



General Assembly

Distr.
GENERAL

A/44/880
15 December 1989

ORIGINAL: ENGLISH

Forty-fourth session
Agenda item 130

PERSONNEL QUESTIONS

Report of the Fifth Committee

Rapporteur: Mr. Etien NINOV (Bulgaria)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 22 September 1989, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fourth session the item entitled:

"Personnel questions:

"(a) Composition of the Secretariat;

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

"(c) Other personnel questions."

and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 28th, 37th to 39th, 40th to 42nd, 44th, 55th and 56th meetings, on 3 and from 14 to 17 November, and 13 and 14 December 1989. Comments made in the course of the discussion of the item are reflected in the relevant summary records (A/C.5/44/SR.28, 37 to 42, 44, 55 and 56).

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

(a) Report of the Secretary-General on the composition of the Secretariat (A/44/604);

(b) Report of the Secretary-General, transmitting a list showing, by office, department and organizational element, the name, functional title, nationality and grade of all staff members as at 30 June 1989 (A/C.5/44/L.2).

4. For its consideration of sub-item (b), the Committee had before it a report of the Secretary-General on the respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations (A/C.5/44/11).

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

(a) Report of the Secretary-General on amendments to the Staff Rules (A/C.5/44/2);

(b) Report of the Secretary-General on the improvement of the status of women in the Secretariat (A/C.5/44/17);

(c) Report of the Secretary-General on the administration of justice in the Secretariat (A/C.5/44/9).

6. The Committee also considered a note by the Secretary-General transmitting the views of the staff representatives of the United Nations Secretariat (A/C.5/44/21).

7. At its 28th meeting, on 3 November 1989, the Committee decided, without objection, to invite a designated representative of the staff of the United Nations Secretariat to make an oral statement before the Committee, pursuant to the provisions of General Assembly resolution 35/213 of 17 December 1980.

II. CONSIDERATION OF PROPOSALS

A. Draft resolutions A to D and draft decision A/C.5/44/L.10

8. At the 55th meeting, on 13 December 1989, the Vice-Chairman of the Committee, Mr. Dankwa (Ghana), following informal consultations, introduced the draft resolutions on personnel questions (A/C.5/44/L.10): part A, entitled "Composition of the Secretariat"; part B, entitled "Administration of justice in the Secretariat"; part C, entitled "Improvement of the status of women in the Secretariat"; and part D, and an annex thereto, entitled "Mandatory age of separation for new staff members". The Vice-Chairman also introduced the draft decision entitled "Amendments to the Staff Rules" (A/C.5/44/L.10, sect. II).

9. The Vice-Chairman of the Committee orally revised operative paragraph 3 of draft resolution A and operative paragraph 3 of draft resolution C as follows:

(a) In operative paragraph 3 of draft resolution A:

(i) In the second line, delete the words equitable representation and, after the word levels, insert the words of the Secretariat, the equitable representation ...

/...

(ii) In the penultimate line, for in conformity with, read with due regard to ...

(b) In operative paragraph 3 of draft resolution C:

(i) In the second line, after the word senior, insert the words and policy formulating ...

10. At the 56th meeting on 14 December, the Chairman orally revised operative paragraph 10 of draft resolution A by deleting the word alternative in the first line.

11. The Committee then adopted draft resolutions A and C, as orally revised, and draft resolutions B and D (A/C.5/44/L.10) without a vote (see para. 18, draft resolution I).

12. At the same meeting, the Committee also adopted the draft decision (A/C.5/44/L.10, sect. II) without a vote (see para. 19, draft decision I).

13. At the same meeting, following the adoption of the draft resolutions and decision, the representatives of Cuba, Algeria, Egypt, Iraq and Belgium made statements.

B. Draft resolution A/C.5/44/L.7 and draft decision A/C.5/44/L.8

14. At its 56th meeting, on 14 December, the Vice-Chairman, Ms. Oldfelt Hjertansson (Sweden), following informal consultations, introduced a draft resolution, entitled "Respect for the privileges and immunities of officials of the United Nations and specialized agencies and related organizations" (A/C.5/44/L.7), and one draft decision on the same subject (A/C.5/44/L.8).

15. At the same meeting, the representatives of Egypt, Ethiopia and Romania explained their delegations' positions on the draft resolution and draft decision before the Committee took action thereon. The Chairman made a statement regarding the procedure that had been followed concerning the Committee's invitation to a designated representative of the staff to make an oral statement before the Committee (see para. 7 above).

16. At the same meeting, the Committee adopted draft resolution A/C.5/44/L.7 without a vote (see para. 18, draft resolution II).

17. At the same meeting, the Committee adopted draft decision A/C.5/44/L.8 without a vote (see para. 19, draft decision II).

III. RECOMMENDATIONS OF THE FIFTH COMMITTEE

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

/...

DRAFT RESOLUTION I

Personnel questions

A

Composition of the Secretariat

The General Assembly,

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

Reaffirming its resolutions 33/143 of 20 December 1978, 35/210 of 17 December 1980, 41/213 of 19 December 1986, 42/220 A of 21 December 1987 and 43/224 A of 21 December 1988,

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

Having considered the report of the Secretary-General on the composition of the Secretariat, 1/

Noting the progress among nationals of some Member States who have served primarily on fixed-term contracts in accepting long-term and permanent contracts for service with the United Nations Secretariat,

Noting with satisfaction the positive results derived from holding national competitive examinations as a recruitment tool for nationals of unrepresented and underrepresented Member States,

Noting that there continues to be some unevenness between the number of appointments made to posts subject to geographical distribution of nationals of unrepresented and underrepresented Member States and those of Member States within range or overrepresented,

Noting also the efforts made and still required to fill posts in organizational units with high vacancy rates, particularly in the regional commissions,

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

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

1/ A/44/604.

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

3. Requests the Secretary-General to take every available measure to ensure, at the senior and policy formulating levels of the Secretariat, the equitable representation of Member States, in particular of developing countries and other Member States with inadequate representation at those levels, in accordance with the relevant resolutions of the General Assembly, and to report thereon to the Assembly at its forty-fifth session, bearing in mind that no post should be considered the exclusive preserve of any Member State or group of States with due regard to the principle of equitable geographic distribution;

4. Also requests the Secretary-General to continue his efforts aimed at improving the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in the Professional and higher categories in all main departments and offices, bearing in mind that paramount consideration shall be the necessity of securing the highest standards of efficiency, competence and integrity;

5. Further requests the Secretary-General to monitor closely the effects of the reduction of posts on geographical distribution, particularly at the senior levels, and to take appropriate measures to redress any imbalances;

6. Requests the Secretary-General to endeavour to complete the work on the development of a methodology for holding national competitive examinations for posts at the P-3 level in all Member States and to present a progress report thereon to the General Assembly at its forty-fifth session;

7. Also requests the Secretary-General to complete his efforts towards the development of a comprehensive career development plan for all staff that allows for fair and transparent post-bidding throughout the Secretariat by integrating the vacancy management programme, ensures adequate, equitable and transparent promotion procedures and recognizes merit through a rational performance evaluation and reporting system;

8. Further requests the Secretary-General to report to the General Assembly at its forty-fifth session on:

(a) The review of rules, regulations and criteria used for the promotion of staff;

(b) Ensuring transparency in the work of the appointment and promotion bodies;

/...

(c) Including in the vacancy management programme the availability of effective and expeditious appeal and recourse mechanisms;

9. Requests the Secretary-General to develop a personnel policy to increase the mobility of staff, keeping in view the functional requirements of the Organization, and to report on the measures proposed to the General Assembly at its forty-fifth session;

10. Also requests the Secretary-General to prepare proposals for groupings of Member States in presenting tables in his report to the forty-fifth session of the General Assembly on the composition of the Secretariat, taking into account the views expressed by Member States;

11. Further requests the Secretary-General to report on the implementation of the present resolution to the General Assembly at its forty-fifth session.

B

Administration of justice in the Secretariat

The General Assembly,

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

Having considered the report of the Secretary-General on the administration of justice in the Secretariat, 2/

Welcoming the further improvements in the internal justice system and the progress achieved during the current year, including the reduction of the backlog of pending cases, largely due to the introduction of procedural improvements and the completion of work on the revision of disciplinary rules to be promulgated effective January 1990,

1. Endorses the report of the Secretary-General on the administration of justice;

2. Requests the Secretary-General to proceed without delay with the promulgation of the revised set of disciplinary rules effective 1 January 1990 and to report to the General Assembly at its forty-fifth session on the operation of the new system;

3. Also requests the Secretary-General to continue with the reforms in the administration of justice in the Secretariat, in particular with regard to improving the informal procedures for amicable settlements of staff grievances, and to report thereon to the General Assembly at its forty-fifth session.

2/ A/C.5/44/9.

C

Improvement of the status of women in the Secretariat

The General Assembly,

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

Recalling also all relevant resolutions on the improvement of the status of women in the Secretariat, and the relevant paragraphs of the Nairobi Forward-looking Strategies for the Advancement of Women, 3/ in particular paragraphs 315, 356 and 358,

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

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

Noting, however, the inadequate increase in the number of women in posts subject to geographical distribution and in the appointment of women to the senior and policy-formulating levels, particularly with regard to women from developing countries, keeping in view that recruitment overall has been affected by the implementation of recommendation 15 of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations 4/ during 1987-1989,

Taking note of the report of the Secretary-General on the improvement of the status of women in the Secretariat, 5/ and of section II-E of the report of the Secretary-General on the composition of the Secretariat, 1/

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

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

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

5/ A/C.5/44/17.

/...

2. Urges the Secretary-General to strengthen his efforts to increase the number of women in posts subject to geographical distribution, in particular at the senior and policy-formulating levels, with a view to achieving to the extent possible an overall participation rate of 30 per cent of the total by 1990, taking into account the principle that the paramount consideration shall be the necessity of securing the highest standards of efficiency, competence and integrity and with full respect for the principle of equitable geographical distribution;

3. Requests the Secretary-General to increase the representation of women from developing countries, including at the senior and policy-formulating levels, in view of the small proportion of women from those countries;

4. Reiterates its request to all Member States to support the efforts of the Secretary-General referred to in paragraphs 2 and 3 above by nominating more women candidates and encouraging more women to apply for posts subject to geographical distribution, in particular those at the senior and policy-formulating levels;

5. Requests the Secretary-General, in seeking to achieve more tangible progress for women in the Secretariat, not to lose sight of equality of opportunity for all staff in the Secretariat;

6. Also requests the Secretary-General to report in the future on all aspects of the status of women in the Secretariat in one single document, taking into account the importance of comprehensiveness, transparency and analysis in the presentation;

7. Further requests the Secretary-General also to include in his report to the General Assembly at its forty-fifth session information on, inter alia,

(a) The implementation of the action programme for the improvement of the status of women in the Secretariat; 6/

(b) The implementation of the recommendations made by the Steering Committee for the Improvement of the Status of Women in the Secretariat, 7/ as well as all relevant resolutions on that subject;

(c) The recruitment of women from developing countries to posts subject to geographical distribution;

(d) The appointment of women to posts at the senior and policy-formulating levels;

6/ A/C.5/40/30, sect. III B.

7/ See A/C.5/44/17, sect. II and annex.

(e) The respective roles of the focal point in the Office of Human Resources Management and of the Steering Committee;

(f) Recommendations for further action, including his approach to the setting of new targets for the period 1991-1995;

8. Requests the Secretary-General to make available the information referred to in paragraph 7 to all relevant bodies, as set out in General Assembly resolutions and paragraph 358 of the Forward-looking Strategies.

D

Mandatory age of separation for new staff members

The General Assembly,

Noting the recommendation of the International Civil Service Commission to the General Assembly and the legislative bodies of other organizations in the common system that the mandatory age of separation should be age 62 for new staff members entering into service on or after 1 January 1990, 8/

Noting also the recommendation of the United Nations Joint Staff Pension Board 9/ to increase the normal retirement age under the Regulations of the United Nations Joint Staff Pension Fund from age 60 to 62 for new participants entering or re-entering the Fund on or after 1 January 1990,

Recalling the recommendations of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations, 4/ particularly recommendation 52, on the application of the mandatory retirement age of 60,

Reaffirming that the personnel management of the Organization must be based upon clear, coherent and transparent rules,

1. Approves an amendment to United Nations staff regulation 9.5 with effect from 1 January 1990, as set forth in the annex to the present resolutions, to provide that the mandatory age of separation for staff members appointed on or after 1 January 1990 shall be age 62, on the understanding that age 60 will continue to apply as the mandatory age of separation for those staff members who are currently in active service;

8/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 30 (A/44/30, vol. I), para. 58.

9/ Ibid., Supplement No. 9 (A/44/9), annex XIII, draft resolution I, para. (a).

2. Requests the Secretary-General to report to the General Assembly at its forty-fifth session on the possible and real impact of implementation of paragraph 1 above on staff recruitment, mobility, career development and promotion, staffing structure, representation of Member States in the United Nations Secretariat and long-term staff cost expenditures.

ANNEX

Amendment to the Staff Regulations of the United Nations

Regulation 9.5

Replace the first sentence by the following text:

"Staff members shall not be retained in active service beyond the age of 60 years or, if appointed on or after 1 January 1990, beyond the age of 62 years."

DRAFT RESOLUTION II

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

The General Assembly,

Recalling that, under Article 100 of the Charter of the United Nations, each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities and that the Secretary-General and the staff shall refrain from any action which might reflect on their position as international officials responsible only to the Organization,

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

Recalling the Convention on the Privileges and Immunities of the United Nations, 10/ the Convention on the Privileges and Immunities of the Specialized Agencies, 11/ the Agreement on the Privileges and Immunities of the International Atomic Energy Agency and the United Nations Development Programme Standard Basic Assistance Agreements,

10/ Resolution 22 A (I).

11/ Resolution 179 (II).

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

Recalling further its resolution 43/173 of 9 December 1988 containing, inter alia, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, including the principle that all persons under arrest or detention be provided whenever necessary with medical care and treatment,

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

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

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

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

Reaffirming its previous resolutions, in particular resolutions 42/219 of 21 December 1987 and 43/225 of 21 December 1988,

1. Takes note with grave concern of the report submitted by the Secretary-General, 12/ on behalf of the Administrative Committee on Co-ordination, and of the developments indicated therein, in particular the reported case of abduction and killing as well as the, once again, very high number of new cases of arrest and detention and the very negative developments in respect of various previously reported cases under this category;

2. Deplores the increase in the number of cases in which the safety, functioning and well-being of officials have been placed in jeopardy;

3. Also deplores the substantially increased number of cases of arrest or detention of officials for which the organizations of the United Nations system have not been able fully to exercise their rights during the reporting period;

4. Calls upon all Member States scrupulously to respect the privileges and immunities of all officials of the United Nations, the specialized agencies and related organizations and to refrain from any acts that would impede such officials in the performance of their functions, thereby seriously affecting the proper functioning of the organizations;

12/ A/C.5/44/11.

5. Urges those Member States holding under arrest or detention officials of the United Nations, the specialized agencies and related organizations to enable the Secretary-General or the executive head of the organization concerned fully to exercise the right of functional protection inherent in the relevant multilateral conventions and bilateral agreements, particularly with respect to immediate access to detained staff members;
6. Calls upon all Member States otherwise impeding officials of the United Nations, specialized agencies and related organizations in the proper discharge of their duties to review the cases mentioned in the Secretary-General's report and to co-ordinate efforts with the Secretary-General or the executive head of the organization concerned to resolve every case with all due speed;
7. Calls upon the Secretary-General to take the necessary measures in order to promote knowledge of and compliance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, including the principle that all persons under arrest or detention be provided whenever necessary with medical care and treatment;
8. Calls upon the staff of the United Nations and the specialized agencies and related organizations fully to comply with the provisions of Article 100 of the Charter and with the obligations resulting from the Staff Regulations and Rules of the United Nations, in particular regulation 1.8, and from the equivalent provisions governing the staff of the other agencies;
9. Welcomes the efforts undertaken by the Secretary-General that have led to the release of many staff members who were previously reported as being under arrest or detention;
10. Also welcomes the Secretary-General's determination to continue to work together with the respective executive heads and with the authorities of Governments concerned to ensure strict implementation of the international agreements concerning privileges and immunities of international organizations and their officials;
11. Calls upon the Secretary-General to intensify his efforts to bring about an expeditious solution of the cases still pending, which were referred to in the report;
12. Notes with concern the restrictions on duty travel of officials as indicated in the report of the Secretary-General;
13. Takes note with concern of the information in the report of the Secretary-General ^{13/} related to taxation on salaries and emoluments as well as the status, privileges and immunities of officials;

^{13/} Ibid., sects. III and IV.

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

15. Urges the Secretary-General promptly to follow up all cases of arrest, detention and any matters relating to the security and proper functioning of officials of the United Nations and the specialized agencies and related organizations;

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

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

DRAFT DECISION I

Amendments to the Staff Rules

The General Assembly, noting the need periodically to review the Staff Rules and to report annually to the General Assembly the full text of provisional Staff Rules and amendments, decides to take note of the report of the Secretary-General on amendments to the Staff Rules. 14/

DRAFT DECISION II

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

The General Assembly requests the Secretary-General to intensify his efforts to make his report on the respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations available to Member States well in advance of its consideration of this subject in order to enable Member States to undertake a review of its contents in advance of their discussion.
