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### PERSONNEL QUESTIONS

#### Report of the Fifth Committee

Rapporteur: Mrs. Flor Acconciamesa de RODRIGUEZ (Venezuela)

#### I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1988, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-third session the item entitled:

"Personnel questions:

"(a) Composition of the Secretariat;

"(b) Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations;

"(c) Other personnel questions"

and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 14th, 16th, 18th, 20th, 22nd to 26th, 28th, 30th, 35th, 48th and 50th meetings, held on 24, 25, 27, 28, 31 October and 1, 2, 4, 8, 10, 14 and 18 November, and 15 and 18 December 1988. The views expressed by the delegations during the discussions are reflected in the relevant summary records (A/C.5/43/SR.14, 16, 18, 20, 22-26, 28, 30, 35 and 48).

3. For its consideration of sub-item (a), the Committee had before it the following documents:

(a) Report of the Secretary-General on the composition of the Secretariat (A/43/659);

(b) Report of the Secretary-General, transmitting a list showing, by office, department and organizational element, the name, functional title, nationality and grade of all staff members as at 30 June 1988 (A/C.5/43/L.2).

4. For its consideration of sub-item (b), the Committee had before it a report of the Secretary-General on the respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations (A/C.5/43/18).

5. For its consideration of sub-item (c), the Committee had before it the following documents:

(a) Report of the Secretary-General on amendments to the Staff Rules (A/C.5/43/6);

(b) Report of the Secretary-General on the improvement of the status of women in the Secretariat (A/C.5/43/14);

(c) Report of the Secretary-General on the administration of justice in the Secretariat (A/C.5/43/25).

6. Under this agenda item, the Committee also considered a note by the Secretary-General transmitting the views of the staff representatives of the United Nations Secretariat (A/C.5/43/27 and Corr.1).

7. At its 14th meeting, on 24 October, the Committee decided, without objection, to invite a designated representative of the staff of the United Nations Secretariat to make an oral statement before the Committee, pursuant to the provisions of General Assembly resolution 35/213 of 17 December 1980.

## II. CONSIDERATION OF PROPOSALS

### A. Draft resolutions A to D and draft decision (A/C.5/43/L.12)

8. At the 48th meeting, on 15 December, the Chairman, following informal consultations, introduced four draft resolutions and one draft decision on personnel questions (A/C.5/43/L.12).

9. At the same meeting, the Committee adopted draft resolutions A, B, C and D without a vote (see para. 14, draft resolution I).

10. At the same meeting, the Committee adopted the draft decision without a vote (see para. 15).

B. Draft resolution A/C.5/43/L.13

11. At its 50th meeting, on 18 December, the Chairman, following informal consultations, introduced a draft resolution entitled "Respect for the privileges and immunities of officials of the United Nations and specialized agencies and related organizations" (A/C.5/43/L.13).
12. At the same meeting, the Committee adopted the draft resolution without a vote (see para. 14, draft resolution II).
13. Also at that meeting, the Legal Counsel made a statement related to questions raised earlier by delegations. The representatives of China, Ghana, Kenya and Algeria also made statements connected with the Legal Counsel's reply.

III. RECOMMENDATIONS OF THE FIFTH COMMITTEE

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

DRAFT RESOLUTION I

Personnel questions

A

Composition of the Secretariat

The General Assembly,

Recalling Articles 100 and 101 of the Charter of the United Nations,

Reaffirming its resolutions 33/143 of 20 December 1978, 35/210 of 17 December 1980, 41/213 of 19 December 1986 and 42/220 of 21 December 1987,

Emphasizing the independent international status of the staff of the United Nations Secretariat,

Taking note of the report of the Secretary-General on the composition of the Secretariat, 1/

Noting that nationals of some Member States who served primarily on fixed-term contracts now accept long-term and permanent contracts for service with the United Nations Secretariat,

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1/ A/43/659.

Concerned about a further deterioration in equitable geographical distribution of posts in the Secretariat, particularly at the higher echelons,

Bearing in mind the views on personnel questions expressed by Member States in the Fifth Committee during the forty-third session,

1. Reiterates its full support for the Secretary-General as Chief Administrative Officer of the Organization and his prerogatives and responsibilities under the Charter of the United Nations;

2. Requests the Secretary-General to strengthen the role and emphasize the authority of the Office of Human Resources Management of the Secretariat in accordance with recommendation 41 of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations; 2/

3. Requests the Secretary-General, in order to preserve the principles of equitable geographical distribution and of rotation in the upper echelons of the Secretariat, to ensure that equal opportunity is given to candidates of all Member States when making appointments to all posts in the upper echelons, and not to extend, as a rule, the services of Under-Secretaries-General or Assistant Secretaries-General for a period exceeding ten years;

4. Urges the Secretary-General, whenever appointments are made to posts subject to geographical distribution, to make every effort to recruit nationals of unrepresented and underrepresented Member States and candidates successful in the national competitive examinations, taking into consideration also paragraph 4 of resolution 41/206 A of 11 December 1986, in order to ensure that all such countries come closer to the mid-point of their desirable ranges;

5. Reaffirms the principle of equal opportunity, in accordance with the Charter, and the principle that no post should be considered the exclusive preserve of any Member State or group of States, and requests the Secretary-General to apply these principles faithfully, with due regard to the principle of equitable geographical distribution, which applies to all Member States;

6. Urges the Secretary-General to take additional measures to ensure that the nationals of developing countries are duly represented at the senior levels in accordance with the relevant resolutions of the General Assembly;

7. Further urges the Secretary-General, in addition to the action taken under the previous paragraph, to ensure that the nationals of other countries are also duly represented at the senior levels, in accordance with the relevant resolutions of the General Assembly;

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2/ Official Records of the General Assembly, Forty-first Session, Supplement No. 49 (A/41/49).

8. Requests the Secretary-General to monitor closely the effects of the reduction of posts on geographical distribution, particularly at the higher levels, and to take appropriate measures to redress any imbalances;

9. Also requests the Secretary-General to give special attention to the filling of posts in organizational units with high vacancy rates, particularly the regional commissions;

10. Further requests the Secretary-General to continue his efforts aimed at the improvement of the composition of the Secretariat by ensuring a wide geographical distribution of staff at the Professional and higher levels in all main departments and offices;

11. Urges the Secretary-General to intensify his efforts towards the development of a comprehensive career development plan, based, inter alia, on competitive selection, for all staff, including General Service staff, in accordance with section III of the annex to General Assembly resolution 35/210, resolution 37/126 of 17 December 1982 and paragraph 4 of section I of resolution 42/220 and the relevant Staff Regulations and Rules;

12. Also urges the Secretary-General to intensify his efforts towards increasing the mobility of staff and strengthening the training and retraining capabilities of the Secretariat;

13. Requests the Secretary-General to complete the full realignment of internal and external examinations and to study their effect on geographical distribution and to submit proposals to the General Assembly as appropriate;

14. Also requests the Secretary-General to report on the progress achieved on personnel matters to the General Assembly at its forty-fifth session.

B

Administration of justice in the Secretariat

The General Assembly,

Noting the importance of a just and efficient internal justice system in the Secretariat,

Having considered the report of the Secretary-General on the administration of justice in the Secretariat 3/ and the fifth report of the Advisory Committee on Administrative and Budgetary Questions 4/ on this subject,

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3/ A/C.5/43/25.

4/ Official Records of the General Assembly, Forty-third Session, Supplement No. 7A (A/43/7/Add.4).

Welcoming the improvement in the internal justice system and the considerable progress achieved during the current year, including the disposal of the backlog of cases of the Headquarters Joint Appeals Board and the streamlining of the appeals procedures,

1. Endorses the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions;

2. Requests the Secretary-General to establish by the end of 1989 a fully revised internal justice system as proposed in his report pursuant to recommendation 60 of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations 2/ and to report thereon to the General Assembly at its forty-fourth session;

3. Calls upon the Secretary-General to finish putting into place improved disciplinary rules and procedures at the earliest stage, as well as revised appellate procedures, in accordance with paragraphs 18 and 19 of the Secretary-General's report, and to report thereon to the General Assembly at its forty-fourth session.

C

Improvement of the status of women in the Secretariat

The General Assembly,

Recalling Articles 8, 100 and 101 of the Charter of the United Nations,

Recalling also all relevant resolutions on the improvement of the status of women in the Secretariat,

Recalling the relevant paragraphs of the Nairobi Forward-looking Strategies for the Advancement of Women, 5/ in particular paragraphs 315, 356 and 358,

Reaffirming the goal of increasing the number of women in posts subject to geographical distribution to 30 per cent of the total by 1990,

Noting with satisfaction that the question of the improvement of the status of women in the secretariats of the United Nations system continues to be a standing item on the agenda of the Administrative Committee on Co-ordination,

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5/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

1. Takes note of the report of the Secretary-General 6/ and of his decision to deploy, on a full-time basis, a senior-level position, within existing resources, as focal point within the Office of Human Resources Management of the Secretariat, to monitor and facilitate the improvement of the status of women in the Secretariat;
2. Requests the Secretary-General to continue his efforts and to consider the introduction of additional measures, if necessary, in order to increase the number of women in posts subject to geographical distribution with a view to achieving, to the extent possible, an overall participation rate of 30 per cent of the total by 1990, without prejudice to the principle of equitable geographical distribution of posts, as was requested in paragraph 3 of resolution 40/258 B of 18 December 1985;
3. Urges the Secretary-General to increase his efforts to ensure an equitable representation of women from developing countries in posts subject to geographical distribution;
4. Requests the Secretary-General to intensify his efforts to increase the percentage of women at the senior and policy-formulating levels, in particular the number of women from developing countries in these posts;
5. Reiterates its request to all 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, inter alia, nominating more women candidates and encouraging women to apply for vacant posts and to participate in national competitive examinations;
6. Requests the Secretary-General to present a complete report to the General Assembly at its forty-fourth session on the continued implementation of the action programme for the improvement of the status of women in the Secretariat, 7/ in particular on the respective roles of the focal point and the Steering Committee, and on progress achieved in the implementation of the recommendations of the Steering Committee as contained in its fourth report, 8/ and to ensure that that information is presented to the Commission on the Status of Women at its thirty-third session.

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6/ A/C.5/43/14.

7/ A/C.5/40/30.

8/ See A/C.5/43/14, annex I.

D

Working languages of the Secretariat and language training

The General Assembly,

Aware of the importance of the linguistic capability of the Secretariat for the efficient and effective functioning of the Organization,

Recalling its resolutions 2 (I) of 1 February 1946, 2241 (XXI) of 20 December 1966, 2359 (XXII) of 19 December 1967 and 2480 B (XXIII) of 20 December 1968 on the use of working languages in the Secretariat,

Recalling also section III of its resolution 38/232 of 20 December 1983, and the report of the Secretary-General on the status of the linguistic skills of the United Nations staff, 9/ dated 25 September 1984, submitted pursuant to that resolution,

Desirous that the rules governing the use of the working languages of the Secretariat be fully applied in practice,

1. Encourages the Secretary-General, in the context of his efforts to ensure a better use of the working languages of the Secretariat, to take the measures available so as to enable staff to use the appropriate working languages in their written and oral communications, bearing in mind the particular situation at the regional commissions where other working languages are also used;

2. Requests the Secretary-General to encourage staff members, particularly those occupying posts subject to geographical distribution, to make full use of existing language training facilities, with a view to broadening their knowledge of all languages of the Organization and in accordance with section XVII of General Assembly resolution 36/235 of 18 December 1981;

3. Invites Member States to continue to make voluntary contributions, in line with existing procedures, to the existing language training facilities of the United Nations;

4. Invites the Secretary-General to submit to the General Assembly at its forty-fifth session a report on the implementation of the present resolution.

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9/ A/C.5/39/6 and Corr.1.



DRAFT RESOLUTION II

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

The General Assembly,

Recalling that, under Article 100 of the Charter of the United Nations, each Member of the United Nations undertakes 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,

Recalling that, under Article 105 of the Charter, all officials of the Organization shall enjoy in the territory of each of its Member States such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization,

Recalling the Convention on the Privileges and Immunities of the United Nations, 10/ the Convention on the Privileges and Immunities of the Specialized Agencies, 11/ the Agreement on the Privileges and Immunities of the International Atomic Energy Agency and the United Nations Development Programme standard basic assistance agreements,

Recalling also its resolution 76 (I) of 7 December 1946, in which it approved the granting of the privileges and immunities referred to in articles V and VII of the Convention on the Privileges and Immunities of the United Nations to all members of the staff of the United Nations,

Recalling its resolution 43/173 of 9 December 1988 containing, inter alia, a body of principles for the protection of all persons under any form of detention or imprisonment, including the principle that all persons under arrest or detention be provided whenever necessary with medical care and treatment,

Reiterating the obligation of all officials of the Organization in the conduct of their duties to observe fully the laws and regulations of Member States,

Mindful of the responsibilities of the Secretary-General to safeguard the functional immunity of all United Nations officials,

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10/ Resolution 22 A (I).

11/ Resolution 179 (II).

Mindful also of the importance in this respect of the provision by Member States of adequate and timely information concerning the arrest and detention of staff members and, more particularly, their granting of access to them,

Bearing in mind the wider considerations of the Secretary-General to guarantee minimum standards of justice and due process to United Nations officials,

Reaffirming its previous resolutions, in particular resolution 42/219 of 21 December 1987,

1. Takes note with concern of the report submitted by the Secretary-General, 12/ on behalf of the Administrative Committee on Co-ordination, and of the developments indicated therein, in particular the significant number of new cases of arrest and detention and those regarding previously reported cases under this category;
2. Also takes note with concern of the restrictions on duty travel of officials as indicated in the report of the Secretary-General;
3. Further takes note with concern of the information in the report of the Secretary-General related to taxation and the status, privileges and immunities of officials;
4. Deplores the increase in the number of cases where the functioning, safety and well-being of officials have been adversely affected;
5. Also deplores the increasing number of cases in which the lives and well-being of officials have been placed in jeopardy during the exercise of their official functions;
6. Calls upon all Member States scrupulously to respect the privileges and immunities of all officials of the United Nations, the specialized agencies and related organizations and to refrain from any acts that would impede such officials in the performance of their functions, thereby seriously affecting the proper functioning of the Organization;
7. Calls upon those Member States holding under arrest or detention officials of the United Nations, the specialized agencies and related organizations to enable the Secretary-General or the executive head of the organization concerned to exercise fully the right of functional protection inherent in the relevant multilateral conventions and bilateral agreements, particularly with respect to immediate access to detained staff members;

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12/ A/C.5/43/18.

8. Calls upon all Member States otherwise impeding officials of the United Nations, specialized agencies and related organizations in the proper discharge of their duties to review the cases and to co-ordinate efforts with the Secretary-General or the executive head of the organization concerned to resolve each case with all due speed;

9. Calls upon the staff of the United Nations and the specialized agencies and related organizations to comply with the obligations resulting from the Staff Regulations and Rules of the United Nations, in particular regulation 1.8, and from the equivalent provisions governing the staff of the other agencies;

10. Calls upon the Secretary-General to use all such means as are available to him to bring about an expeditious solution of the cases still pending, which were referred to in the report;

11. Also calls upon the Secretary-General, as Chief Administrative Officer of the United Nations, to continue personally to act as the focal point in promoting and ensuring the observance of the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations by using all such means as are available to him;

12. Urges the Secretary-General to give priority, through the United Nations Security Co-ordinator and his other special representatives, to the reporting and prompt follow-up of cases of arrest, detention and other possible matters relating to the security and proper functioning of officials of the United Nations and the specialized agencies and related organizations;

13. Requests the Secretary-General, as Chairman of the Administrative Committee on Co-ordination, to review and appraise the measures already taken to enhance the proper functioning, safety and protection of international civil servants and to modify them, where necessary.

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

#### DRAFT DECISION

##### Amendments to the Staff Rules

The General Assembly, noting the need periodically to review the Staff Rules and to report annually to the General Assembly the full text of provisional Staff Rules and amendments, decides to take note of the report of the Secretary-General on amendments to the Staff Rules. 13/

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