



SUMMARY RECORD OF THE 65th MEETING

Chairman: Mr. ABRASZEWSKI (Poland)

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

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The meeting was called to order at 2.30 p.m.

AGENDA ITEM 112: REPORT OF THE INTERNATIONAL CIVIL SERVICE COMMISSION (continued)

AGENDA ITEM 103: PROGRAMME BUDGET FOR THE BIENNIUM 1982-1983 (continued)
(A/C.5/37/37; A/37/7/Add.11)

Administrative and financial implications of the recommendations and decisions in the Report of the International Civil Service Commission (A/37/30)

1. The CHAIRMAN drew attention to the statement of administrative and financial implications (A/C.5/37/37) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/37/7/Add.11). With regard to the Secretary-General's request for temporary assistance funds for job classification experts in the Office of Personnel Services, the Advisory Committee recommended (A/37/7/Add.11, para. 9), that an appropriation in the amount of \$100,000 should be approved under section 28 C of the programme budget for the biennium 1982-1983. Although the Committee had agreed to defer a decision on the draft resolution on the report of the International Civil Service Commission as a whole (A/C.5/37/L.38/Rev.1), he took the view that the amount referred to in paragraph 9 of document A/37/7/Add.11 arose not out of the possible adoption of that draft resolution but from a decision already taken by the Commission under its existing authority. He therefore invited the Committee to take a decision on the Advisory Committee's recommendation.
2. Mr. PAPENDORP (United States of America) said that his delegation had hoped that the amount concerned could be absorbed by the Secretary-General under the resources of the current budget. Since the representative of the Secretary-General was presumably unable to give an undertaking to that effect, he asked that the recommendation should be put to the vote.
3. The recommendation of the Advisory Committee for an additional appropriation of \$100,000 under section 28 C for the biennium 1982-1983 was approved by 49 votes to 16, with 7 abstentions.
4. Mr. GRODSKY (Union of Soviet Socialist Republics), speaking in explanation of vote, said that his delegation had voted against the recommendation because it was unable to approve additional appropriations to pay for job classification experts on a temporary basis. The classification work had begun eight years earlier, and a considerable volume of funds had already been extended on it. The work was nearly completed, and the Secretariat should have been able to finish it within the existing appropriations. If it considered the matter to be urgent, it should find funding by redeploying internal resources.
5. Mr. SAGRERA (Spain) said that something appeared to be wrong with the voting machine, since his delegation's abstention vote had not been recorded.

AGENDA ITEM 111: PERSONNEL QUESTIONS (continued) (A/37/675; A/C.5/37/26, 34 and Corr.1-54; A/C.5/37/L.30, L.36, L.39, as orally revised, and L.42)

- (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

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

6. Mr. AL-ERYANY (Yemen Arab Republic), introducing the draft resolution, referred to the grave picture given in the Secretary-General's report (A/C.5/37/34 and Corr.1) of the situation in various parts of the Middle East regarding the arrest and detention of UNRWA staff members. In particular, as noted in paragraph 6 of the report, 166 staff members had been arrested in Lebanon by the Israeli armed forces since June 1982; 129 were still being detained and no information had been supplied by the Israeli authorities. The arrest and detention of international civil servants by the authorities of a country which was a member of the United Nations was a particularly flagrant violation of international law and of the privileges and immunities of the United Nations staff and set an extremely dangerous precedent. The international community must take action to remedy that very grave situation.

7. Paragraph 1 of the draft resolution called upon the Secretary-General to take urgent action to come to the aid of the incarcerated UNRWA officials and paragraph 2 required him to inform Member States of the results obtained through that action.

8. He announced that the delegation of Cuba had become a sponsor of the draft resolution.

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

9. Miss DOSS (Assistant Secretary-General for Personnel Services) said that the Office of Personnel Services welcomed the draft resolution but was disappointed at the reference in the ninth preambular paragraph to the "limited" progress that had been made with respect to the situation of unrepresented and under-represented Member States and towards a balanced and equitable geographical distribution of staff in the Secretariat. Her Office held that a great deal had been achieved, since the target had been met and even exceeded. Moreover, OPS understood the time-limit of 1985 mentioned in paragraph 5 to mean the end of 1985. While OPS would endeavour to comply with all the requirements set out in the draft resolution, the need to use competitive examinations in filling all P-2 posts as from 1 January 1983 would place a very heavy burden on the recruitment and examination services and might involve additional expenditure for the travel of boards of examiners and the design of examination papers. The Office of Personnel Services

(Miss Doss)

would try to meet those costs from existing resources but it might have to request additional funds if the medium-term plan was to be implemented fully.

10. Mr. LAHLOU (Morocco) said that his delegation regretted that the word "limited" had been used in the ninth preambular paragraph on the question of equitable geographical distribution, the subject of that paragraph, he said that the Secretariat should not concern itself only with under-represented and unrepresented countries: the degree of over-representation should also be taken into account, and the Secretariat should devote greater attention to the entire question of geographical balance. The Arabic translation of the word "balanced" was incorrect and should be changed.

11. The CHAIRMAN invited the Committee to adopt draft resolution A/C.5/37/L.30 without a vote.

12. It was so decided.

13. Mr. PEDERSEN (Canada) paid a tribute to the Secretariat, and to the Office of Personnel Services in particular, for their work in improving the geographical distribution of the staff. His delegation had not wanted the word "limited" to be used in the ninth preambular paragraph, and it understood the principle of equitable geographical representation as applying to the Secretariat as a whole and not to individual offices or departments.

14. Mr. KAZEMBE (Zambia) said that his delegation thought that insufficient progress had been made with respect to equitable geographical distribution of staff. It understood the principle of equitable geographical representation to apply also to the level at which States were represented in the Secretariat.

15. Mr. PAPENDORP (United States of America) said that his delegation had supported draft resolution A/C.5/37/L.30 but that it shared the views expressed by the representative of Canada on the significance and scope of equitable geographical distribution. It also had reservations concerning any additional expenditure which might arise in implementing the draft resolution; in that connection, the statement made by the Assistant Secretary-General for Personnel Services had not been as full as rule 153 of the rules of procedure required. His delegation's support of the draft resolution would not preclude it from taking action if and when additional financial implications were brought to the Committee's attention.

16. Mr. BANGURA (Sierra Leone) said that his delegation had joined in the consensus on the draft resolution and congratulated the Secretariat for the progress made with respect to the situation of unrepresented and under-represented Member States. It would have preferred a different wording for the paragraphs referring to that progress and it disapproved of the use of the word "limited" in the ninth preambular paragraph. It was extremely important that the Secretariat should pay particular attention to paragraph 2 in implementing the medium-term plan.

/...

17. Mr. NDOM MOUNGUEN (United Republic of Cameroon) said that the principle of equitable geographical distribution applied to all departments and offices of the United Nations; he hoped it would have become a reality by the following session of the General Assembly.

18. Miss CASTILLO (Dominican Republic) said that her delegation had joined in the consensus on the draft resolution; it believed that the intent of Article 101, paragraph 3 of the Charter, which was referred to in the seventh preambular paragraph, was that the highest standards of efficiency, competence and integrity could be secured through the recruitment of staff on as wide a geographical basis as possible.

19. Mr. MURRAY (United Kingdom) said that his delegation shared the views of the Canadian delegation concerning the question of equitable geographical distribution and hoped that whenever that question was being considered, the importance of maintaining the highest standards of competence would not be overlooked.

20. Mr. RUSSO (Peru) said that his delegation had joined in the consensus on the draft resolution but would have preferred to have the word "limited" deleted from the ninth preambular paragraph.

21. Mr. MAYCOCK (Barbados) paid a tribute to the Assistant Secretary-General for Personnel Services and her staff for their efforts in connection with the draft resolution.

Draft resolution A/C.5/37/L.39, as orally revised

22. Miss DOSS (Assistant Secretary-General for Personnel Services) said that the Office of Personnel Services welcomed the draft resolution, which reaffirmed that one of the main objectives of the medium-term plan was increased employment of women. Her Office would make every effort to implement it, especially in respect of the information requested in paragraph 2 and the 25 per cent target, which she hoped Member States would also try to meet. The role of the International Civil Service Commission in the matter was, of course, to take into account the information provided by the organizations concerned in formulating recommendations on career development and recruitment.

23. Mr. OKEYO (Kenya) said that his delegation supported the draft resolution. It proposed, however, that the words "by nationality" should be added after "percentage of women" in paragraph 2.

24. Mr. LAHLOU (Morocco) supported that proposal. A conflict might well arise between concern for equitable geographical distribution and the pursuit of increased representation of women in the Secretariat. The Kenyan amendment would remind the Secretary-General and the Assistant Secretary-General for Personnel Services that their main concern must always be equitable geographical distribution.

25. Mr. GRODSKY (Union of Soviet Socialist Republics) said that most of the provisions of the draft resolution were acceptable. However, he urged the sponsors

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to delete from paragraph 1 all the words after "(section V)"; the provisions in question went farther than what had been contemplated in the two General Assembly resolutions cited and raised a great many problems concerning candidates for the Secretariat. They might, for example, prevent the recruitment of male candidates for departments in which the percentage of women was below average. As it happened, most male employees of the Secretariat were nationals of the countries which were sponsoring the draft resolution. His delegation hoped that they had not intended to make it difficult for candidates from under-represented countries to be recruited by the Secretariat; the draft resolution, however, would apparently have that effect. Many problems arose in the selection of women as candidates for the United Nations, including those of language and family ties. That was the reason for the amendment proposed by his delegation; if it was not accepted, his delegation would ask for a vote on the paragraph in question.

26. Mr. NDOM MOUNGUEN (United Republic of Cameroon) drew attention to typographical errors in the French text. His delegation supported the amendment proposed by the representative of Kenya, and it proposed that the words "Calls upon" in paragraph 4 should be replaced by "Requests".

27. Mrs. DORSET (Trinidad and Tobago) thanked the sponsors of the draft for their balanced text. While she appreciated the concerns expressed by the representative of the Soviet Union, she felt that unless it was specifically stated that the 25 per cent target should not be seen as a limit on the number of women employed, the Secretariat might refuse to employ women after that target had been achieved on the grounds that the General Assembly had decided that 75 per cent of the staff employed should be men. That was surely not what the Committee wanted. With regard to that representative's reference to family considerations, she said that her own experience suggested that a career was not incompatible with a family. While the Secretariat could not dictate to Member States the rate at which they employed women, it could, by being able to absorb qualified women, promote national efforts to equip women for both national and international service. Those national efforts would take care of any language problems. She could not support the amendment proposed to paragraph 1, since the deletion of the passage in question would lead to discrimination against the women of the world.

28. She suggested that paragraph 7 should refer to Article 101, paragraph 3, of the Charter, which called for not only equitable geographical distribution but also the highest standards of efficiency, competence and integrity. She had no wish to press for the employment of women simply because they were women.

29. Ms. CONWAY (Ireland) said that the sponsors could accept the amendment to paragraph 2 suggested by Kenya and that of Cameroon to paragraph 4. The amendments proposed by the Soviet Union were unacceptable for the reasons expressed by the representative of Trinidad and Tobago. The sponsors were prepared to add at the end of paragraph 7, as suggested by that representative, the words "and bearing in mind Article 101, paragraph 3, of the Charter of the United Nations". She drew attention to a typographical error in paragraph 1; the General Assembly resolution referred to was 35/210, not 35/120.

30. Mr. GOH (Singapore) said that, while his delegation could support the draft resolution, its position was that the United Nations should not serve as a magnet to attract qualified women away from Member States which could not afford to lose them, especially in view of the shortage of qualified women in their own civil services.
31. Mr. KUDRYAVTSEV (Union of Soviet Socialist Republics) said that, taking account of the comments made by the representative of Trinidad and Tobago and after consultations with the sponsors, his delegation wished to change its proposed amendment to paragraph 1 so that only the phrase "and paying particular attention to those areas of the United Nations where compliance with the resolution had lagged behind, as indicated in a lower-than-average percentage of women" would be deleted.
32. Mrs. ZONICLE (Bahamas) said that the statements made by the representatives of the USSR and Singapore showed the difference that existed between rhetoric and reality when it came to the question of fair treatment for women. The job market had always accommodated the family responsibilities of men and it should therefore similarly recognize those of women. The pre-eminence of the principle of equitable geographical distribution, with which her delegation agreed, was taken care of in General Assembly resolutions 33/143 and 35/210, in which the priorities were clear. If those resolutions were implemented objectively, there was no chance that that principle would not be observed. In view of the comments made by the representative of the USSR concerning possible language problems, she wondered if that representative believed that women were incapable of learning foreign languages.
33. Mr. FONTAINE ORTIZ (Cuba) said that his delegation fully supported all efforts to improve the status of women. Draft resolution A/C.5/37/L.39 was a constructive step in that direction, and his delegation would support it. However, it also shared the concern expressed about the principle of equitable geographical distribution, and therefore, supported the amendment proposed by the representative of Kenya. He also supported the amendment proposed by Trinidad and Tobago, since it supplemented paragraph 7. He commended the flexibility shown by the representative of the USSR in agreeing that paragraph 1 should state that the 25 per cent target set was a minimum, not a ceiling, and felt that consensus could be achieved if the modified form of the USSR amendment was accepted.
34. MR. OKEYO (Kenya) said that the phrase which the representative of the Soviet Union wanted to delete drew attention to areas where the resolution concerned had not been implemented to the same extent as at Headquarters. It was meant to refer to the regional commissions in Africa, Latin America and Asia, and had been included in order to balance the text. He therefore appealed to the representative of the Soviet Union to withdraw his amendment.
35. Ms. CONWAY (Ireland) said that the modified amendment of the Soviet Union was unacceptable for the reasons expressed by the representative of Kenya. She therefore appealed to that delegation not to press its amendment.

(Ms. Conway, Ireland)

36. She suggested that in paragraph 7, in order to preserve the sequence of words used in Article 101, paragraph 3, of the Charter, the final phrase of paragraph 7 should read "bearing in mind Article 101, paragraph 3, of the Charter of the United Nations and the principle of equitable geographical distribution".

37. Mr. KUDRYAVTSEV (Union of Soviet Socialist Republics) requested that the Committee should postpone a decision on the draft resolution so that delegations could have consultations in order to reach a generally acceptable solution.

38. The CHAIRMAN reminded the Committee of its heavy programme of work and appealed to all delegations to co-operate in order to enable it to take a decision without delay.

39. Ms. CONWAY (Ireland) said that, following brief consultations, she was in a position to suggest, as a compromise, that paragraph 1 should end with the words "had lagged behind".

40. Mr. KUDRYAVTSEV (Union of Soviet Socialist Republics) said that, in the spirit of good will and compromise, his delegation could accept the draft resolution as a whole, as further orally revised by the representative of Ireland.

41. The CHAIRMAN announced that Trinidad and Tobago had joined the sponsors of the draft resolution.

42. Draft resolution A/C.5/37/L.39, as orally revised, was adopted by consensus.

43. Mr. Hadid (Algeria), explaining his delegation's position, said that the reference to "career development" in paragraph 5 was superfluous. Career development was important both for men and for women.

44. Mr. Goh (Singapore) said that his earlier remarks had apparently been misunderstood. Singapore had every confidence in the ability of women in all fields; in its civil service women often performed better than men. His remarks had been prompted by recognition of that fact. What his delegation feared was that the United Nations might attract able women away from States which could ill afford to lose them.

45. Mr. Fontaine Ortiz (Cuba) said that while his delegation firmly supported draft resolution A/C.5/37/L.39, it understood that the words "paying particular attention to those areas of the United Nations ..." were in reference to the low percentage of women employed in ECLA, ESCAP and ECA.

46. Ms. Conway (Ireland), speaking on behalf of the sponsors, thanked the Committee for its spirit of compromise and co-operation in adopting the draft resolution by consensus.

Draft amendment A/C.5/37/L.36 to the draft resolution contained in document A/37/675, annex II

47. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that while he had no difficulty with the amendment proposed by the United States in paragraph 1 of document A/C.5/37/L.36, the amendment proposed in paragraph 2 raised a fundamental issue. It was absolutely essential for the Assembly to have its position on the provisional rules promulgated by the Secretary-General known to him before it adjourned the session at which the report was submitted. It was also essential that the period for the provisional status of the rules should not be indefinite lest the purpose of the ACABQ proposals in A/37/675, paragraph 12, and annex II thereto be defeated. If the amendment in paragraph 2 of document A/C.5/37/L.36 was adopted by the Fifth Committee, applying the new amended regulation 12.4 could mean that, should the Assembly postpone consideration of the Secretary-General's report, the provisional rules would also continue to be provisional. If that happened it was likely that the Secretary-General might be forced to administer the staff for a period of up to 24 or more months without rules that were in full force. That would be undesirable.

48. As far as the Advisory Committee was concerned, it was sufficient for the Secretary-General to report to the Assembly reasonably early in a regular session. The Assembly would have to ensure that its position was given as a matter of priority. No postponement should be entertained. The rules should come into force by 1 January of the year following that in which the report was made to the Assembly. To proceed otherwise would be to cause a number of complications, and that would be fair neither to the Secretary-General nor to the staff of the Secretariat.

49. He had been informed by a member of the United States delegation that the amendment in paragraph 2 of document A/C.5/37/L.36 was intended to ensure that the Secretary-General would report to the General Assembly early enough in a regular session to enable the Assembly to look at any provisional rules promulgated by him. He did not believe that that intention required amendment to the proposed regulation 12.4. It would be sufficient if the Fifth Committee were to place on record its wish to receive the report of the Secretary-General at about the beginning of the regular session of the General Assembly.

50. Mr. PAPENDORP (United States of America) said that, like the Chairman of the Advisory Committee, his delegation expected that any notification of rules promulgated by the Secretary-General would be made early in a regular session, and, indeed, that the notification would have been made by the time the item entitled "Personnel questions" was introduced. If the Chairman of the Advisory Committee and the Under-Secretary-General for Administration and Management considered that a fair arrangement, paragraph 2 of his delegation's amendment (A/C.5/37/L.36) could be considered withdrawn.

51. Mr. GRODSKY (Union of Soviet Socialist Republics) said that his delegation was concerned about one possibility: when the Secretary-General reported to the General Assembly on a rule which he had promulgated with provisional effect, there

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might be conflicting views in the Assembly concerning the rule, with the result that consideration of the report might be postponed until the following session. In such a situation, the question was whether the rule would be implemented or suspended. Paragraph 2 of the amendment of the United States made provision for such an eventuality. His delegation believed that the draft resolution in annex II to the Advisory Committee's report (A/37/675) should state that rules which gave rise to different opinions in the General Assembly but on which the Assembly had taken no decision should be temporarily suspended. The inclusion of language to that effect, which should not be controversial, would help to prevent an undesirable situation.

52. Mr. RUEDAS (Under-Secretary-General for Administration and Management) said the record showed that reports by the Secretary-General on proposed amendments to the Staff Rules and Regulations were always among the first documents prepared for the Fifth Committee. The corresponding document for the thirty-seventh session had been issued on 30 August 1982. There was no reason to discontinue the current practice.

53. As to the remarks made by the Soviet representative, there was a danger that excessive provision for hypothetical situations could lead to too dense a thicket of safeguards. As far as he knew, in the three decades since the current arrangements regarding the Staff Rules and Regulations had been in effect, doubts had been raised about the machinery for their implementation only in the recent case of the repatriation grant. The question was whether such an isolated instance was sufficient reason for the institution of complex new safeguards.

54. The situation envisaged by the Soviet representative was not so likely to occur that it required the amendment he had proposed. When the General Assembly considered the Secretary-General's report on provisional rules and amendments, it had three options: to note them with approval, to withhold approval for them or to suspend their application. It was hard to see how the Assembly could simply discuss the Secretary-General's report without exercising one of those options.

55. Mr. GRODSKY (Union of Soviet Socialist Republics) said that a decision by the General Assembly to suspend the application of a provisional rule on which there were conflicting views would be one way out of the situation to which his delegation had referred. His delegation was therefore willing to withdraw its amendment on the understanding that, whenever the Secretary-General reported on provisional rules or amendments, the Assembly would exercise one of the options referred to by the Under-Secretary-General.

56. The amendment proposed in paragraph 1 of document A/C.5/37/L.36 was adopted.

57. The draft resolution contained in document A/37/675, annex II, as amended, was adopted.

58. Mr. GRODSKY (Union of Soviet Socialist Republics), explaining his delegation's position, said that, had the draft resolution been put to a vote, the Soviet Union would not have been able to support paragraph 2. Under that paragraph, the General Assembly would endorse the comments and recommendations of the Advisory Committee as contained in its report. According to paragraph 3 of that report (A/37/675), the Advisory Committee had decided not to contest the Secretary-General's conclusion and intention as stated in paragraph 4 of his note (A/C.5/37/26). The Soviet Union did not agree with that decision. There should be no exceptions to the provision of General Assembly resolution 34/165 that no staff member would be entitled to any part of the repatriation grant unless evidence of relocation away from the country of the last duty station was provided.

The meeting rose at 5.15 p.m.