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Agenda item 116

PERSONNEL QUESTIONS

Report of the Fifth Committee

Rapporteur: Mr. Ali Achraf MOJTAHED (Islamic Republic of Iran)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1984, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its thirty-ninth 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 the same meeting, the Assembly decided to allocate the item to the Fifth Committee.

2. The Fifth Committee considered the item at its 14th, 15th, 17th to 30th, 38th, 40th, 42nd, 44th, 46th, 48th, 49th, and 53rd to 55th meetings, held from 19 October to 17 December 1984. The views expressed by delegations during the discussion are reflected in the relevant summary records (see A/C.5/39/SR.14, 15, 17-30, 38, 40, 42, 44, 46, 48, 49, and 53 to 55).

3. The Committee considered under agenda item 116 the following documents:

(a) Note by the Secretary-General, transmitting the report of the Joint Inspection Unit on competitive examinations in the United Nations (A/39/483) and the related comments of the Secretary-General (A/39/483/Add.1 and Corr.1);

(b) Note by the Secretariat on Economic and Social Council resolution 1984/81 of 27 July 1984 on staff and administrative questions of the Economic Commission for Western Asia (A/C.5/39/87).

4. 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/39/453);

(b) Report of the Secretary-General, transmitting a list showing by office, department and organizational unit, the names, functional titles, nationality and salary level of all staff members of the United Nations Secretariat as of 30 June 1984 (A/C.5/39/L.2);

(c) Note by the Secretary-General, transmitting the views submitted by the staff representatives of the United Nations Secretariat (A/C.5/39/23).

5. For its consideration of sub-item (b), the Committee had before it the report of the Secretary-General on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations (A/C.5/39/17);

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

(a) Report of the Secretary-General on personnel policies (A/C.5/39/9);

(b) Report of the Secretary-General on the status of the linguistic skills of United Nations staff (A/C.5/39/6 and Corr.1);

(c) Report of the Secretary-General on a system of career development for all categories of staff (A/C.5/39/11) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/39/7/Add.5);

(d) Report of the Secretary-General on amendments to the Staff Regulations of the United Nations (A/C.5/39/2).

(e) Reports of the Secretary-General on the amendments to the Staff Rules (A/C.5/39/4 and Corr.1 and Add.1).

7. At its 14th meeting, on 19 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.

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II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.5/39/L.17

8. At the 49th meeting, on 14 December, the representative of Saudi Arabia, on behalf of Bahrain, Democratic Yemen, Egypt, Iraq, Qatar, Saudi Arabia, the United Arab Emirates and Yemen, introduced a draft resolution entitled "Staff and administrative questions of the Economic Commission for Western Asia" (A/C.5/39/L.17).

9. At the 53rd meeting, the representative of Indonesia orally proposed that the second preambular paragraph, which read:

"Deeply concerned about the high vacancy rate which has prevailed in the Economic Commission for Western Asia for a number of years"

should be revised to read as follows:

"Deeply concerned about the high vacancy rate and the difficulties in recruitment which have prevailed in the Regional Commissions, and in particular in the Economic Commission for Western Asia, for a number of years".

10. At the same meeting, explanations of vote were made by Ireland on behalf of the 10 States members of the European Community.

11. At its 53rd meeting, the Committee adopted draft resolution A/C.5/39/L.17, as orally revised, by a recorded vote of 72 to 2, with 17 abstentions (see para. 20, draft resolution I). The voting was as follows:

In favour: Algeria, Argentina, Austria, Bahrain, Bangladesh, Bhutan, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Egypt, Ethiopia, Finland, German Democratic Republic, Ghana, Greece, Guinea-Bissau, Hungary, India, Indonesia, Iraq, Ireland, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Romania, Rwanda, Saudi Arabia, Singapore, Somalia, Spain, Swaziland, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Israel, United States of America.

Abstaining: Australia, Bahamas, Belgium, Canada, Chile, Denmark, France, Germany, Federal Republic of, Italy, Jamaica, Japan, Netherlands, New Zealand, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland, Uruguay.

B. Draft resolution A/C.5/39/L.24

12. At the 53rd meeting, on 15 December, the representative of the Netherlands introduced, on behalf of Australia, the Bahamas, Barbados, Belgium, Canada, Denmark, Finland, Norway, Sierra Leone, Spain, Sweden and Tunisia, a draft resolution (A/C.5/39/L.29) entitled "Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations" and orally proposed that the words "staff regulations, in particular regulation 1.8" in operative paragraph 6 should be replaced by the following words:

"Staff Regulations of the United Nations, in particular regulation 1.8, and the equivalent provision governing the staff of the other agencies".

13. At the 53rd meeting, the Committee adopted draft resolution A/C.5/39/L.24, as orally revised (see para. 20, draft resolution II).

C. Draft resolution A/C.5/39/L.32

14. At the 54th meeting, the Chairman introduced the draft resolution (A/C.5/39/L.32 and Corr.1) entitled "Composition of the Secretariat" and orally revised it as follows:

(a) Between the third and fourth preambular paragraphs, a new preambular paragraph was added, which read as follows:

"Having considered the report of the Joint Inspection Unit on competitive examinations (A/39/483) and the related comments of the Secretary-General (A/39/483/Add.1 and Corr.1)";

(b) In operative paragraph 5, the words "requesting that the Co-ordinator perform within the existing personnel services [structures] and noting that the Office of Personnel Services will continue to be responsible" were replaced by the following:

"requests that the Co-ordinator function within the Office of Personnel Services, requests further that the Office of Personnel Services ensure that the Co-ordinator is provided with all necessary assistance for the effective carrying out of all tasks assigned to the Co-ordinator and notes that the Office of Personnel Services will continue to be responsible ...".

15. At the same meeting, the representative of Morocco orally proposed an amendment to replace in operative paragraph 6 (e) the words "the appeals machinery" by the words "the various appeals machineries" and to delete the following words "including the conciliation and mediation functions".

16. At the same meeting, a statement in explanation of position was made by the representative of Yemen.

17. At the same meeting, the Committee adopted draft resolution A/C.5/39/L.32, as orally revised (see para. 20, draft resolution III).

18. At the 55th meeting, on the proposal of the Chairman, the Committee decided to recommend that the General Assembly should take note of the reports of the Secretary-General (A/C.5/39/4 and Corr.1 and Add.1) on the amendments to the Staff Rules (see para. 21).

19. Statements in explanation of positions were made at the 54th meeting by the United Kingdom of Great Britain and Northern Ireland, and at the 55th meeting, by Bangladesh, Canada, China, Egypt, India, Nigeria, Pakistan, Spain, the Union of Soviet Socialist Republics, and the United States of America.

III. RECOMMENDATIONS OF THE FIFTH COMMITTEE

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

DRAFT RESOLUTION I

Staff and administrative questions of the Economic Commission for Western Asia

The General Assembly,

Recalling Economic and Social Council resolution 1984/81 of 27 July 1984,

Deeply concerned about the high vacancy rate and difficulties in recruitment which have prevailed for a number of years in the regional commissions, particularly in the Economic Commission for Western Asia,

Convinced that the high vacancy rate has had a serious impact on the work programme of the Economic Commission for Western Asia,

Recognizing that repeated efforts have been made by the secretariat of the Economic Commission for Western Asia to find qualified staff from unrepresented or underrepresented States in the region covered by the Commission, but that the difficulties still persist in the recruitment of such staff,

Recognizing also the importance of knowledge of the Arabic language by the staff of the Economic Commission for Western Asia for the effective performance of their work,

1. Urges unrepresented and underrepresented States to endeavour to encourage competent personnel to work in the secretariat of the Economic Commission for Western Asia as staff members on a regular or fixed-term basis;

2. Authorizes the Secretary-General to take all necessary measures to enable the Economic Commission for Western Asia to recruit staff from any State member of the Commission to meet its personnel requirements;

3. Decides that all members of the Economic Commission for Western Asia should be treated in a manner consistent with their full membership in the Commission in regard to employment in the secretariat of the Commission.

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 its resolutions 35/212 of 17 December 1980, 36/232 of 18 December 1981, 37/236 of 21 December 1982 and 38/230 of 20 December 1983,

Recalling that, under Article 105 of the Charter of the United Nations 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 report submitted to the General Assembly by the Secretary-General on behalf of the Administrative Committee on Co-ordination, 1/ which shows a continuing neglect of the observance of the principles related to respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations;

2. Reaffirms the above-mentioned resolutions;

3. Welcomes the measures already taken by the Secretary-General in furtherance of the safety and security of international civil servants as outlined in paragraph 7 of his report; 1/

4. Calls upon the Secretary-General as Chief Administrative Officer of the Organization, to continue personally 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 agencies and related organizations by using all such means as are available to him;

1/ A/C.5/39/17.

5. Urges the Secretary-General to give priority through the United Nations Security Co-ordinator and the other special representatives 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 agencies and related organizations;

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

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

8. Invites the Secretary-General, as Chairman of the Administrative Committee on Co-ordination, to suggest in his next annual report to the General Assembly further steps designed to alleviate the present situation.

DRAFT RESOLUTION III

I

Composition of the Secretariat

The General Assembly,

Recalling its previous resolutions on personnel policy and in particular resolutions 33/143 of 20 December 1978, 35/210 of 17 December 1980, 37/235 of 21 December 1982 and 38/231 of 20 December 1983,

Bearing in mind Article 101, paragraph 3, of the Charter of the United Nations which states that "The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible",

Having taken note of the reports of the Secretary-General on the composition of the Secretariat, 2/ on personnel policies 3/ and on the status of the linguistic skills of United Nations staff, 4/

2/ A/39/453.

3/ A/C.5/39/9.

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

Having considered the report of the Joint Inspection Unit on competitive examinations in the United Nations 5/ and the related comments of the Secretary-General, 6/

Concerned by the lack of progress towards meeting the goals and objectives established with respect to:

- (a) The situation of unrepresented and underrepresented Member States,
 - (b) The recruitment, career development and promotion of women,
 - (c) The achievement of a balanced and equitable geographical distribution of staff throughout the Secretariat,
1. Reaffirms the principles embodied in its resolutions 33/143, 35/210, 37/235 and 38/231;
 2. Requests the Secretary-General to make special efforts to pursue an active recruitment policy in order to accelerate recruitment from unrepresented Member States and to increase the number of staff recruited from underrepresented Member States and from Member States below the mid-point of their desirable ranges, to the extent possible towards their mid-point, and further to report to the General Assembly at its fortieth session on the results of these efforts to achieve a balanced and equitable geographical distribution of staff throughout the Secretariat;
 3. Requests the Secretary-General to take all necessary measures in order to ensure that the recruitment procedures are completed with all due speed within a reasonable time frame, bearing in mind the need for the co-operation of the substantive departments and offices with the Office of Personnel Services, and that all candidates are duly notified of the result of their applications;
 4. Further requests the Secretary-General to continue to increase the representation of developing countries in senior and policy-formulating posts, while safeguarding the principle of equitable geographical distribution in accordance with the relevant resolutions of the General Assembly;
 5. Takes note of the decision of the Secretary-General to designate, on a temporary basis, a senior official with the title of Co-ordinator for the Improvement of the Status of Women in the Secretariat of the United Nations, to review the situation of women in the Secretariat and to make proposals for its improvement, in the framework of the report of the Secretary-General to the General Assembly at its fortieth session, requests that the Co-ordinator

5/ A/39/483.

6/ A/39/483/Add.1 and Corr.1.

function within the Office of Personnel Services, requests further that the Office of Personnel Services ensure that the Co-ordinator is provided with all necessary assistance for the effective carrying out of all tasks assigned to the Co-ordinator and notes that the Office of Personnel Services will continue to be responsible for the implementation of General Assembly directives and the Secretary-General's policies in personnel matters for the formulation and application of the personnel policy and for the recruitment and administration of all staff;

6. Requests the Secretary-General:

- (a) To implement recommendations Nos. 1, 2 and 3 of the report of the Joint Inspection Unit 7/ to the extent possible and in such a manner that implementation will not adversely affect the flexibility of personnel policy;
- (b) To ensure to the extent possible that the creation of new posts in budgets include a reasonable proportion of P-1 and P-2 posts;
- (c) To conduct an overall review of the system of competitive examinations in the United Nations, including the consequences of the proposed expansion of the competitive examinations to the P-3 level and, taking into account the recommendations of the report of the Joint Inspection Unit on the subject, to submit his views in this regard to the General Assembly at its fortieth session;
- (d) To pursue his work programme on the design and implementation of a career development system, taking into account staff serving on different types of contracts and to report thereon to the General Assembly at its fortieth session;
- (e) To strengthen the various appeals machineries, with a view to eliminating the backlog of cases;
- (f) To report to the General Assembly at its fortieth session on the feasibility of establishing an office of Ombudsman;
- (g) To implement recommendation No. 7 of the Joint Inspection Unit with a view to facilitating an in-depth consideration by the General Assembly of the matter of appointment of staff in the General Service category at its fortieth session;
- (h) Requests the Secretary-General to study ways and means of applying the population factor and to report to the General Assembly at its fortieth session, taking into account the views expressed by Member States at its thirty-ninth session.

7/ A/39/483.

7. Reiterates its request to the Secretary-General to strengthen the role and emphasize the authority of the Office of Personnel Services of the Department of Administration and Management in recruitment and other personnel matters throughout the Secretariat and to report to the General Assembly at its fortieth session on measures taken to this effect;

8. Invites legislative bodies of all international organizations and organs of the United Nations system to examine as soon as possible the situation with regard to implementation of the principle of equitable geographical distribution in their respective secretariats and to take measures, where appropriate, with the aim of securing its implementation throughout the system, within the framework of Article 101.3 of the Charter of the United Nations and the relevant provisions of the constitutional instruments of the other organizations.

II

The General Assembly,

Recalling its decision with respect to the education grant referred to in paragraph 3 (a) of section III of its resolution 38/232 of 22 December 1983,

Taking note of the report of the Secretary-General on amendments to the Staff Regulations of the United Nations, 8/

Approves the Amendments to the Staff Regulations of the United Nations with effect from 1 January 1984 as set forth in the annex to the present resolution to give effect to its decision with respect to the education grant.

ANNEX

Amendments to the Staff Regulations of the United Nations

Regulation 3.2

In the first paragraph, replace the third sentence by the following text:

"The amount of the grant per scholastic year for each child shall be 75 per cent of the first \$6,000 of admissible educational expenses, up to a maximum grant of \$4,500."

In the third paragraph, replace the second sentence by the following text:

"The amount of this grant per year for each disabled child shall be equal to 100 per cent of the educational expenses actually incurred, up to a maximum of \$6,000."

* * *

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

Amendments to the Staff Rules

The General Assembly decides to take note of the reports of the Secretary-General on the amendments to the Staff Rules (A/C.5/39/4 and Corr.1 and Add.1).
