



NOV 30 1984

SUMMARY RECORD OF THE 24th MEETING

Chairman: Mr. MAYCOCK (Barbados)

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

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Distr. GENERAL  
A/C.5/39/SR.24  
16 November 1984  
ENGLISH  
ORIGINAL: SPANISH

The meeting was called to order at 3.25 p.m.

AGENDA ITEM 116: PERSONNEL QUESTIONS (continued) (A/39/453, A/39/483 and Add.1; A/C.5/39/2, A/C.5/39/4 and Corr.1 and Add.1, A/C.5/39/6 and Corr.1, A/C.5/39/9, A/C.5/39/11, A/C.5/39/17 and A/C.5/39/23)

1. Mr. ERDEMBAT (Mongolia) said that, between June 1983 and June 1984, 225 appointments had been made to posts subject to geographical distribution. Of those, 40 (17.8 per cent of the total) had gone to nationals of overrepresented countries. It was regrettable that since the thirtieth session of the General Assembly the number of underrepresented countries in the Secretariat had not been reduced. As stated in the Secretary-General's report (A/39/453, paras. 6 and 7) in June 1984 there were 15 unrepresented Member States and 24 underrepresented States in the Secretariat, a state of affairs which was completely contrary to the principle of equitable geographical distribution.

2. Many delegations had pointed out that it would be impossible to solve that problem while candidates and specialists from countries already within or above the desirable range continued to be recruited. To solve that problem, the Fifth Committee had proposed and the General Assembly had approved many resolutions but so far the efforts made had not produced any tangible results. Accordingly, it was essential to apply the principle of equitable geographical distribution not only in the Secretariat but also in the main organs of the United Nations system.

3. In previous sessions many delegations had pointed out that the application of the principle of equitable geographical distribution had been impeded by the general practice of granting permanent appointments. That practice not only persisted but it was increasing, as could be seen from table 10 in document A/39/453. Even more reprehensible was the practice of granting permanent appointments to nationals of overrepresented countries, thereby blocking candidates from countries which were unrepresented or underrepresented. In the face of that situation, his delegation felt that the United Nations Secretariat should adopt energetic measures and reserve a certain number of posts, especially at the intermediate and higher levels, for nationals of unrepresented or underrepresented countries. Furthermore, in order to eliminate the anomalies in the application of the principle of equitable geographical distribution, he proposed that the Secretariat should strictly apply the medium-term recruitment plan for 1983-1985 with regard to the recruitment of nationals from unrepresented or underrepresented countries. He also proposed that the Secretariat should cease immediately the practice of recruiting candidates from overrepresented countries and also the practice of granting permanent appointments. Only thus would it be possible to re-establish the balance in fixed-term appointments.

4. Mr. NAKLI (Saudi Arabia) said, with regard to the composition of the Secretariat, that his country viewed with some concern the situation of the underrepresented States and regions, particularly at senior and policy-formulating levels. The basic principles governing recruitment were contained in the Charter of the United Nations, particularly Articles 8 and 101, and in a number of resolutions of the General Assembly, in particular 3417A (XXX), 33/143, 35/210,

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(Mr. Nakli, Saudi Arabia)

37/235 and 38/231. The most important of those guidelines stressed the need to give priority to the recruitment of candidates from unrepresented and underrepresented Member States and to increase the representation of developing countries at the senior and policy-formulating levels. Moreover, the General Assembly had stipulated that no post should be considered the exclusive preserve of any Member State or group of States and that posts subject to geographical distribution should not be repeatedly monopolized by nationals of the same Member State.

5. The Secretary-General's report on the subject (A/39/453) showed that the results of the efforts to secure better and more equitable geographical distribution had not yet fulfilled the guidelines. Thus, the nationals of underrepresented countries represented only 20.5 per cent of the total staff recruited between 1983 and 1984, a percentage which was still very far from the target of 40 per cent set by the Assembly. In spite of the provisions of resolution 35/210 in which the Assembly had reaffirmed the need to increase the representation of developing countries in senior and policy-formulating posts, a noticeable reduction (148 to 145) had been registered in posts at the D-1 level and above occupied by nationals from the countries of Africa, Asia and the Middle East. At the same time, the number of staff at the D-1 level and above from the developed countries with market economies had increased from 168 to 182. Out of a total of 146 posts in the upper levels of the Secretariat only seven posts had gone to the countries of the Middle East.

6. His delegation was sure that the Secretariat was anxious to correct that situation. Extra measures were now required to bring all unrepresented and underrepresented Member States, especially those from the Middle East, within their desirable limits. The only special measure so far taken in that regard - the 1983-1985 medium-term plan of recruitment - had not been sufficient to bring about a speedy correction of the existing imbalances.

7. Saudi Arabia was firmly convinced that the time had come for the Fifth Committee to adopt a clear position on the subject that would help to consolidate the constructive efforts made by the Secretary-General to secure a fair, equitable and realistic representation of nationals of Member States at every level of the Secretariat.

8. Mr. LADJOUZI (Algeria), speaking in general of personnel questions, said that the United Nations, in order to obtain the services of officials with the highest standards of competence and integrity, had to offer appropriate conditions of work and remuneration, and to take the greatest care in the management of personnel. At the same time, the universality of the Organization required equitable geographical distribution. After considering the reports submitted by the Secretariat, his delegation associated itself with the criticisms made of the management of the whole system which, in spite of successive adjustments, still lacked the necessary clarity and rationality. But he had to admit, in defence of the Secretariat, that it was not easy to apply a personnel policy that conformed to the ideals set forth in the Charter. Obviously, what was required was a new, more rational and more effective personnel policy.

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(Mr. Ladjouzi, Algeria)

9. As regards recruitment, the Charter stipulated clearly that it should be based on the competence of the candidates and on equitable geographical distribution. Although the figures submitted showed that serious efforts had been made to re-establish a balance in the general distribution of posts, there still remained much to be done before the principle of equitable geographical distribution could become a reality for many developing countries, in particular as regards the policy-making posts. In general, the developing countries were insufficiently represented and suffered from the present system of desirable ranges, which were based mainly on contributions. It was essential to revise those ranges so that geographical distribution could be really equitable. In order to re-establish a proper balance, priority would have to be given to the basic concept of the equality of States as defined in the Charter. The weighing based on the amount of contributions was unsatisfactory because that method, by taking into account national income, placed the developing countries at a disadvantage.

10. With regard to the recruitment of women, he urged the Secretary-General to redouble his efforts to achieve the objective of 25 per cent of the total number of posts subject to geographical distribution, in conformity with resolutions 33/143 and 35/210. However, to secure that aim, Member States should co-operate actively with the Secretariat and put forward suitable candidates. Moreover, the Secretariat should not only consider the ratio between the number of male and female staff but should also take duly into account the situation of the developing countries.

11. Where the system of recruitment by competitive examination was concerned, the examinations should take fully into account, in particular, the criteria of objectivity and equity, as provided for by the General Assembly. The examination system was now an accepted means of promotion from the General Service category to the P-1 and P-2 levels. However, steps must be taken to ensure that the system had no adverse effect, in terms of quality or quantity, on the representation of the developing countries in general and of the unrepresented or underrepresented developing countries in particular. Moreover, although the examination system was the most objective method of recruitment, all possible experience should be derived from the current experimental phase before it was applied to recruitment at other levels, especially the P-3 level.

12. With regard to the linguistic skills of United Nations staff members, it was regrettable that, despite the existing incentives for language study, the goals set had not yet been fully attained. However, linguistic prowess should be only one of the requirements for the promotion of a staff member and must not be a ground for granting him advantages which were difficult to justify. He fully supported an expansion of the linguistic skills of United Nations staff members, since that would promote the multinational character of the Secretariat.

13. His delegation could not endorse the recommendation of the United Nations Joint Staff Pension Board (UNJSPB) for an increase from 60 to 62 years in the statutory age of separation of international civil servants because, first, it would not bring about any significant improvement in the financial situation of the Fund, and, second, it would undermine the principle of equitable geographical

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(Mr. Ladjouzi, Algeria)

distribution and jeopardize the opportunities for promotion of younger staff members. The repetition of that same recommendation year after year was counter-productive; it ignored the objections of many delegations.

14. On the subject of career development, his delegation was in favour of improving the conditions of employment of international civil servants. However, it was necessary for the Secretariat to study the question further and to develop a more coherent methodology; once that had been done, a more constructive debate could be held. Throughout his career, the international civil servant should have a clear and precise idea of his career opportunities; he would thus have no worries about the normal course of his working life, and staff morale, which according to the Secretary-General was very low, would improve as a result. Accordingly, the adoption of a career development system and the improvement of staff-management relations were undoubtedly two important elements of the new personnel policy. However, some of the structures proposed by the Secretary-General were not truly necessary.

15. The strengthening of the role of the Office of Personnel Services, as requested by the General Assembly in resolution 38/231, and the expansion of the functions of the Assistant Secretary-General for Personnel Services were measures of vital importance to improved personnel management and would considerably enhance the Organization's capacity to overcome finally the current crisis, the continuation of which would undermine the smooth functioning of the United Nations.

16. Mr. MOSELEY (Barbados) said that the package of measures contained in General Assembly resolutions 33/143, 35/210, 37/235 and 38/231 represented a reasonable approach to personnel questions, and it was regrettable that not one of the goals set in those resolutions had been attained. That was not because the goals were unrealistic or the resources were lacking. The main reason, as the Assistant Secretary-General for Personnel Services had hinted in his statement and as Inspector Bertrand had clearly indicated in his report (A/39/483), was bureaucratic resistance in the Secretariat to the application of General Assembly resolutions on human resources planning.

17. The central problem which the General Assembly must address at the current session was how to ensure that its mandates would be implemented. Unlike the statement of the Assistant Secretary-General, some of the reports submitted to the Fifth Committee for its consideration of the item appeared calculated to cloud rather than clarify the issues and therefore could not be relied on. As examples, he quoted a number of paragraphs from document A/C.5/39/9, drawing attention to the lack of conceptual clarity in paragraph 8, the apparent attempt to involve Member States as accessories in recruitment planning in paragraph 9, the contradictions between paragraphs 11 and 12 and a failure to indicate what might be done to overcome the difficulty described in paragraph 13.

18. In order to conduct a serious debate on personnel questions, the Fifth Committee should be provided with clear and precise information on the subject in non-budget years. It should know, for example, what efforts had been made to

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(Mr. Moseley, Barbados)

implement established policies, what goals had not been attained and why, what new measures might be taken to correct or improve the situation and what might be the consequences of alternative lines of action. There was no better way of enabling Member States to contribute to the formulation and implementation of comprehensive and realistic personnel policies.

19. His delegation pledged its full support for the Secretary-General's efforts to make the Secretariat more productive and more efficient. At the same time, it sought the Secretary-General's assurance that he would take whatever measures were necessary to ensure that the staff at all levels of the Secretariat implemented the decisions of the General Assembly to the letter. It would consider unacceptable any attempt to extend, even on a trial basis, recruitment by competitive examination to the P-3 level. First, the apparent linking of the extension of the competitive examination to recruitment at the P-3 level and the decreasing number of P-1/P-2 posts available for recruitment would seem to be an attempt to permit recalcitrant bureaucrats to continue their campaign to block the implementation of General Assembly resolutions. Secondly, it would be undesirable, if not dangerous, to encourage or camouflage the already noticeable trend towards a narrowing base in the pyramid of the Organization's Professional grades. Thirdly, in an organization the size of the United Nations, the introduction of any such recruitment method was almost guaranteed to become permanent, whether or not it proved justified. Lastly, there was no depth to the argument that Member States which had been unable to submit candidates suitable for recruitment at the P-1 and P-2 levels would stand a better chance of submitting candidates for P-3 posts.

20. As to the need for a degree of flexibility to enable international civil servants to function to the best advantage, his delegation regarded the problem involved as important but difficult to surmount. Although the international civil servant should be a model of integrity and efficiency and should exhibit a correctness of conduct calculated to inspire confidence in whichever country he was present, he was essentially human, and there were occasions when his conduct could cause damage to the Organization which was out of proportion to the seriousness of the offence. Member States should assume responsibility for the delicate balance which must be struck to allow the international civil servant to act seriously and honestly, bolstered by a sense of security but also fully conscious of his grave responsibilities. His delegation trusted that the outstanding cases of detention or imprisonment of international civil servants would be resolved speedily and in accordance with the ideals enunciated in the Charter.

21. Mr. ORTEGA (Mexico) said that when, at the thirty-eighth session, the Committee had adopted without a vote resolution 38/231 on the composition of the Secretariat, his delegation had explained that it would have preferred a stronger resolution but that it had joined the consensus in view of the moratorium requested by the Secretary-General and the fact that it was not a personnel year. Unfortunately, its fears had now been confirmed in the light of the statement by the Assistant Secretary-General for Personnel Services and the information presented in document A/39/453, which indicated that the recruitment policy applied from 30 June 1983 to 30 June 1984 had not helped to improve the geographical

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(Mr. Ortega, Mexico)

distribution within the Secretariat. In fact, of the 225 posts subject to geographical distribution which had been filled during that period, only 20.5 per cent had been filled by candidates from unrepresented or underrepresented States instead of the 40 per cent prescribed by the General Assembly. What was more, 17.8 per cent of all appointments to those posts had been of nationals of overrepresented States and, according to some estimates, 50 per cent of all appointments had gone to nationals of States which had been above the mid-points of their desirable ranges. Those percentages, already disquieting in themselves, masked such qualitative factors as, for instance, the case of one Member State whose nationals on the United Nations staff had numbered six times the mid-point of its desirable range as at 30 June 1982, a fact which had not prevented it from receiving three additional appointments for its nationals by 30 June 1983 and one more by 30 June 1984. As at 30 June 1984, another Member State had more nationals on the staff of the Organization at the senior level than the mid-point of its desirable range. The question, then, was how such trends were possible at a time when there was supposedly in effect a medium-term recruitment plan that sought to achieve a more balanced geographical distribution, and why the relevant General Assembly resolutions were not being fully applied. The worrisome answer could be inferred from the statement made to the Committee by the Assistant Secretary-General for Personnel Services, as another delegation had pointed out; it was that some department heads were ignoring the decisions adopted by the General Assembly to deal with the problem.

22. With regard to the report of the Secretary-General on a system of career development for all categories of staff (A/C.5/39/11), his delegation recognized the need for a broad career development system to ensure the rational planning of human resources and staff efficiency and competence. At the same time, it could surely be argued that, inasmuch as the geographical distribution of Secretariat staff was excessively concentrated, the benefits of a career development system would, likewise be concentrated according to the geographical origin of the staff. It was therefore necessary to apply strictly paragraph 11 (f) of document A/C.5/39/11 regarding the timely circulation of vacancy announcements to enable eligible staff to apply and he considered, given the fact that, in the past, by the time the Office of Personnel Services was informed of vacancies, the heads of the departments concerned had already decided on new appointments.

23. With regard to the reservations expressed by some delegations concerning the method of calculating the desirable ranges of representation, his delegation fully supported the statement by the representative of the Co-ordinating Committee for Independent Staff Unions and Associations of the United Nations System (CCISU) to the effect that the authority of the Office of Personnel Services should be strengthened and reaffirmed with respect to that of the departments. Otherwise, what was actually being questioned was the authority of the Secretary-General himself to administer the Secretariat, an authority which should be exercised uniformly and consistently to achieve the goals established by the General Assembly.

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24. Mr. WESTPHAL (Federal Republic of Germany) fully endorsed the statement by the representative of Ireland outlining the position of the 10 member States of the European Community regarding personnel policies and said that the Federal Republic of Germany continued to be most severely underrepresented in the United Nations Secretariat. The targets in the medium-term plan of recruitment for 1983-1985 were attainable, provided that the entire Secretariat and particularly the substantive departments and the Office of Personnel Services made a joint effort to reach them. Unrepresented and underrepresented countries must be brought within their desirable ranges by 1985. To achieve that goal, the Office of Personnel Services should make full use of the priority recruitment methods and instruments at its disposal, which were basically sound and operational. Especially important was the earmarking of 40 per cent of the vacant posts for the recruitment of nationals of underrepresented countries. External competitive examinations for nationals of unrepresented or underrepresented countries were another effective method. Although there had been a regrettable decline during the past three years in the number of P-1 and P-2 vacancies filled by competitive examination, his delegation noted with appreciation the assurances of the Secretary-General that the maximum number of staff at those levels would be recruited by competitive examination and that exceptions would be kept to a minimum. Given his country's underrepresentation, his delegation hoped that competitive examinations could again be organized in 1985 in the Federal Republic of Germany. It supported the Secretary-General's proposal that only French and English should be used as working languages in future competitive examinations. That should speed up the lengthy recruitment process for all participants. His delegation also underscored the usefulness of special recruitment missions, although it was concerned about their effectiveness in their present format.

25. Although the representation of the Federal Republic of Germany had improved thanks to the special recruitment efforts of the Secretariat during the past three years, his country had to date made no progress with regard to senior-level and decision-making posts. No national of the Federal Republic of Germany was currently employed at the D-2 level in the United Nations Secretariat in New York. His Government attached the highest importance to adequate representation at all levels of the Secretariat.

26. Mr. LADOR (Israel), referring to the report of the Secretary-General on the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations (A/C.5/39/17), observed that paragraphs 3 and 6 indicated that during the period covered by the report six officials of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and two locally recruited temporary employees of the United Nations Interim Force in Lebanon (UNIFIL) had been detained or arrested in Judea, Samaria, Gaza and south Lebanon.

27. As was widely known, the judicial system in the areas administered by Israel was based on the principle of the rule of law. Any person suspected of having committed an offence or a violation of the basic norms of social life, public order and safety was taken into custody for investigation. If, as a result of the investigation, there were sufficient grounds for legal proceedings, the suspect was

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(Mr. Lador, Israel)

charged and placed on trial, and, if acquitted, was duly released. The process was conducted in accordance with the rules of international law and the basic principles of natural justice, with all the appropriate guarantees and safeguards built into the system of justice administered by Israel.

28. With regard to those held in south Lebanon, Israel had acted in accordance with the relevant provisions of the Geneva Convention relative to the Treatment of Prisoners of War, under the constant supervision of the International Committee of the Red Cross. Israel wholly agreed with those who favoured strictly guarded privileges and immunities for officials of international organizations acting in exercise of their functions, as long as the officials did not abuse those immunities, as had happened in the case of the UNRWA officials detained on suspicion of having participated in, or been connected with, terrorist activities against Israel and its civilian population. That had been the sole reason for their detention, as had been borne out by recent reports of the Commissioner-General of UNRWA. It should also be noted that Israel maintained contact with the UNRWA authorities and the families of those detained, and that any detainee cleared of wrongdoing would be released without delay. Israel therefore found it surprising that its actions in that regard had been criticized by some representatives whose States had an infamous record when it came to human rights and the matter of detention, as had been well documented by numerous objective international observers.

AGENDA ITEM 117: UNITED NATIONS COMMON SYSTEM (continued) (A/39/30 and Corr.1; A/C.5/39/13, 18, 26 and 27; A/C.5/39/L.8)

(a) REPORT OF THE INTERNATIONAL CIVIL SERVICE COMMISSION (continued)

29. Mr. RESHETNYAK (Ukrainian Soviet Socialist Republic), referring to the report of the International Civil Service Commission (ICSC) (A/39/30), stressed the Commission's extremely one-sided approach calculated to increase personnel costs, which already constituted a high proportion of the expenditures of the United Nations system. Year after year, further increases in staff remuneration were requested, as well as additional benefits and changes in conditions of service throughout the system or at particular duty stations. All those requests, in the last analysis, meant an increase in the assessed contributions of Member States. Thus the ICSC recommendation for the consolidation of 20 points of post adjustment into net base salary, with a resulting increase in basic salary, pensionable remuneration and the repatriation grant, would have far greater financial implications than those indicated by the Secretary-General in document A/C.5/39/26.

30. Similarly, his delegation believed that the ICSC decision to increase the post adjustment at headquarters, with the resulting automatic increase in the post adjustment at all other duty stations, was unfounded in terms of methodology and was illegal under the ICSC statute, inasmuch as, instead of submitting the question to the General Assembly for consideration and approval, ICSC had introduced an increase one and a half times greater than the 5 per cent increase requested

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(Mr. Reshetnyak, Ukrainian SSR)

two years previously, which had not been approved by the Assembly. Furthermore, the Administrative Committee on Co-ordination (ACC), in paragraph 6 of its report (A/C.5/39/29), approved a 5.4 per cent adjustment in pensionable remuneration. For the reasons indicated, his delegation was opposed to a 9.6 per cent increase in post adjustment and supported draft resolution A/C.5/39/L.8.

31. One of the major functions of ICSC was to compare the conditions of service in the United Nations with those of the United States federal civil service. General Assembly resolution 36/233 contained very clear guidelines for making that comparison, but ICSC continued to disregard them and to ask the Fifth Committee for additional guidelines. Since resolution 36/233 had not been amended, ICSC must faithfully implement it.

32. Another example of the arbitrary and one-sided interpretations of General Assembly resolutions by ICSC was to be found in paragraph 229 of document A/39/30, which requested that UNESCO should consider staff for career appointments after five years of good service on fixed-term contracts, whereas section VI, paragraph 5, of General Assembly resolution 38/232 recommended that the organizations should normally dispense with the requirement for a probationary appointment following a period of five years' satisfactory service on fixed-term contracts, not that they should make permanent contracts an obligatory practice.

33. Referring to the methodology for calculating the margin between the remuneration of the United States federal civil service and that of the United Nations system, he said that the Fifth Committee had repeatedly pointed out the defective nature of that methodology, whose flaws had resulted in an obvious understatement of the margin in favour of the United Nations staff. Yet, the margin had increased considerably, as the Joint Inspection Unit pointed out in document A/39/522. While the method used by JIU might not be ideal, the results tallied very closely with the data submitted every year by the United States delegation.

34. ICSC should carefully examine its methodology for comparing conditions of service. As had been indicated in document A/31/30, efforts should be made to increase efficiency through good management and increased staff productivity, rather than by constantly increasing salaries.

35. Mr. DITZ (Austria) said it was clear that the focal point of the debate on agenda item 117 was what the three largest contributors to the United Nations budget thought about the 9.6 per cent increase of the post adjustment in New York. In considering whether to revoke the ICSC decision in the matter, as requested in draft resolution A/C.5/39/L.8, the Committee must bear in mind that ICSC had been established in order to, *inter alia*, provide neutral and objective advice, particularly with regard to the determination of United Nations salaries, a task that had become increasingly complex and technical. To that end, the Member States had authorized ICSC to take decisions in such areas as the classification of duty stations for the purpose of applying post adjustment. By adjusting the New York index upwards by 9.6 per cent, the Commission had only done what it had been mandated to do and had acted in accordance with article 11 (c) of its statute.

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(Mr. Ditz, Austria)

36. Another question was whether that decision was technically correct. The explanation given in the ICSC report was very summary and, for a non-expert, rather difficult to grasp. According to the information available, the post adjustment increase in New York had essentially been prompted by a change in the price collection procedure, which until recently had been based on data provided by the Bureau of Labor Statistics (BLS), whereas during the most recent place-to-place survey a direct price collection had been undertaken by ICSC. It was argued that the BLS consumer price index covering the New York metropolitan area was based on a population very different from the Professional staff in New York and that that had led to a considerable understatement of cost-of-living increases and, in consequence, the understatement of the purchasing power requirements for Professional staff. In deciding to discard the BLS data and to rely on ICSC data, the Commission had not only corrected the index of the base city, but also established uniform price collection methods for all duty stations. His delegation therefore believed that from a technical point of view a case could be made for the upward adjustment of the New York index; however, it would have preferred a gradual adjustment of the New York index over a longer period.

37. ICSC had reaffirmed its view that the Noblemaire principle continued to be valid and that the United States federal civil service should continue to be the comparator. The Commission had further agreed that the actual remuneration levels of that civil service should be the basis of the comparison, in full knowledge of the fact that the annual salary increases for United States federal employees did not compensate fully for increases in the cost of living. Thus, the United Nations base salary and post adjustment had increased in relation to the pay of the comparator. Once the post adjustment increase had taken full effect, the margin between United States and United Nations pay, which was 117, would increase to 124, if one allowed for a cost-of-living differential between New York and Washington, D.C., and to 130 if no allowance was made for such a differential.

38. It had become increasingly evident that there was a growing divergence between the objectives of the Noblemaire principle and the post adjustment system. There were three options for remedying that situation. The first was to modify the Noblemaire principle in such a way as to use national salary levels instead of actual civil service remuneration. The second was to modify the post adjustment system and to decide that the General Assembly should determine annually the level of United Nations salaries. The third was to set a range below and above which United Nations salaries should not be permitted to fall or rise. The Commission would intervene if the margin were to rise above the ceiling and would make appropriate recommendations if the margin were to fall below the floor.

39. Whatever course of action the Committee eventually took, it must not lose sight of the fact that the Organization needed an independent, loyal and qualified Secretariat. International civil servants were expected to display special qualities and to place loyalty to the Organization above all other loyalties. They must therefore be provided with salaries which allowed them to lead a decent life.

40. In conclusion, he requested ICSC to do its utmost to make its reports more comprehensible to those who did not possess expert knowledge of the complicated matters under consideration.

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41. Mr. MILLS-LUTTERODT (Ghana), referring to the post adjustment system, said that it was within the competence of the Commission to establish the post adjustment classification of duty stations. In that regard, his delegation considered it particularly useful that a single methodology existed for conducting the cost-of-living surveys at all duty stations. Furthermore, in view of the complexity of that system, the Commission should continue to operate it, since the General Assembly would be unable to do so. The decisions adopted by the Commission in collaboration with the Advisory Committee on Post Adjustment Questions (ACPAQ) were well founded. For that reason, his delegation felt that, in accordance with the Commission's suggestion, the post adjustment for New York, the base city, should be increased by 9.6 per cent in order to correct the existing technical error. The responsibility for making that correction lay with the Commission, in accordance with its statute, and not with the General Assembly. Nevertheless, the increase should have been spread over a longer period of time in order to lighten the financial burden.

42. The decision of the Commission to increase the post adjustment index of New York by 9.6 per cent had changed, as was to be expected, the margin between the remuneration of United Nations staff and that of the United States federal civil service. In that regard, Ghana shared the opinion expressed by other delegations that it was the prerogative of the General Assembly, not the Commission, to take decisions involving a significant change in the margin. The General Assembly, therefore, should undertake to set limits for increases in the margin, beyond which its express authorization would be required. Furthermore, Member States should understand that, if they were not prepared to permit the margin to move beyond a certain limit, they should in the same way not permit it to fall below a certain level, since that could affect staff morale and make it difficult to recruit suitable staff. It was unjustified to invoke General Assembly resolution 31/141 B and to insist that the Commission had permitted "an undue widening of the margin" since no one had ever defined what "undue widening" meant.

43. In that connection, his delegation recommended that the Committee should not take any unilateral decision which might be detrimental to the system and precipitate a class legal action which might well succeed. Such an occurrence would damage the credibility and prestige of the General Assembly, undermine the authority of the Commission, cause unjustified expenses and jeopardize the common system. For that reason, his delegation did not support the proposal that the second automatic increase in the New York post adjustment class should be nullified. In any case, if the Committee was prepared to accept the part of the increase already paid, there was no valid reason for refusing to pay the balance, unless a decision was taken to change the Statute of the Commission, which could be done only after consultations with the other organizations in the common system.

44. Referring to the method for calculating the margin, he said that total compensation, not net remuneration, was preferable in comparisons between the remuneration of the United Nations common system and that of the federal civil service. At its thirty-eighth session, the General Assembly, on the recommendation of the Fifth Committee, had adopted resolution 38/233, which requested the Commission to submit recommendations on the appropriate level of pensionable remuneration and compare the levels of pension entitlements as part of the total

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(Mr. Mills-Lutterodt, Ghana)

compensation comparisons to be carried out within the framework of the Noblemaire principle. If the Committee had not thought well of total compensation, it would not have made that recommendation. Second, the use of total compensation made it possible to avoid the numerous problems involved in a one-on-one comparison of elements such as working hours, home leave, medical insurance, length of career service and pensions. Third, calculating and studying two margins would be a waste of time and money and would prove to be of dubious usefulness. The Committee should decide in which direction it wished to go and should request the Commission to proceed on that basis. For the time being, expatriate benefits should not be included in the calculation of the margin.

45. Before the Committee considered the report of the Joint Inspection Unit (A/39/522), it should refer the report to the Commission for consideration since it dealt in large part with issues related to the common system and since the procedures agreed upon for that system should be followed.

46. With regard to the recommendations of the Commission on pensionable remuneration for the Professional and higher categories, his delegation was prepared to accept the new pensionable remuneration scale recommended by the Commission and the new procedure for adjusting pensionable remuneration. Nevertheless, the level of pensionable remuneration for the grades above D-2 was too high and the Commission should be requested to consider that matter again, in co-operation with the United Nations Joint Staff Pension Board (UNJSPB) in order to submit new recommendations to the fortieth session of the General Assembly. Furthermore, his delegation had noted with satisfaction the savings which would be made thanks to the new recommendations on pensionable remuneration.

47. With regard to the upward adjustment of 5.4 per cent in pensionable remuneration, which had become due on 1 October 1984, it was best to pay the increase due in view of the legality of the matter and to preserve the cohesion of the common system. If that was not done, disgruntled staff might initiate legal action which, if successful, would weaken the trust of the other partners in the common system.

48. There was no other choice but to accept the recommendation of the Commission on the consolidation into base salary of 20 points of post adjustment as from 1 January 1985 in view of the fact that, unfortunately, some Member States would continue to tax the remuneration of their nationals working for the United Nations. The General Assembly should, therefore, again appeal to those Member States to exempt their nationals from those taxes.

49. His delegation welcomed the measures taken by the Commission in the planning, recruitment, promotion and training of human resources. The information provided by the Commission on the implementation of its recommendations by the organizations, however, was not satisfactory. In future, the Commission should regularly provide more detailed information on that subject. It should be noted, for example, that while the Noblemaire principle was applied for Professional staff with the United States federal civil service as the comparator, for the Field Service category the comparison was made with the United States foreign service. There should be consistency within the entire system.

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50. Mr. WITHEFORD (Australia) said that his delegation had always supported and would continue to support the work of the Commission. Nevertheless, it viewed with concern the actual and potential effects of the Commission's decision on the post adjustment question and its recommendations on future remuneration. The Noblemaire principle was, by its very nature, a generous standard of measurement, but the current methodology was the result of a most generous interpretation of that already generous principle. If the Commission's recommendations continued to be accepted, the level of remuneration, which was already far ahead of that of the United States federal civil service, would rise even further.

51. The proposed rates of remuneration were excessive by any standard. At a time when the taxpayers of Member States were increasingly being obliged to give up automatic salary increases based on the cost-of-living index, it was inappropriate for Secretariat staff, who were already earning five to six times the average weekly remuneration in Australia, to receive still further increases. To look at the question from another angle, the funds required for those latest salary increases could be put to more worthwhile use in any one of the substantive programmes of the Organization. The recent post adjustment increase and the future increases recommended by the Commission were not compatible with the strongly expressed views of many countries concerning the scale of assessments.

52. Although his delegation felt that the staff of the United Nations system should receive adequate and even generous remuneration, the General Assembly should act to restrain the further increase in emoluments recommended by the Commission. It should be asked whether the Commission would not formulate significantly different recommendations if it was requested to look at those matters again in the light of the views expressed during the current debate. At a time when large parts of the world were faced with the problems of famine, massive debt burdens and high unemployment rates, sacrifices had to be made by all, including those in the United Nations system.

53. Mr. MALIK (India), referring to the increase in the post adjustment index, said that ICSC had been well within its mandate when it had decided on the increase on the basis of a new consumer price index for New York. His delegation was satisfied with both the goods taken into consideration and the range of prices used by ICSC. The new calculation, which had been arrived at after consideration at the expert level in both ICSC and the Advisory Committee on Post Adjustment Questions (ACPAQ), was intended to correct long-standing imbalances and errors affecting the post adjustment for New York. The corrective action would bring New York into line with the other duty stations.

54. It had been suggested that there was an overlap between article 10 (b) and article 11 (e) of the ICSC statute and that a legal opinion should be sought on the interpretation of the two articles. To his delegation's way of thinking, the two paragraphs made perfectly clear the functions assigned to ICSC and the latter had acted within the confines of its mandate in deciding to increase the classification for New York. Any move on the part of the General Assembly to rescind or revoke the decision of ICSC would amount to a contravention of a statute which had been approved by the General Assembly and the legislative organs of the organizations of the common system, would damage the prestige of ICSC and of the General Assembly,

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and would lead to a breakdown of the common system which Member States had spent so much effort over many years to nurture by disrupting the administrative and organizational balance which had been achieved.

55. His delegation endorsed the technical aspects of the decision taken by ICSC on the advice of ACPAQ, but shared the concern expressed by other Member States with regard to their ability to bear additional financial burdens owing to the current difficult world economic situation. In paragraph 117 of document A/39/30, it was indicated that implementation of the new post adjustment classification would increase the margin between the remuneration of United Nations staff in the Professional and higher categories in New York and that of United States federal civil servants in Washington to 24 per cent. That margin was excessive and a movement away from the accepted norms governing the application of the Noblemaire principle. Consequently, ICSC should study on a priority basis the question of the appropriate range for the margin, which, in the view of his delegation, should be between 15 and 18 per cent. Once that range had been determined, ICSC should take immediate action within its mandate under article 11 (c) of its statute to bring remuneration in the common system into line with the level decided upon and to report thereon to the General Assembly at its fortieth session. Such action would have a uniform effect on the remuneration throughout the common system and would be binding on all organizations.

56. With regard to the margin between United Nations remuneration and the remuneration of the United States federal civil service, which, as calculated by ICSC, was currently 17 per cent, his delegation accepted the methodology which ICSC had used, but, given the widely differing figures arrived at by JIU, ICSC should re-examine the issue and submit to the General Assembly at its fortieth session a detailed report on the methodology used so that the doubts which existed could finally be laid to rest.

57. Turning to the JIU report entitled "Staff costs and some aspects of utilization of human and financial resources in the United Nations Secretariat" (A/39/522), he found it surprising that the report had been made available to the Fifth Committee for its examination without first being submitted for a technical appraisal to ICSC, the sole body designated by the General Assembly to deal with the questions covered by the report. In future JIU should follow the appropriate procedures so as to avoid any suspicion about the motives underlying its actions.

58. At its thirty-eighth session, the General Assembly had expressed its concern at the high level of pensionable remuneration in the United Nations in comparison with the levels in force in the United States federal civil service and had requested ICSC to propose more realistic levels of pensionable remuneration. His delegation was satisfied with the work done by ICSC in response to that request, the methodology it had applied and the new levels of pensionable remuneration it was proposing. It should be noted that the levels of pensionable remuneration at the Assistant Secretary-General and Under-Secretary-General levels - which grades had no equivalents in the United States federal civil service - were high because the salaries at those levels were high. In addition, the proposed salaries and pensionable remuneration acted as positive incentives for staff at the lower levels to maintain the very high standards required.

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(Mr. Malik, India)

59. With regard to the adjustment of pensionable remuneration amounts in accordance with article 54 (b) of the Regulations of the United Nations Joint Staff Pension Fund, it should be recalled that the last adjustment for the Professional and higher categories had been made with effect from 1 October 1982, in accordance with the procedure which had been approved by the General Assembly and which had entered into force on 1 January 1981. Since the United States CPI had increased by 5.4 per cent between 1 July 1982 and 1 July 1984, the 5 per cent threshold requirement for adjusting pensionable remuneration amounts laid down in the Regulations had clearly been met. Because the adjustment mechanism was an integral part of the staff rules of a number of organizations and, consequently, the adjustment was compulsory and uncontestable, if the General Assembly decided not to adjust the pensionable remuneration of the Professional and higher categories with effect from 1 October 1984, different amounts of pensionable remuneration would be applied to United Nations staff according to the organization for which they worked. That would seriously damage the unity of the common system and could invite legal challenge. Bearing in mind also that approval of the scale of pensionable remuneration recommended by ICSC would help to achieve the General Assembly's objectives of fixing pensionable remuneration at an appropriate level and slowing down future increases, as well as yield considerable savings in future bienniums, his delegation urged Member States to accept the forthcoming increase in the levels of pensionable remuneration for staff in the Professional and higher categories in accordance with article 54 (b) of the Regulations of the Pension Fund.

60. His delegation had no objection to the recommendation of ICSC that 20 points of post adjustment be consolidated into base salaries with effect from 1 January 1985, because the resulting increase in income from staff assessment would provide the Tax Equalization Fund with sufficient resources to finance the tax reimbursement programme, which was expected to experience a shortfall in the near future. However, with a view to abolishing the Tax Equalization Fund and eliminating the problems related to the periodic consolidation of post adjustment into net basic salary, his delegation urged Member States that had not yet done so to take appropriate action to exempt their nationals serving in the United Nations from income tax.

61. Lastly, with regard to the use of competitive examinations in the United Nations, his delegation supported the request of ICSC that the Fifth Committee should refrain from taking any decision on the competitive examination for movement from the General Service to the Professional category and on recruitment through competitive examination for junior Professional posts until the Commission had had an opportunity to take a position on the question in the light of all relevant factors. He hoped that ICSC would be able to submit a report on the question to the General Assembly at its fortieth session.

The meeting rose at 6 p.m.