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Agenda item 116

PERSONNEL QUESTIONS

Report of the Fifth Committee

Rapporteur: Mr. Even FONTAINE ORTIZ (Cuba)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1983, the General Assembly decided, on the recommendation of the General Committee, to include in the agenda of its thirty-eighth 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: reports of the Secretary-General".

At its 4th plenary meeting, on the same day, the Assembly decided to allocate the item to the Fifth Committee.

2. The Committee considered the item at its 41st, 45th to 48th, 50th, 53rd, 60th and 73rd meetings, held from 17 November to 19 December 1983. The views expressed by delegations during the discussion are reflected in the relevant summary records (see A/C.5/38/SR.41, 45-48, 50, 53, 60 and 73).

3. For its consideration of item 116 (a), the Committee had before it the following documents:

(a) Report of the Secretary-General on the composition of the Secretariat (A/38/347 and Corr.1);

(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 at 30 June 1983 (A/C.5/38/L.2);

(c) Note by the Secretary-General transmitting the report submitted by the staff representatives of the United Nations Secretariat (A/C.5/38/29).

4. For its consideration of item 116 (b), the Committee had before it the following documents:

(a) 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 (A/C.5/38/17 and Corr.1 and Add.1);

(b) Report of the Secretary-General on UNRWA staff detained in Lebanon by the Israeli authorities (A/C.5/38/18).

5. For its consideration of item 116 (c), the Committee had before it the following document: report of the Secretary-General on the amendments to the Staff Rules (A/C.5/38/10 and Corr.1).

II. CONSIDERATION OF PROPOSALS

6. At its 41st meeting, on 17 November, 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.

A. Draft resolution A/C.5/38/L.19

7. At the 73rd meeting, on 19 December, the representative of the Netherlands, on behalf of Australia, the Bahamas, Belgium, Canada, Denmark, Germany, Federal Republic of, Ireland, the Netherlands, New Zealand, Spain and Sweden, joined by Norway and Sierra Leone, introduced a draft resolution entitled "Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations" (A/C.5/38/L.19).

8. At the same meeting, the Committee adopted draft resolution A/C.5/38/L.19 without a vote (see para. 18, draft resolution I).

9. Statements in explanation of position were made by the German Democratic Republic, the United States of America, Zambia and Israel.

B. Draft resolution A/C.5/38/L.27

10. At the 73rd meeting, the representative of Barbados introduced a draft resolution entitled "Composition of the Secretariat" (A/C.5/38/L.27).
11. At the same meeting, the Committee adopted draft resolution A/C.5/38/L.27 without a vote (see para. 18, draft resolution II).
12. Statements in explanation of position were made by the representatives of Morocco, Venezuela, the German Democratic Republic, Sierra Leone, the United Kingdom of Great Britain and Northern Ireland, Austria, Mexico and Australia.

C. Draft decision A/C.5/38/L.28

13. The Fifth Committee had before it a draft decision submitted by Iraq (A/C.5/38/L.28), which read as follows:

"The General Assembly

"Decides to call on the Secretary-General to make special efforts to solve the problem of vacancies of posts in certain regional commissions."

At the 73rd meeting, the representative of Iraq withdrew the draft decision.

D. Amendments to the Staff Rules

14. At the same meeting, the Chairman proposed that the Committee should recommend that the General Assembly should take note of the report of the Secretary-General (A/C.5/38/10 and Corr.1) on the amendments to the Staff Rules.
15. At the same meeting, the representative of the Union of Soviet Socialist Republics orally introduced the following amendments to the above proposal:
 - "1. From the text of rule 108.1, subparagraph (d) (Annex 1) delete the following words: 'and other personnel policies'.
 - "2. Delete subparagraph (c) from rule 108.2."
16. At the same meeting, the representative of the German Democratic Republic orally revised the above amendments and proposed the following text:

"Requests the Secretary-General to review the text of staff rules 108.1, subparagraph (d), and 108.2, subparagraph (c), in the light of the amendment submitted by the delegation of the Union of Soviet Socialist Republics".
17. At the same meeting, the Committee approved, without objection, the draft decision proposed by the Chairman, as amended (see para. 19).

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III. RECOMMENDATIONS OF THE FIFTH COMMITTEE

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

DRAFT RESOLUTION I

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

The General Assembly,

Recalling its resolutions 35/212 of 17 December 1980, 36/232 of 18 December 1981 and 37/236 of 21 December 1982,

Recalling that, under Article 105 of the Charter, 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, which is indispensable for the proper discharge of their duties,

Recalling the obligation of the staff in the conduct of their duty to observe fully the laws and regulations of Member States,

1. Takes note with concern of the reports submitted to the General Assembly by the Secretary-General on behalf of the Administrative Committee on Co-ordination, 1/ which show a continuing neglect of the observance of the principles related to the respect of privileges and immunities of the United Nations and the specialized and related agencies;
2. Expresses particular concern at the detentions of a great number of officials of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and to the cases in which full exercise of the right of functional protections was impossible as mentioned in the reports of the Secretary-General; 1/
3. Reaffirms the above-mentioned resolutions;
4. Welcomes the measures already taken by the Secretary-General to enhance the safety and protection of international civil servants as outlined in paragraph 7 of the Secretary-General's report; 2/
5. Calls upon the Secretary-General as chief administrative officer of the Organization to personally continue to act as focal point in promoting and ensuring the observance of the privileges and immunities of officials of the United Nations and the specialized and related agencies by using such means as are available to him;

1/ A/C.5/38/17 and A/C.5/38/18.

2/ A/C.5/38/17.

6. Welcomes the designation by the Secretary-General of officials to undertake special responsibilities for the security and protection of the Organization's personnel and property;

7. Urges the Secretary-General to give priority through his designated officials as mentioned in document A/C.5/38/17, annex III, to reporting and prompt follow-up of cases of arrest, detention and possible other matters relating to the security of officials of the United Nations and the specialized and related agencies;

8. Calls upon the staff of the United Nations to comply with the obligations resulting from the staff regulations, in particular regulation 1.8;

9. Requests the Secretary-General as Chairman of the Administrative Committee on Co-ordination to suggest in his next annual report to be submitted to the thirty-ninth General Assembly further measures to be taken with regard to the safety and protection of international civil servants.

DRAFT RESOLUTION II

Composition of the Secretariat

The General Assembly,

Reaffirming its previous resolutions on personnel policy and in particular resolutions 33/143 of 20 December 1978, 35/210 of 17 December 1980 and 37/235 of 21 December 1982,

Noting that some limited progress has 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,

Concerned by the lack of progress, especially in the last year, towards increasing the proportion of women in the Secretariat and in particular the failure to reach the target set in Section III of resolution 33/143,

Recognizing the central role of the Office of Personnel Services in the implementation of Personnel policies,

1. Takes note of the report of the Secretary-General on the composition of the Secretariat; 3/

2. Calls upon the Secretary-General to continue to make every effort to ensure the implementation of the provisions of its previous resolutions and in particular of resolutions 33/143, 35/210 and 37/235;

3/ A/38/347 and Corr.1.

3. Requests the Secretary-General to make special efforts to meet the goals and objectives established with respect to:

- (a) The situation of unrepresented and under-represented countries;
- (b) The recruitment, career development and promotion of women;
- (c) The achievement of a balanced and equitable geographical distribution of staff throughout the Secretariat;

4. Requests the Secretary-General to strengthen the role of the Office of Personnel Services of the Department of Administration and Management in all personnel matters throughout the Secretariat;

5. Reaffirms its request to the Secretary-General in paragraph 8 of resolution 37/235 A to report to the General Assembly at its thirty-ninth session on progress made in the implementation of all aspects of personnel policy reform.

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

Amendments to the Staff Rules

The General Assembly

- (a) Takes note of the report of the Secretary-General on the amendments to the Staff Rules; 4/
- (b) Requests the Secretary-General to review the text of staff rules 108.1, subparagraph (d), and 108.2, subparagraph (c), in the light of the amendments submitted by the delegation of the Union of Soviet Socialist Republics.

4/ A/C.5/38/10 and Corr.1.