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at 3 p.m.
New York

SUMMARY RECORD OF THE 32nd MEETING

Chairman: Mr. MUNTASSER (Libyan Arab Republic)

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

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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 103: REPORT OF THE INTERNATIONAL CIVIL SERVICE COMMISSION
(A/31/8/Add.6, A/31/30 and Add.1, A/31/239; A/C.5/31/26; A/C.5/31/CRP.4)
(continued)

1. Mr. McCREIDIE (Australia) complimented ICSC on its comprehensive report and the Chairman of the Commission on his illuminating introduction. His delegation was able to support fully many of the conclusions since they seemed equitable and soundly based. However, it would have been helpful if the tables proposing changes in remuneration had indicated both the existing and the proposed levels of salaries and allowances.
2. His delegation had noted the Commission's statements in paragraph 46 of its report that it had not conducted a fundamental reform of the system on the present occasion and that, before it did so, the political organs of the United Nations system should lay down policy guidelines, and in paragraph 50 that it failed to see any acceptable alternative to the Noblemaire principle as the basis for establishing United Nations remuneration. His delegation therefore considered that any policy guidelines which the Committee might provide should refer to the Noblemaire principle, whether that principle remained appropriate and acceptable in all its applications, and whether ICSC should continue to interpret it as it had up to the present.
3. His delegation strongly endorsed the Commission's recommendation in paragraph 57 that the General Assembly should instruct the Commission to keep under continual review the relationship between the levels of remuneration of the United States Federal Civil Service and the United Nations system. It noted with approval that the only discretion the Commission sought for itself in that respect was a possible need for conservatory action.
4. His delegation shared the frustration of the representative of Ghana in trying to follow the reasoning which equated grades P-3, P-4 and P-5 with certain United States Civil Service grades (para. 52). The comprehensive job evaluation between the two systems should be carried out by the Commission as a matter of some urgency. The proposal for the introduction of a P-6 grade was acceptable to his delegation only if that were deemed necessary because a large number of P-5 incumbents were found to be over-qualified by comparison with United States GS-15 officers. In such a case, his delegation would favour accommodation of the grades P-1 to P-6 under the present P-5 salary ceiling, even if that entailed a de facto downgrading of some posts.
5. Annex III E of the report, which showed the distribution of Professional staff by grade, indicated a very heavy concentration of staff in the P-5 and P-4 grades. In his delegation's view, the Fifth Committee should stress that it did not favour "grade creep" as a solution to grade congestion. Once ICSC had produced an appropriate job evaluation and comparison with the United States Civil Service, the Committee would be in a better position to judge what further action should be taken. Introduction of a P-6 grade might simply transfer the congestion from grades P-4 and P-5 to grades P-5 and P-6.

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(Mr. McCredie, Australia)

6. Reference had already been made in the debate to the economic difficulties faced by many Governments and to a trend in national civil services away from extending new ranges of benefits and away from salary indexation. His delegation would like the Commission to pay close attention to that trend, especially in connexion with such matters as the automatic application of post adjustment. The disparities in gross remuneration between duty stations, of which New York and Geneva provided a glaring example, also needed to be examined.
7. The history of the education allowance by the Chairman of ICSC revealed a series of concessions that departed from the original purpose of the allowance. It was difficult to accept the argument that expatriate staff should be allowed to claim reimbursement of education expenses for children at universities in the country of their duty station because the alternative of educating them abroad was more expensive. Before agreeing to the new proposal, his delegation would like to know whether any national civil service provided equivalent concessions in respect of its expatriate staff and would appreciate a breakdown of the additional educational expenses envisaged under paragraph 292. It was in favour of requesting ICSC to re-examine the whole question of the education allowance to see whether the spirit of the Noblemaire principle had been exceeded.
8. In conclusion, he urged that ICSC should examine as soon as possible the question of the remuneration of the General Service category, in accordance with the conclusion in paragraph 82 of the report.
9. Ms. POSTON (United States of America) paid a tribute to the highly professional way in which the Commission was fulfilling its complex mandate and expressed full support for the general thrust of the Commission's report.
10. It was particularly pleasing to note the Commission's conclusion that the Noblemaire principle should be followed in establishing the level of remuneration for United Nations staff. Her delegation agreed that there was no evidence to warrant discontinuing the comparison with the United States Civil Service; however, the Commission was right to keep the matter under regular review.
11. The United States delegation was opposed to the practice of providing automatic protection against increases in the cost of living at the base station, although it accepted use of the post adjustment system to equalize the purchasing power of staff between the base station and other duty stations. Abandonment of the practice of compensating increases in the cost of living would prevent an excessive widening of the margin between United Nations remuneration and that of the United States Civil Service, since the latter was related to comparable salary levels in the United States private sector. Her delegation therefore welcomed the concern expressed by members of the Commission on that subject (A/31/30, paras. 227-229) and strongly supported those members of the Commission who favoured deletion of the cost-of-living indexation factor from the post adjustment system. It was particularly unfortunate that international civil servants should be given fully automatic protection against cost-of-living increases when such indexing further contributed to the general inflationary spiral.

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(Ms. Poston, United States)

12. With regard to the suggested change in the traditional matching points for comparing equivalencies in grades between the United Nations and the United States systems, her delegation believed that the evidence adduced by the Commission was insufficient to warrant such a change, at least until the comprehensive job evaluation referred to in paragraph 52 (a) had been carried out.

13. With reference to paragraph 16⁴ of the report, she endorsed the views of those members of the Commission who questioned the comparison with the United States Civil Service in Washington rather than New York, bearing in mind that the purpose of the comparison was to determine the adequacy of United Nations salaries to attract citizens of the State with the highest-paying civil service. Moreover, there was a large group of United States Government employees in New York City with which to make the comparison. If, using the traditional matching points, the comparison was made with New York, the current gap between United Nations and United States salaries was between 31 and 59 per cent. It was therefore difficult to agree with the Commission's conclusion in paragraph 56 of its report.

14. The United States delegation shared the reservations expressed by the representative of Japan concerning the recommended change in the education grant. That grant had been instituted originally to facilitate an education which would enable the children of expatriate staff to assimilate in their own country when they returned to it. An allowance for attendance at a university not in the child's own country or in a country whose language, history, culture and social mores were closely related, appeared to contravene the original purpose of the grant and would discriminate against non-expatriates. As to the larger question of the extent to which the Organization was responsible for educating dependent children, it should be borne in mind that the United States Civil Service did not provide an allowance for university education. Justification for the United Nations to provide an education grant must be based on the expatriation factor rather than the Noblemaire principle.

15. Her delegation had considerable doubt concerning the Commissioner's recommendation to introduce an "end-of-service grant" for holders of fixed-term appointments, since it considered that any competent person accepting a fixed-term appointment should be aware of the limited time-span of his employment and take that factor into account when initially negotiating his salary. In other words, the Organization's responsibility to the appointee should be limited to ensuring that the terms of employment agreed upon were met.

16. The Commission's conclusions and recommendations in paragraphs 48 to 51, paragraphs 53 and 55, paragraphs 58 to 65, paragraphs 68 and 69, paragraphs 71 to 74, paragraphs 76 to 78 and paragraphs 80, 81 and 84 were fully acceptable to her delegation.

17. Mr. KRUMIN (Union of Soviet Socialist Republics) said that the question of salaries was becoming increasingly important, since 75 per cent of the total expenditure of the United Nations system was devoted to salaries. His delegation agreed with ICSC that existing levels of remuneration were quite adequate for the purpose of recruiting qualified staff members. In comparison with the salaries of

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(Mr. Krumin, USSR)

United States civil servants, United Nations salaries were exceedingly generous. In that connexion, ICSC had recommended that the Expert Committee on Post Adjustment should examine the post adjustment system, which increased the gap between salaries in the United Nations and those in the United States civil service, and report on the matter to ICSC. It had also decided that there should be no changes in the existing structure of categories or in the number of grades in the Professional and higher categories. He endorsed those conclusions. He could not agree, however, with the findings of the Commission's preliminary comparison of levels of remuneration for Professional categories in the United Nations with corresponding levels of remuneration in the United States Civil Service. He had been particularly surprised by the Commission's conclusion that the existing matching points should be changed; the new matching points were the result of a hasty and incompetent study, and meant that the gap between salaries in the two services was under-estimated. The limitations of the study, as recognized by ICSC itself (A/31/30, para. 146), as well as the fact that the study had been carried out by staff members who were interested parties, demonstrated the inappropriateness of the decision to change the system. The Commission's own doubts in that respect were shown by its decision to continue its comparison of United Nations posts with posts in the United States Civil Service the following year, with the help of outside experts. The Commission's initial conclusion was therefore unsatisfactory, and it was to be hoped that its final conclusion would be objective and well-founded.

18. The 1971-1972 Special Committee for the Review of the United Nations Salary System had decided that the salaries of international civil servants should be 15 per cent higher than the salaries of United States civil servants. However, United Nations salaries were now 34 per cent higher (A/31/30, para. 142), and that was clearly unacceptable. ICSC must therefore examine the possibility of establishing a ceiling for the difference between United Nations salaries and United States salaries. The task would not be easy, but there could be no justification for such a large difference, particularly when there was no guarantee that it would not increase. While the interests of staff members were important, those of Member States were more important. In his comments on the report of the Special Committee for the Review of the United Nations Salary System, the Secretary-General had accepted the need to establish concrete links between salaries in the United Nations and those in the United States civil service. Unfortunately, that had not been done.

19. His delegation would vote against the Commission's recommendation concerning the inclusion of five classes of post adjustment in the base salary, since the proposal would involve unjustified financial implications and represented a concealed increase in actual salaries. On several occasions, the General Assembly had called for an in-depth analysis of the existing system of adjustments, but no final solution had yet been found.

20. There had been an unprecedented increase in the number of increments and

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(Mr. Krumin, USSR)

allowances, which constituted up to 25 per cent of the base salary of an international civil servant. Unfortunately, some of the Commission's recommendations would lead to yet more such increments and allowances. He was particularly doubtful about the recommendation to calculate termination indemnities and other allowances on the basis not of base salary but of pensionable remuneration. The argument that such an approach would reduce the need to include classes of post adjustment in the base salary was not convincing. Similarly, his delegation could not support the Commission's recommendation concerning an increase in the education allowance, which was unfounded. The recommendation concerning the introduction of an end-of-service grant for staff members whose appointment was not to be renewed after the completion of six years' continuous service (A/31/30, para. 79) was not only unfounded, but discriminated against those staff members who, for various reasons, did not wish to renew their contract after six years' service. His delegation would vote against the recommendation.

21. In paragraph 57 of its report, ICSC recommended that, in certain cases, it should be authorized to take independent action with respect to the salaries of staff members, without waiting for a decision of the General Assembly. If that recommendation meant that ICSC could increase the salary of Professional staff, he could not support it, since the salaries of Professional staff fell within the sole competence of the General Assembly. The administration of the United Nations should take note of the Commission's conclusion that the efficiency of the Secretariat should be increased not by raising salaries but by improving management techniques and raising productivity. His delegation would vote against any additional expenditure resulting from the recommendations of ICSC, since such expenditure could not be justified.

22. Mr. KIVANC (Turkey) noted with satisfaction that the statute of ICSC had been accepted by 10 organizations in addition to the United Nations and that two other organizations had participated actively in the Commission's work. ICSC rightly continued to devote primary attention to the requests made by the Assembly in its resolutions 3042 (XXVII), 3357 (XXIX) and 3418 (XXX). He welcomed the Commission's efforts to ensure that the executive heads of the participating organizations and the representatives of the staff were given every opportunity to make their views known.

23. His delegation was not unduly concerned by the Commission's statement that in the limited time available ICSC had not been able to recommend a fundamental reform of the system, since it was not fully convinced that such a reform was necessary at the present time. Owing to the growth of personnel, Member States had to shoulder an increasing financial burden, but that was probably inevitable owing to the special nature of international organizations. Consequently, in his delegation's view, the main task of the Commission should be to evaluate the salary system with a view to correcting anomalies and making improvements in order to adapt the system to changing conditions. The basis for such work should be the provisions of Articles 100 and 101 of the United Nations Charter and the relevant provisions of the constitutions of the specialized agencies. In addition, the Commission should endeavour to ensure equity, coherence, universality and clarity, as it had itself stated in paragraph 45 of the report. His delegation welcomed the stress placed by the Commission on "administrative management" in paragraph 47.

(Mr. Kivanc, Turkey)

When it became apparent that a fundamental reform was desirable, the principles and objectives of the new system should be clearly defined by the legislative organs.

24. Generally speaking, the Turkish delegation endorsed the conclusions and recommendations of ICSC. It had no difficulty in accepting the continued validity of the Noblemaire principle but would like a better definition of the concepts of "remuneration" and "total compensation". The fully accountable allowances should not be taken into consideration in the comparison between the United Nations and United States systems. His delegation shared the concern of the Commission stated in paragraphs 146 and 147 of the report.

25. He hoped that the Commission would continue to study the post adjustment system, taking into consideration all the relevant factors.

26. With respect to the education grant, the situation of non-expatriate staff should be taken into consideration in the interests of a better psychological environment.

27. The Commission's recommendation concerning an increase in the termination indemnity and the introduction of an end-of-service grant were both acceptable to his delegation.

28. He warmly welcomed the Commission's decision to review at the earliest opportunity the question of language incentives and urged that discrimination against staff whose mother tongue was not an official or working language of the United Nations should be prevented by introducing appropriate measures.

29. In conclusion, he complimented the members of the Commission on their success in dealing with a highly complex task from both the technical and psychological standpoints.

30. Mr. RASOULI (Afghanistan) said that many of the points he had intended to raise had already been mentioned in the debate.

31. Despite the welcome restraint shown by ICSC, its proposals, if adopted, would place a further burden on the hard currency reserves of some Member States, especially the least developed countries. Notwithstanding that fact, his delegation was convinced that ICSC had attempted to produce the best possible solutions to a series of difficult questions and consequently it could give its general support to the Commission's recommendations. However, it had reservations concerning the possible addition of a P-6 grade, for which there appeared to be no pressing need. Moreover, it had difficulty in understanding how a person dismissed for misconduct could be awarded an indemnity of up to six months' pay. In that connexion, Article 101, paragraph 3, of the United Nations Charter should be faithfully applied, thus avoiding unnecessary expenditure on indemnities.

32. With regard to General Service salaries, his delegation trusted that ICSC

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(Mr. Rasouli, Afghanistan)

would examine the aptness of the principle that General Service staff should be paid according to the best prevailing local rates.

33. With respect to economies, his delegation took the position that reduction of expenditures should be sought in the rationalization of personnel management as well as in the area of salaries.

34. His delegation agreed with the view that the education grant should be payable to staff members whose children attended university in the country of origin.

35. Mr. GAMBOA (Venezuela) reiterated his delegation's confidence in the Commission, expressed appreciation for its recommendations and noted with satisfaction that most of the specialized agencies in the United Nations system had accepted the statute of the Commission.

36. His delegation appreciated the restraint shown by the Commission in not proposing a fundamental reform of the United Nations salary system at a time when the majority of Member States were experiencing economic difficulties. However, it considered that it would be necessary to carry out a fundamental reform in the future, and to make suggestions for administrative management measures. His delegation therefore endorsed the conclusion in paragraph 48 of the Commission's report.

37. The Commission should continue to study the merits of the current practice of taking the United States Civil Service as a guide in establishing the level of United Nations remuneration. Comparisons with other civil services might provide a greater degree of flexibility and complementary solutions.

38. His delegation endorsed the conclusion in paragraph 59 of the report concerning the differentiation between the over-all net remuneration of staff with and without dependants.

39. With respect to the education grant, his delegation shared the views of the Japanese delegation and regretted the distortion of the original purpose of the grant, which was now being used to relieve parents of the cost of educating their children. The new scale recommended by the Commission would entail added costs of \$435,000.

40. The recommendation concerning terminal payments in paragraph 65 of the report constituted a welcome advance and would give fair recognition to staff members with fixed-term contracts.

41. His delegation looked forward to the results of the Commission's study of the General Service salaries and hoped that it would be able to devise uniform methodologies, eliminating any anomalies that had arisen because of separate decisions taken in the past by the executive heads of individual organizations.

42. In conclusion, he agreed with the Commission that it should keep the United Nations salary system under continual review bearing in mind not only Article 101,

(Mr. Gamboa, Venezuela)

paragraph 3, of the Charter, but also the need to correct the many anomalies observed by Member States, particularly those indicated at the twenty-ninth session when the Committee had referred in its discussion of personnel questions to Inspector Bertrand's report.

43. Miss MUCK (Austria) expressed appreciation for the Commission's systematic review in document A/31/30 and welcomed its reaffirmation of the Noblemaire principle.

44. The need for revamping the present remuneration system had become most urgent as a result of recent foreign exchange developments and the movements of cost of living in the countries of the main duty stations. Her delegation therefore welcomed the Commission's recommendation that the distinction between the rates of post adjustment for staff with and without dependants should be abolished and that differentiation should be effected by introducing different rates of staff assessment. That recommendation, if adopted, would bring the United Nations staff assessment more closely in line with national income-tax provisions.

45. Her delegation further supported the recommendation of the Commission that five classes of post adjustment should be incorporated into the base salary. Such a step would to some extent restore the balance between the base salary and post-adjustment components of remuneration. The Commission's recommendation that the staff assessment scales be made more progressive was also acceptable, and her delegation therefore supported the scales of staff assessment in annex VIII of the Commission's report.

46. The proposed modest increase in the allowance for secondary dependants, the new scales of amounts of the repatriation grant, and the revised rates of the termination indemnity were also acceptable. However, in the light of the difficult budgetary situation, it might be appropriate to consider the advisability of a dollar ceiling for the repatriation grant. Moreover, a review of the conditions under which entitlements to that grant arose was desirable, including whether it was appropriate to pay the grant to a staff member who retired after 25 or 30 years of service or who remained in the country of the duty station after retirement.

47. Her delegation strongly supported the Commission's recommendation in paragraph 75 concerning revised conditions of eligibility for the education grant, a more realistic scale of reimbursable costs, and a modest increase in the flat amount allowable for boarding expenses. In that connexion, she drew attention to the pertinent comments of ACC in the second sentence of paragraph 13 of document A/31/239 concerning the advisability of paying the grant until the end of the fourth year of university studies or the year in which the child obtained the first recognized degree, whichever was earlier. In her delegation's view, that cut-off date for the education grant would be more realistic than the present one, namely the twenty-first birthday. It hoped that the Commission would resume its consideration of the matter at the earliest opportunity.

48. In the light of what was stated in paragraph 315 of the report, her delegation stressed the particular importance it attached to the need for changes in the death

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(Miss Muck, Austria)

benefit payable to surviving dependants of a staff member who died in service. An alignment of the existing provisions for the death benefit with the newly suggested scales of the termination indemnity would make a modest improvement in the situation of surviving dependants.

49. The question of day-care centres was of fundamental importance and the matter should be pursued within the context of a progressive personnel policy. If the Committee was sincere in urging the Secretary-General to make every effort to increase the number of qualified women in the Secretariat, the Organization must give support, including financial support, to the creation of day-care centres. Her delegation was therefore looking forward to receiving the Secretary-General's proposals in that regard.

50. In conclusion, she said that guidance from the Commission in respect of General Service salaries was urgently needed and her delegation eagerly awaited the results of the Commission's study on that subject.

AGENDA ITEM 102: PERSONNEL QUESTIONS (continued)

(a) COMPOSITION OF THE SECRETARIAT: REPORT OF THE SECRETARY-GENERAL
(A/31/154 and Corr. 1-2; A/C.5/31/L.11/Rev.2 and L.18; A/C.5/31/CRP.1, 3 and 5)
(continued)

51. Mr. GHERAB (Assistant Secretary-General for Personnel Services), referring to the question of the establishment of a day-care centre in New York for the children of staff members, said that ICSC had decided that the question of the responsibility of the employer to provide or assist in providing day-care centres was a matter of social policy and therefore of conditions of service in general but could not properly be said to be a part of the salary system. Pending the submission of more proposals concerning social policy, the Commission felt unable to express any views on the general problem (A/31/30, para. 21). Previous proposals for the establishment of a day-care centre in New York had relied heavily on assistance from the local municipal authorities. However, many day-care centres already established in New York City were in great difficulties, and any such centre established for the benefit of United Nations staff would require considerable financial support from the Organization.

52. The representative of Japan had noted at the 22nd meeting that he had received no reply to a question which he had put to the Office of Personnel Services at the 1765th meeting of the Fifth Committee during the thirtieth session of the General Assembly. He regretted that it had not been possible to provide a reply at that time. The question had dealt with a matter which had related to a subitem of the item concerning personnel questions on which the Fifth Committee had already adopted its report, on which the Assembly had already taken action. With regard to the substance of the question, the representative of Japan had requested information on the implementation of a decision taken by the Fifth Committee at the twenty-ninth session concerning the interpretation of the provisions of General Assembly resolution 2480 B (XXIII) regarding knowledge of a second language. The representative of Japan had referred to the memorandum sent each year to department heads asking them to recommend candidates for promotion. The memorandum

referred to resolution 2480 B (XXIII), but not to the Assembly's approval of the decision of the Fifth Committee. The flexibility exercised by the Secretary-General resulted from a decision taken by the Fifth Committee at the twenty-sixth session, in which it had requested the Secretary-General to safeguard the interests of those staff members whose mother tongue was not one of the official languages. According to the decision taken by the Fifth Committee at the twenty-ninth session (A/9980, para. 47), the Secretary-General was to continue flexible application of General Assembly resolution 2480 B (XXIII) with respect to the promotion of staff members. He emphasized the word "continue". There had thus been no reason to change the text of the memorandum. The Secretary-General did not ask departmental heads to exercise that flexibility; he exercised it himself on the recommendation of the Appointment and Promotion Board. The members of the Board were fully aware of the decisions of the General Assembly and the Fifth Committee.

53. The representative of Trinidad and Tobago had suggested that there must exist, for planning purposes, a list of posts which might become vacant within a 12-month period as a result of retirement or the expiration of contracts, and had asked whether, for the information of Governments, such a list could be provided to Permanent Missions in good time. According to staff regulation 4.4, the Secretary-General was required to examine the qualifications and experience of persons already in the service of the United Nations before examining those of candidates from outside. In the case of staff whose fixed-term appointments were about to expire, it was assumed that, provided they had performed satisfactorily, they should be considered first, since they had acquired the most relevant experience. When there was a vacancy at the Professional level, or at the Principal Officer or Director levels, the first step was to determine as quickly as possible whether there was a suitable candidate inside the Organization. When no such candidate existed, outside candidates were sought. The candidates roster was examined to see whether there was an appropriate candidate from an unrepresented or under-represented country, or a candidate from a group to which the General Assembly had directed the Secretary-General to give preference. A vacancy notice was issued only if no appropriate candidate was found on the roster, and it was thus clearly in the interests of Member States to propose candidates for the roster. The vacancy notice was transmitted to all delegations at the same time, and included a date up to which applications might be received; no decisions were taken before that date. The Office of Personnel Services intended to follow the same procedure in the future but, since the request of the representative of Trinidad and Tobago was well founded, the Secretary-General's next report on the composition of the Secretariat would include information on the posts occupied on 30 June 1977 by staff members who had reached the age of retirement or who would reach that age in the course of the following year.

54. The representative of France had raised the question of the recruitment of young people. In 1975, five staff members under 25 years old, 34 between 25 and 29 years old, and 89 between 30 and 34 years old had been recruited to Professional posts which were subject to the principle of geographical distribution, as against a total number of new recruits of approximately 300.

Draft resolution A/C.5/31/L.11/Rev.2

55. The CHAIRMAN drew attention to document A/C.5/31/L.18 and Conference room paper 5.

56. Mr. TALIEH (Iran), introducing the second revised version of the draft resolution (A/C.5/31/L.11/Rev.2), announced that the delegations of the Bahamas and Nicaragua had joined the list of sponsors. He drew attention to certain editorial changes and to some new wording in paragraph 2, which now incorporated the oral amendment proposed by the delegation of Greece. On the suggestion of the delegation of the Upper Volta, the words "an Ombudsman or" had been deleted in paragraph 7.

57. Mr. LAVAU (Director of the Budget Division) said that, in the opinion of the Secretary-General, paragraph 7 would have financial implications. The panel, which would presumably be appointed before the end of 1977, would require a secretary and, in view of the lack of secretaries in the Division of Personnel Administration, a new post at the G-1 to G-4 level would have to be created, at an annual cost of \$14,000.

58. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that ACABQ had considered the Secretary-General's estimate of the financial implications of the draft resolution on the basis of oral submissions made that morning by a representative of the Secretary-General. The ratio of General Service staff to Professional staff in the Division of Personnel Administration was slightly higher than 1:1. Accordingly, if the Fifth Committee recommended that the General Assembly adopt the draft resolution, there should be no need for additional appropriations. The Secretary-General should try to provide the services within the manning table provided for the Division of Personnel.

59. Mr. HEPBURN (Bahamas) said that he attached great importance to draft resolution A/C.5/31/L.11/Rev.2, since his country was not represented at the General Service, Professional or senior levels of the Secretariat and therefore supported any reasonable measure to attain a more equitable geographical distribution of Secretariat posts. His Government refused to condone inequality and felt that the draft resolution was a step in the right direction. While he did not want to discuss the rights or wrongs of the system governing the composition of the Secretariat, the brevity of his statement should not be construed as a lack of concern. He urged not only that the draft resolution be adopted but that every effort be made to implement its provisions as quickly as possible. Although the draft resolution did not meet all the needs of all Member States, it was basically sound.

60. Mr. CHANDLER (Barbados) said that his delegation would not press its amendment (A/C.5/31/L.18) to the draft resolution. He hoped that the draft resolution would be adopted, since it did meet the concerns of his delegation on a number of points.

61. Mr. GARRIDO (Philippines) said that the Secretary-General's next report on the composition of the Secretariat should include information on senior staff separated from service and on the nationality, age and sex of their replacements. It should also contain information on the nationality, age and sex of staff members recruited and promoted in the period covered by the report, as well as an analysis of the extent to which recruitment and promotion had promoted a more equitable distribution of posts.

62. He would have no difficulty in supporting the draft resolution. With respect to paragraph 7, he proposed that the words "against women" should be inserted after the words "discriminatory treatment" and that the word "appropriate" should be replaced by the word "remedial".

63. Mr. AKASHI (Japan), referring to the Assistant Secretary-General's reply concerning General Assembly resolution 2480 B (XXIII) and the decision taken by the Fifth Committee at the twenty-ninth session, said that there was no evidence that departmental heads had been informed of the latter decision, since the wording of the memorandum had remained unchanged. His delegation was therefore dissatisfied with the implementation of the Fifth Committee's decision. It was essential that promotion should be determined by professional performance alone, and that there should be no discrimination on the basis of sex, country of origin, religion or language. He hoped that the Secretary-General would see fit to reflect important decisions of the Fifth Committee.

64. He disagreed with the Philippine proposal concerning the insertion of the words "against women" in paragraph 7 of the draft resolution, since it was important that the draft resolution should apply to all forms of discrimination.

65. Mr. GARRIDO (Philippines) withdrew his proposal.

66. Mr. BOUAYAD AGHA (Algeria) said that he agreed with ACABQ that paragraph 7 of draft resolution A/C.5/31/L.11/Rev.2 should not have any financial implications, since it should be possible to find a secretary within the existing manning table.

67. Mr. OUEDRAOGO (Upper Volta) said that his delegation had difficulties with the Greek amendment to paragraph 2 which had been accepted by the sponsors. It was common knowledge that a number of developing countries were already over-represented in the Secretariat. Thus, a strict interpretation of paragraph 2, as amended, would mean that even over-represented developing countries were entitled to expect to have more of their nationals appointed to senior posts in the Secretariat. His delegation also saw a possible conflict between paragraphs 2 and 3 and sought the views of the Secretariat in that regard.

68. His delegation could support the Philippine suggestion regarding the information to be included in future reports on the composition of the Secretariat. His delegation had suggested that the Secretary-General should provide the information contained in Conference room papers 1 and 3 in all future reports

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(Mr. Ouedraogo, Upper Volta)

and, in order to dispense with the need for a formal decision by the Committee to that effect, would welcome a statement of willingness to do so by the Assistant Secretary-General for Personnel Services.

69. His delegation had been surprised that the Secretariat had waited so long to inform the Committee that paragraph 7 of the draft resolution would have financial implications. It was usual when a draft resolution was submitted for the Secretariat to make immediately a statement of financial implications which was then considered by the Advisory Committee. The proper procedure had not been followed with regard to draft resolution A/C.5/31/L.11/Rev.2 and the Secretariat should in future take more seriously its responsibility to inform the Committee of financial implications at an early stage in the consideration of draft resolutions. His delegation endorsed the recommendation of the Advisory Committee that the costs arising from paragraph 7 should be absorbed from within existing resources. It might, however, be necessary to review the matter in future if the number of complaints brought before the panel was such that there was a pressing need for additional assistance.

70. Mr. THOMAS (Trinidad and Tobago) thanked the Assistant Secretary-General for his explanations, which his delegation found satisfactory. He noted that the Secretary-General had indicated in his report that in future the Secretariat intended to publicize vacancies at the D-2 level.

71. As a delegation, Trinidad and Tobago had been fully in agreement with the philosophy and intent of the Barbadian amendment.

72. Mr. TALIEH (Iran) assured the representative of the Upper Volta that paragraph 2 of the draft resolution in no way sanctioned discrimination against unrepresented and under-represented countries. That paragraph should be interpreted in the spirit of the draft resolution as a whole and he was confident that the Secretariat would interpret it in that manner. Paragraph 3 ensured that priority would be given to nationals of unrepresented and under-represented Member States.

73. The CHAIRMAN announced that a separate vote had been requested on paragraph 2.

74. Mr. NORBURY (United States of America), speaking in explanation of vote before the vote, said that his delegation fully supported the concept that developing countries should have appropriate representation at the senior and all other levels of the Secretariat. It considered appropriate representation to mean representation in accordance with the generally agreed formula of equitable geographical distribution and not rigid adherence to precise percentages at every level of the Secretariat. That was the reason for the system of desirable ranges. However, something would obviously be wrong if developing countries or any other group of countries were severely under-represented at senior levels and over-represented at others. That was not in fact the case. Table C of the Secretary-General's report on the composition of the Secretariat (A/31/154) showed clearly that the representation of developing countries (groups A and C) at the level of D-1 and above was slightly higher than the mid-points for those groups.

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(Mr. Norbury, United States)

75. It was clear from the statements of the sponsors of the draft resolution that they had in mind a special régime for senior and policy-making posts, in which the rules which applied elsewhere were evidently meant to be distorted because of the need perceived to put economic and social development posts largely into the hands of developing country nationals, since only they supposedly could truly understand the requirements of developing countries. His delegation disagreed completely with that premise and did not regard any level of posts as subject to any special rules, any more than it regarded any department, division, or individual post as being subject to special rules. His delegation was dismayed by the view put forward that justice was being sought for one group of countries in preference to others. Justice should be sought for all. Paragraph 2 went completely counter to the excellent language of the ninth preambular paragraph and carried the inescapable implication that the promotion system was no longer to be administered on the basis of merit. His delegation could not accept that kind of deviation from the basic principles of an effective international civil service and would therefore vote against paragraph 2.

76. Ms. TROTTER (New Zealand) said that the draft resolution contained a number of important positive elements, particularly the provisions relating to women and youth. Her delegation could accept the provisions of paragraph 1. From an editorial point of view, however, it would have been preferable to spell out in that paragraph the new method for establishing desirable ranges rather than simply to refer to the Secretary-General's report.

77. With regard to paragraph 2, her delegation had abstained in the vote on a similar provision in resolution 3417 A (XXX) which had failed to take proper account of Article 101, paragraph 3, of the Charter. The draft resolution also lacked the necessary balance and would have been improved if reference had been made to Article 101 in the operative part as well as in the preamble.

78. Paragraph 7 was a positive provision and her delegation welcomed the recommendation of the Advisory Committee in that regard. While her delegation could have accepted the appointment of an Ombudsman, it could just as well accept a panel. The general wording of that paragraph was appropriate, since it would allow the panel to investigate allegations of discriminatory treatment based on sex or any other grounds not related to a staff member's performance. As those appointed to the panel would be serving in sensitive positions, it was necessary to choose persons who had the confidence of both the administration and the staff. Accordingly, the appointments should be made in close consultation with the Joint Advisory Committee.

79. Consistent with the position it had taken in 1975, her delegation would abstain in the vote on paragraph 2 but would vote in favour of the draft resolution as a whole.

80. Paragraph 2 of draft resolution A/C.5/31/L.11/Rev.2 was adopted by 80 votes to 7, with 16 abstentions.

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81. The CHAIRMAN invited delegations which wished to explain their votes before the vote on the draft resolution as a whole to do so.

82. Mr. LELSKI (Sweden) said his delegation appreciated the efforts of the sponsors to arrive at a balanced text acceptable to as wide a range of Member States as possible. It especially welcomed the references to resolution 3416 (XXX) on the employment of women in the Secretariat, of which his delegation had been a sponsor. It fully shared the concern over the limited progress made in implementing that resolution and endorsed the appeal for appropriate measures to find more women candidates, ensure equal opportunity for the promotion of qualified women in the Secretariat and increase the proportion of women in senior positions. It also welcomed the appeals for increased efforts to attract younger people to the United Nations and to strengthen the role of the Office of Personnel Services, and the provisions for appointing a panel to investigate allegations of discriminatory treatment based on sex.

83. His delegation also understood and respected the aim of the various paragraphs relating to a better geographical balance of posts in the Secretariat. Those paragraphs contained many elements to which his delegation could subscribe, such as the view that no post, individual department, division or unit in the Secretariat should be considered as the exclusive preserve of any individual Member State or region. His delegation welcomed that provision, especially since it viewed with concern the opinion expressed by some delegations that the Secretariat should be obliged to seek the consent of Governments when considering the appointment of their nationals. That opinion was contrary not only to Article 101, paragraph 3, of the Charter, but also to Article 100 which provided that staff members were international officials responsible only to the Organization. His delegation's aim was to ensure that the Secretariat was a truly international institution and prevent it from being converted into an intergovernmental body. For that reason, his delegation had difficulty in accepting paragraphs which would limit the ability of the Secretary-General to apply the paramount rule for the recruitment of staff laid down in Article 101 of the Charter. The provisions of the draft resolution relating to a better geographical distribution of staff must, therefore, continue to be only recommendations to be followed whenever practicable; by no means should they create obstacles to the choice of the most able candidate, irrespective of nationality, age or sex. His delegation found the positive elements of the draft resolution to be predominant and was therefore ready to vote for it, subject to the observations and interpretation he had just set forth.

84. Mr. PIRSON (Belgium) said that the positive elements of the draft resolution outweighed the difficulties which his delegation had with regard to paragraph 2. His delegation therefore would vote for the draft resolution as a whole, after having abstained in the separate vote on paragraph 2.

85. Draft resolution A/C.5/31/L.11/Rev.2 as a whole was adopted by 95 votes to none, with 6 abstentions.

86. Mr. NORBURY (United States of America) said that his delegation had abstained in the vote on the resolution despite the fact that it contained several provisions

(Mr. Norbury, United States)

which it fully supported. His delegation applauded the attention which the resolution gave to the pressing need for equal treatment of women both in recruitment and in internal management generally. It sympathized with the request to give priority to the recruitment of nationals from unrepresented and under-represented Member States. His delegation took it for granted, however, that such special attention for women, young people and nationals of unrepresented and under-represented States would be in full accord with the paramount considerations laid down in Article 101 of the Charter. Finally, his delegation could accept the new method of establishing desirable ranges.

87. At the same time, however, his delegation had some serious difficulty with the resolution. It had already explained its objections to paragraph 2. With regard to the last preambular paragraph, his delegation's position on the resolutions of the sixth special session of the General Assembly relating to the new international economic order was well known. Furthermore, his delegation was troubled by the apparent link between that preambular paragraph and paragraph 2.

88. His delegation had explained fully in an earlier statement why it saw no justification for any increase in the membership factor. In fact, an excellent case could be made for leaving the membership factor as it was and at the same time decreasing or eliminating the population factor. The only argument for increasing the membership factor which had been put forward had been that small developing countries needed more representation in the Secretariat for their point of view, since the United Nations was increasingly involved in assisting their development. His delegation had not been persuaded by that argument and, had there been a separate vote on paragraph 1 (b), would have voted against it. His delegation understood that the majority in the Committee favoured the new balance of the membership, contribution and population factors established in the resolution just adopted, but it reserved the right to call that balance into question whenever the subject was discussed again in future. Above all, it strongly believed that the population factor was obsolete and urged the Secretariat to review the need for it now that the weight of the membership factor had once more been increased.

89. Finally, it was the hope and indeed the assumption of his delegation that the Secretariat would administer all the provisions of the resolution in accordance with the provisions of Article 101 of the Charter, which safeguarded the interests of all Member States.

90. Mr. SCHMIDT (Federal Republic of Germany) said that his delegation had abstained in the vote on the resolution as a whole because, while agreeing with a number of provisions, it had difficulties with others. His delegation accepted the new method of establishing the desirable ranges proposed by the Secretary-General and hoped that, in the interests of continuity, a further review of that method would not take place for three years. His delegation fully supported paragraph 3, in view of the large number of States which were still unrepresented or under-represented.

91. His delegation's greatest difficulty was with paragraph 2. It had voted

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(Mr. Schmidt, Federal Republic of Germany)

against a similar provision in resolution 3417 A (XXX), which had not made clear that the paramount consideration laid down in Article 101 of the Charter should not be set aside when seeking to increase the representation of developing countries in senior and policy-making posts. For that reason, his delegation had voted against paragraph 2.

92. Mr. RELLIE (United Kingdom) said that his delegation had had no alternative but to vote against paragraph 2, in view of the fact that it reaffirmed a resolution which the United Kingdom delegation had opposed at the preceding session. His delegation's view on the representation of the developing countries at the senior level in the Secretariat had been expressed on previous occasions. If paragraph 2 had not been included, his delegation would have been able to support a consensus on the resolution as a whole. It had, however, reservations with regard to the tone of other paragraphs, in particular with regard to the deletion of the word "paramount" in the original sixth preambular paragraph. It could not accept the implication that representation at senior-level posts was necessary to safeguard the interests of the developing countries, an implication which contradicted the eighth preambular paragraph. His delegation accepted the new minimum desirable range only on the understanding that it should remain unchanged in the near future, since any further increase in that figure would be unfair to large contributors.

93. Mr. ALLAFI (Libyan Arab Republic) said his delegation had voted in favour of the resolution because it contained a number of important provisions. The responsibility of the Fifth Committee should not be limited to approving draft resolutions but it should also ensure the implementation of such resolutions by the Office of Personnel Services. As everyone was aware, the General Assembly had in recent years adopted a number of resolutions encouraging the recruitment of women and young persons and urging better geographical distribution of posts in the Secretariat. Unfortunately, the implementation of those resolutions had been only partial or slow. The Office of Personnel Services must be strengthened in order to be able to implement the resolution just adopted.

94. Miss FORCIGNANO (Italy) said her delegation had been forced to vote against paragraph 2, because in the recruitment and promotion of staff due account must be taken of Article 101 of the Charter. A staff member should not be recruited or promoted merely because he or she was from a particular group of countries. If paragraph 2 had not been included in the resolution, her delegation would have been able to vote in favour of the resolution as a whole, despite its reservations regarding a number of other provisions. Her delegation welcomed the establishment of a panel to ensure that no discrimination would take place on the basis of sex.

95. Mr. McCREDIE (Australia) said that his delegation's abstention in the vote on paragraph 2 was consistent with its abstention in the vote on resolution 3417 A (XXX) and was based on the fact that no reference had been made in paragraph 3 to Article 101 of the Charter, to which his delegation attached particular importance. His delegation had voted in favour of the resolution as a whole because it contained a number of positive points. It would be unacceptable,

(Mr. McCredie, Australia)

however, to his delegation if at some future date paragraph 2 should be interpreted as authorizing a derogation from the fundamental principles of efficiency, competence and integrity.

96. Mr. BINO (Israel) said that his delegation had abstained in the vote on the draft resolution, although it agreed that changes were necessary in the composition of the Secretariat in order to ensure the broadest possible geographical distribution in accordance with Article 101 of the Charter, with special consideration being given to unrepresented and under-represented countries. He drew attention to the fact that a number of developing countries were already over-represented in terms both of the number and importance of posts held. In accordance with its domestic policies, Israel attached special importance to the employment of women in the Secretariat.

97. Mr. LAPOINTE (Canada) said that it had been with considerable regret that his delegation had abstained in the vote on the resolution as a whole and had voted against paragraph 2. His delegation fully agreed with the purpose of the resolution, namely, to ensure an equitable geographical distribution of posts in the Secretariat and increase the number of women and young persons employed in the Secretariat. It felt, however, that the resolution would not have the desired effect, as it did not go to the heart of the problem. The solution was to be found in a more vigorous recruitment policy. The resolution would bring about only cosmetic changes and would place the Secretary-General in an even more difficult position in implementing the provisions of Article 101 of the Charter.

98. Mr. AKASHI (Japan) said that his delegation had voted against paragraph 2 and had abstained in the vote on the resolution as a whole. His delegation believed that the provisions of the Charter could not be applied selectively and that it was necessary to harmonize the criteria of competence and equitable geographical distribution in accordance with Article 101. His delegation hoped that paragraph 1 would be implemented with all the necessary vigour and looked forward to the report to be submitted to the General Assembly at its thirty-third session on the efforts of the Secretary-General to implement the new method of establishing desirable ranges.

99. Mr. THOMAS (Trinidad and Tobago), speaking in exercise of the right of reply, said that it had never been the intention of the sponsors of the resolution to seek justice for the developing countries at the expense of the developed countries and that he regretted if his statement at the 30th meeting had given rise to a misunderstanding.

The meeting rose at 6.20 p.m.