguay and Venezuela, introduced a draft resolution (A/C.5/37/L.46), which read as follows:

"The General Assembly,

"Recalling its resolution 33/143 of December 1978 and 35/210 of December 1980 on Personnel Questions,

"Decides to request the Secretary-General to permit candidates participating in competitive examinations for passage from the General Service category to the Professional category, to take the examination in any of the working languages of the Regional Commissions, with due regard to the proficiency requisite of the working language of the Secretariat."

28. At the same meeting, the representative of Spain, on behalf of the sponsors, revised the draft by inserting the words "the P-1 and P-2 levels of" between the words "the General Service category to" and the words "the Professional category".

29. At the same meeting, the Committee adopted, by consensus, draft resolution A/C.5/37/L.46, as orally revised (see para. 38, draft resolution I D).

30. Statements in explanation of position were made by the representatives of Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland, the Netherlands, Morocco, Sweden and Canada.

E. Draft resolution A/C.5/37/L.37

31. At the 63rd meeting, on 10 December, the representative of the Netherlands, on behalf of Australia, Barbados, Belgium, Canada, Denmark, Germany, Federal Republic of, Ghana, Ireland, the Netherlands, New Zealand, Nigeria, Norway, Spain, and Sweden, later joined by Italy and Jamaica, introduced a draft resolution (A/C.5/37/L.37), which read as follows:

"The General Assembly,

"Recalling its resolutions 35/212 of 17 December 1980 and 36/232 of 18 December 1981,

"Takes note with concern of the report submitted to the General Assembly by the Secretary-General on behalf of the Administrative Committee on Co-ordination (A/C.5/37/34), which shows, inter alia, a marked deterioration in the observance of the principles related to privileges and immunities of officials of the United Nations and the specialized and related agencies;

"Reaffirms the above-mentioned resolutions;

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"Welcomes the measures approved by the Secretary-General to enhance the safety and protection of international civil servants as outlined in his report;

"Invites the Secretary-General, as Chairman of the Administrative Committee on Co-ordination, to suggest in his annual report on this issue to be submitted to the General Assembly at its thirty-eighth session further steps designed to alleviate the present situation."

32. At its 70th meeting, on 14 December, the Committee adopted, without a vote, draft resolution A/C.5/37/L.37 (see para. 38, draft resolution II A).

33. Statements in explanation of position were made by the representatives of Mexico, the Union of Soviet Socialist Republics, Jordan, Ethiopia and Chile.

F. Draft resolution A/C.5/37/L.42

34. At the 65th meeting, on 11 December, the representative of Yemen, on behalf of Cuba and Yemen, introduced a draft resolution (A/C.5/37/L.42), which read as follows:

"The General Assembly,

"Having considered the report of the Secretary-General 'Respect for privileges and immunities of officials of the United Nations and the specialized agencies and related organizations' (A/C.5/37/34),

"Drawing attention to the unprecedented character of the mass arrest by the Israeli authorities in the territory of Lebanon of a great number of the UNRWA officials, and as mentioned in paragraph 6 of the Secretary-General's report 'Respect for privileges and immunities of officials of the United Nations and the specialized agencies and related organizations' (A/C.5/37/34),

"1. Calls upon the Secretary-General to take measures without delay to establish the whereabouts, to find out the charges made and to arrange a meeting with the UNRWA officials incarcerated by the Israeli authorities in Lebanon, in order to obtain their earliest release;

"2. Requests the Secretary-General to promptly inform Member States about measures taken under paragraph 1 above and about their results."

35. At its 70th meeting, on 14 December, the Committee adopted draft resolution A/C.5/37/L.42 by 94 votes to 1, with 2 abstentions (see para. 38, draft resolution II B).

36. Statements in explanation of vote after the vote were made by the representatives of Canada, Sweden, the Netherlands and Honduras.

G. Amendments to the Staff Rules

37. At the 70th meeting, on 14 December, on the proposal of the Chairman, the Committee decided, without objection, to recommend that the General Assembly should take note of the report of the Secretary-General (A/C.5/37/6 and Corr.1) on the amendments to the Staff Rules (see para. 39).

III. RECOMMENDATIONS OF THE FIFTH COMMITTEE

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

DRAFT RESOLUTION I

Personnel questions

A

The General Assembly,

Recalling its resolutions 33/143 of 20 December 1978 and 35/210 of 17 December 1980 on personnel questions,

Recalling its decisions 36/456 and 36/457 of 18 December 1981 on the application of the principle of equitable geographical distribution and on the concept of career, types of appointment, career development and related questions,

Having examined the reports of the Secretary-General on the composition of the Secretariat, 5/ and on the implementation of personnel policy reforms, 6/

Having considered the study by the International Civil Service Commission on the concepts of career, types of appointment, career development and related questions, 7/

Taking note of the following reports of the Joint Inspection Unit and the related comments of the Administrative Committee on Co-ordination and of the Secretary-General:

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5/ A/37/143.

6/ A/C.5/37/5.

7/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 30 (A/37/30), annex I.

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- (a) Personnel policy options 8/ and comments of the Secretary-General; 9/
- (b) Second report on the career concept 10/ and comments of the Administrative Committee on Co-ordination; 11/
- (c) Application of the principle of equitable geographical distribution of the staff of the United Nations Secretariat 12/ and comments of the Secretary-General; 13/
- (d) Status of women in the Professional category and above: second progress report 14/ and comments of the Administrative Committee on Co-ordination, 15/

Conscious of paragraph 1 of Article 101 of the Charter of the United Nations, which states that "The staff shall be appointed by the Secretary-General under regulations established by the General Assembly",

Bearing in mind paragraph 3 of Article 101 of the Charter, which states that "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",

Convinced that the principle of equitable geographical distribution is fully compatible with the necessity of securing the highest standards of efficiency, competence and integrity,

Noting that some limited progress has been made with respect to the situation of unrepresented and underrepresented Member States and towards a balanced and equitable geographical distribution of staff in the Secretariat,

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8/ A/36/432 and Add.1.

9/ A/36/432/Add.2.

10/ A/37/528.

11/ A/37/528/Add.1.

12/ A/36/407 and A/37/378.

13/ A/36/407/Add.1, A/37/378/Add.1 and Add.1/Corr.1.

14/ A/37/469.

15/ A/37/469/Add.1.

1. Reaffirms the principles and procedures set forth in resolution 35/210, in particular in its section I, paragraphs 1 to 5, and section III;
2. Stresses the importance of having the largest possible number of Member States represented at the higher levels of the Secretariat, that is, the D-2 level and above;
3. Reiterates the principle of wide geographical representation throughout the Secretariat and welcomes the intention of the Secretary-General to monitor progress towards that objective in departments and main offices;
4. Requests the Secretary-General to include in his annual reports on the composition of the Secretariat information on progress made in respect of improvement of geographical distribution in the Secretariat, particularly at the higher levels;
5. Welcomes the intention of the Secretary-General to develop and apply a medium-term plan of recruitment in order to bring the number of staff from unrepresented and underrepresented countries within their desirable ranges by 1985 at the latest;
6. Also welcomes the intention of the Secretary-General to develop and apply a medium-term plan for career development;
7. Recommends that career planning be based upon clearly defined occupational groups for the Professional and General Service categories;
8. Requests the Secretary-General to report to the General Assembly at its thirty-ninth session on progress made in the implementation of all aspects of personnel policy reform.

## B

The General Assembly,

Conscious of Article 8 of the Charter of the United Nations on the equality of opportunity for men and women to participate in the work of the Organization,

Noting resolution 24 adopted by the World Conference of the United Nations Decade for Women, 16/

Noting also the progress made towards the target set out in section III of General Assembly resolution 33/143 of 20 December 1978 that the number of

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16/ See Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14-30 July 1980 (United Nations publication, Sales No. E.80.IV.3 and corrigendum), chap. I, sect. B.

women in posts subject to geographical distribution should be increased to 25 per cent of the total by 1982,

Reaffirming section III of its resolution 33/143 and section V of its resolution 35/210 of 17 December 1980,

Having considered the second progress report of the Joint Inspection Unit on the status of women in the Professional category and above, 14/

Recalling that the forthcoming Medium-Term Recruitment Plan is intended, inter alia, to improve the representation of women in the Secretariat,

1. Requests the Secretary-General to intensify his efforts to implement fully section III of General Assembly resolution 33/143 and section V of Assembly resolution 35/210, keeping in mind that the 25 per cent target set should not be viewed as a limit on the number of women employed and paying particular attention to those areas of the United Nations where compliance with the resolution has lagged behind;
2. Calls upon the Secretary-General to include in his annual report on the composition of the Secretariat statistical analyses on the number and percentage of women by nationality on all promotion registers and appointment lists, identifying both ad hoc and accelerated promotions as well as normal promotions and specifying women as a percentage of those eligible for promotion, actually promoted and appointed from outside, within each grade, with a view to ensuring that women have equal opportunity for advancement and appointment, particularly at the higher ranks;
3. Requests the Secretary-General, in his capacity as Chairman of the Administrative Committee on Co-ordination, to invite organizations to continue to provide updated information on the recruitment, promotion and assignment of women in each agency to the the General Assembly at its thirty-ninth session;
4. Requests Member States to continue to support the efforts of the United Nations and the specialized agencies to increase the proportion of women in the Professional category and above by nominating more women candidates and by assisting in recruitment efforts by the Secretary-General and agency heads;
5. Urges the Secretary-General to take concrete steps to ensure compliance throughout the United Nations with policy directives concerning the recruitment, promotion, career development and training of women as well as other aspects of women's employment;
6. Requests the Secretary-General through the Administrative Committee on Co-ordination, to invite the heads of the organizations of the United Nations system that have not already done so to similarly take concrete steps to guarantee compliance;

7. Requests the Secretary-General and the heads of all the organizations in the United Nations system to examine additional measures that will advance the attainment of the policy directives of the appropriate legislative bodies concerning the appointment, promotion and assignment of women in the United Nations system, bearing in mind paragraph 3 of Article 101 of the Charter of the United Nations and the principle of equitable geographical distribution;

8. Requests the International Civil Service Commission in its ongoing work programme, to keep these questions under continuing review and to report thereon as appropriate to the General Assembly.

C

The General Assembly,

I

Bearing in mind that Article 101 of the Charter of the United Nations provides that the staff shall be appointed by the Secretary-General under regulations established by the General Assembly,

Mindful of Judgement No. 273 of the United Nations Administrative Tribunal and the advisory opinion of 20 July 1982 of the International Court of Justice reviewing that judgement, 17/

1. Takes note of the note by the Secretary-General on the repatriation grant 18/ and the related reports of the Advisory Committee on Administrative and Budgetary Questions 19/;

2. Endorses the comments and recommendations of the Advisory Committee as contained in its report;

3. Decides that, with effect from 1 January 1983, article XII of the Staff Regulations of the United Nations and the introductory paragraphs of annex IV to the Staff Regulations shall be amended as shown in paragraphs 1 and 2 of the annex to the present resolution.

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17/ Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal, Advisory Opinion of 20 July 1982, I. C. J. Reports 1982.

18/ A/C.5/37/26.

19/ A/37/675.

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II

Having considered the note of the Secretary-General on amendment to Staff Regulations, 20/

Decides that article VIII of the Staff Regulations shall be amended as shown in paragraph 3 of the annex to the present resolution.

ANNEX

Amendments to the Staff Regulations of the United Nations

1. Article XII (General Provisions) shall read as follows:

"REGULATION 12.1: These regulations may be supplemented or amended by the General Assembly, without prejudice to the acquired rights of staff members.

"REGULATION 12.2: Such staff rules and amendments as the Secretary-General may make to implement these regulations shall be provisional until the requirements of regulations 12.3 and 12.4 below have been met.

"REGULATION 12.3: The full text of provisional staff rules and amendments shall be reported annually to the General Assembly. Should the Assembly find that a provisional rule and/or amendment is inconsistent with the intent and purpose of the regulations, it may direct that the rules and/or amendment be withdrawn or modified.

"REGULATION 12.4: The provisional rules and amendments reported by the Secretary-General, taking into account such modifications and/or deletions which may be directed by the General Assembly, shall enter into full force and effect on 1 January following the year in which the report is made to the Assembly.

"REGULATION 12.5: Staff rules shall not give rise to acquired rights within the meaning of regulation 12.1 while they are provisional."

2. The introductory paragraph of annex IV (Repatriation grant) shall be amended to read:

"In principle, the repatriation grant shall be payable to staff members whom the Organization is obligated to repatriate. The repatriation grant shall not, however, be paid to a staff member who is summarily dismissed. Staff members shall be entitled to a repatriation grant only upon relocation outside the country of the duty station. Detailed conditions and definitions



relating to eligibility and requisite evidence of relocation shall be determined by the Secretary-General. The amount of the grant shall be proportional to the length of service with the United Nations, as follows:"

3. Article VIII shall read as follows:

"REGULATION 8.1: (a) The Secretary-General shall establish and maintain continuous contact and communication with the staff in order to ensure the effective participation of the staff in identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other personnel policies.

(b) Staff representative bodies shall be established and shall be entitled to initiate proposals to the Secretary-General for the purpose set forth in paragraph 8.1 (a) above. They shall be organized in such a way as to afford equitable representation to all staff members, by means of elections that shall take place at least biennially under electoral regulations drawn up by the respective staff representative body and agreed to by the Secretary-General.

"REGULATION 8.2: The Secretary-General shall establish joint staff/management machinery at both local and Secretariat-wide levels to advise him regarding personnel policies and general questions of staff welfare as provided in regulation 8.1."

D

The General Assembly,

Recalling its resolutions 33/143 of 20 December 1978 and 35/210 of 17 December 1980 on personnel questions,

Requests the Secretary-General to permit candidates participating in competitive examinations for passage from the General Service category to the P-1 and the P-2 levels of the Professional category to take the examination in any of the working languages of the regional commissions, with due regard to the proficiency requisite of the working language of the Secretariat.

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DRAFT RESOLUTION II

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

A

The General Assembly,

Recalling its resolutions 35/212 of 17 December 1980 and 36/232 of 18 December 1981,

Takes note with concern of the report submitted to the General Assembly by the Secretary-General on behalf of the Administrative Committee on Co-ordination, 21/ which showed, inter alia, a marked deterioration in the observance of the principles related to privileges and immunities of officials of the United Nations and the specialized and related agencies;

Reaffirms the above-mentioned resolutions;

Welcomes the measures approved by the Secretary-General to enhance the safety and protection of international civil servants as outlined in his report;

Invites the Secretary-General, as Chairman of the Administrative Committee on Co-ordination, to suggest in his annual report on this issue to be submitted to the General Assembly at its thirty-eighth session further steps designed to alleviate the present situation.

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The General Assembly,

Having considered the report of the Secretary-General on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations, 21/

Drawing attention to the unprecedented character of the mass arrest by the Israeli authorities in the territory of Lebanon of a great number of the officials of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and as mentioned in paragraph 6 of the Secretary-General's report,

1. Calls upon the Secretary-General to take measures without delay to establish the whereabouts, to find out the charges made and to arrange a meeting with the officials of the United Nations Relief and Works Agency for Palestine

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21/ A/C.5/37/34.

Refugees in the Near East incarcerated by the Israeli authorities in Lebanon, in order to obtain their earliest release;

2. Requests the Secretary-General to inform Member States promptly about measures taken under paragraph 1 above and about their results.

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39. The Fifth Committee also recommends to the General Assembly the adoption of the following draft decision:

Amendments to the Staff Rules

The General Assembly takes note of the report of the Secretary-General on the amendments to the Staff Rules. 22/

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