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Chairman: Mr. Harry MORRIS (Liberia).

AGENDA ITEM 82

Personnel questions:

- (a) Composition of the Secretariat: report of the Secretary-General (A/6860 and Corr.1, A/C.5/L.900 and Add.1);
- (b) Other personnel questions (A/6877)

1. Sir Alexander MacFARQUHAR (Director of Personnel) recalled that, immediately after the admission of sixteen new Members to the United Nations in December 1955, the Fifth Committee had started to discuss how best to increase the number of nationalities in the staff, so as to reflect the changes in membership. The discussions had culminated in the establishment of guidelines (General Assembly resolution 1852 (XVII)) to be followed by the Secretary-General in his efforts to achieve a more equitable geographical distribution. The arrangements made as a result and the existing composition of the Secretariat were described in detail in the Secretary-General's report (A/6860 and Corr.1).

2. The inconclusive discussion held in the Fifth Committee during the sixteenth session had revealed substantial support for a departure from the practice of establishing national entitlements to recruitment for service in the Secretariat essentially on the basis of one principle, namely, the scale of assessed contributions to the regular budget. Two other principles which had commanded support were membership in the Organization and size of population. There had, however, been no agreement on the weight to be assigned to each of those factors. The 1962 guidelines had embodied the three factors and established a desirable range of posts for each country and region. The scheme thus constructed had won broad support and clearly indicated the direction which Members wished the Secretary-General to take in discharging his responsibility for the administration of the staff.

3. The system of "desirable ranges" was not a scheme of fixed national and regional quotas. The hypothetical base used for the apportionment and the variable minimum established under the membership factor made that impossible. Moreover, the process of recruitment for the Secretariat, which involved the selection of competent officials with varied educational and cultural backgrounds for service in a wide variety of fields, was not susceptible of any rigid mathematical formulation. The system was therefore only a guide to the achievement of broadly defined goals and a gauge to measure progress.

4. The Secretary-General believed that the new formula had proved its worth. In the past five years, 20 more Member States had contributed nationals to the Secretariat. All regions but one had come close to the mid-point of their new range, and senior posts had been distributed among a larger number of countries—49 as against 35 countries five years previously. The accommodation between career and fixed-term appointments had become smoother and the lengthening period of service of fixed-term staff members would unquestionably enhance the efficiency of the Secretariat.

5. There had, however, been criticism of the new formula in 1966. It had been argued that it failed to distinguish between posts by level. It had accordingly been suggested that the straight numerical count of posts might be replaced by a weighted count. The Secretary-General had examined the question of the weighting of posts most carefully, as he had done when he had advised against such a system in 1962. He still saw no advantage in complicating an already difficult process. The possibility of weighting posts had not, however, been ruled out. Although there was as yet no general agreement on how best to express the differences in importance between the various levels, logic might favour a weighting based on starting salary, as had been suggested in the Fifth Committee in 1961. Alternatively, there might be an arbitrary system of weights along the lines followed by one of the specialized agencies.

6. The overriding consideration was whether a weighted system of geographical distribution would ease the basic problems. In the recruitment of staff, the "under-represented" countries were given preference. If no suitable candidates were available there, attention was turned to countries in regions which were not "over-represented". In his report to the seventeenth session of the General Assembly, the Secretary-General had stated that any formula adopted would be applied as closely as possible on a regional basis, but that some flexibility in application to individual countries within a region might be un-

avoidable.<sup>1/</sup> In line with that policy and in order to provide the staff required for the execution of approved programmes, it was sometimes essential to draw upon talent where it could be found and when it was needed. Whether the recruitment directives were expressed in "straight" posts or in weighted posts, the nature of that problem remained the same.

7. Under a weighted system, the desirable sources would have to be recalculated with every senior appointment—even every promotion; the efficiency of the recruiting process would be needlessly impaired, since the nature of the next senior vacancy was usually uncertain. Whatever the version adopted, a system of weighting might operate erratically and, although workable one year, might not necessarily meet the circumstances of a later year. In any case, the paramount consideration would remain the necessity of securing the highest standards of efficiency, competence and integrity. Since, moreover, none of the suggested versions seemed to offer any major change in the comparative desirable ranges of most Members, he asked whether the institution of a weighted system was really worth while.

8. He invited attention to the Secretary-General's recommendation that the base for calculating the desirable ranges should be raised from 1,500 to 2,000 and that, despite the risk of falling short of target, the range for membership should be one to six.

9. The Secretary-General's report also dealt with the question, raised in the Fifth Committee at the twenty-first session, of linguistic balance in the recruitment of staff and more equitable use of the working languages of the Organization in the Secretariat. The Secretariat, as the administrative arm of the deliberative bodies, was concerned only with the administrative consequences of change. It was for the General Assembly to pronounce itself on any wider political aspects in the use of the languages of the Organization, and the balance among them. For various reasons, the blurring of the distinction between official and working languages which had occurred in the other principal organs had not affected the Secretariat. Moreover, it was not until the scope of any desired changes was known that the Secretary-General would be able to estimate their administrative feasibility in terms of staff, time and space and consequential costs. In addition, political considerations were involved in the language rules of the various organs of the United Nations. Although the Charter of the United Nations laid down no linguistic conditions for the employment of staff members, there was nothing to preclude the General Assembly from recommending language rules for the Secretariat. In 1946, it had recommended that the other organs of the United Nations should adopt the same language rules as it had done. The Secretariat had thus adopted English and French as its working languages.

10. Given the geographical span of the Secretariat, it was inevitable that over 40 per cent of the staff should have as their mother tongue languages other than Chinese, English, French, Russian or Spanish and that over 60 per cent of them should have a mother

tongue other than one of the working languages of the Secretariat. Thus, even with a requirement of proficiency in only one working language, the majority of the staff had to be bilingual. If adequate interpretation, translation and secretarial services could be obtained and if there were some strengthening at the supervisory level, two working languages could be used by most of the services. With that aim, there should be an expanded language instruction programme for all staff. It was difficult, however, to envisage an effective administration in which unit meetings and joint work on a day-to-day basis were conducted in several languages.

11. The growth of international co-operation had occasioned a world-wide shortage of qualified linguistic personnel. Any appreciable change in Secretariat practice would aggravate the recruitment problem faced by all international organizations. Very good results had been obtained from the use of the resources and facilities of an established institute for foreign languages; however, that arrangement was limited to one official language and to the training of interpreters and translators.

12. A balance had to be struck between the principle of equality of the languages and the realities of administration in an international setting. Ideally, the practice of the Secretariat should reflect more accurately the extent to which the various languages were employed in the Organization. That was not possible, however, if the Secretariat was to remain responsive to the tasks assigned to it.

13. At the same time, there were several measures which might result in a more equitable use of the working languages of the Secretariat. First, there should be an improvement in the nationality composition of the Secretariat, particularly at the senior levels. After all, the desirable ranges of geographical distribution had been designed to ensure that the composition of the staff reflected all aspects of national cultures, including language. On the other hand, recruitment according to language might be possible only at the expense of desirable ranges for some countries. Secondly, the existing language instruction programme should be expanded to enable all staff members to broaden their linguistic skills. Lastly, staff members should be encouraged to work in the language of their principal education, if it was one of the working languages of the Secretariat.

14. The staff of the United Nations were continuing to give a good account of themselves. With their varied skills and confident attitudes, it was they who would ensure a good return on the growing investment of Member States in international co-operation.

15. Mr. URABE (Japan) said that the recommendations made by the Secretary-General in paragraph 70 of his report were highly commendable. Unfortunately, Japan's representation in the Secretariat, as shown in table 2 of annex II to that report, did not reflect the fact that for the past three years Japan's assessment had been the seventh highest. Although the number of Japanese staff members had reached the desirable range, the posts they held were in the lower ranks, the highest being at the D-1 level.

<sup>1/</sup> See Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 70, document A/5270, para. 69, (g).

16. One important element was lacking in the Secretary-General's evaluation of the advantages of weighting Secretariat posts: a calculation of the results obtained in the case of individual regions and countries by the application of each of the four systems of weighting described in annex II to the report. When the posts actually held by Japanese nationals were counted by points according to the four different systems given in table 11 and the results compared with the lowest figures given for Japan in table 14, it was found that Japan had 59.6 per cent of its entitlement under version A, 59.5 per cent under version B, 61.3 per cent under version C and 62.87 per cent under version D.

17. By rejecting the idea of weighting posts and stating that progress was being made towards the goal of a Secretariat as fully representative of the membership of the Organization as possible, the Secretary-General gave the impression that weighting would magnify existing shortcomings. Yet, if they were to be corrected, shortcomings had to be squarely faced.

18. It would be dangerous to apply mathematical or mechanical indicators too rigidly in personnel policy. Nevertheless, the present system was causing widespread dissatisfaction among Member States. If that situation continued, harmful proposals might be put forward which would make geographical considerations override the paramount consideration—the necessity of securing the highest standards of efficiency, competence and integrity.

19. His delegation agreed with the Secretary-General that "administrative attention should continue to be directed to the relative importance of posts at all levels in the application of the desirable ranges" (A/6860 and Corr.1, para. 70, (e)). The adoption of a weighting system would enable the Secretary-General to check whether the desired goal of a better geographical distribution of Secretariat posts was being achieved. Of the four versions of the weighting system studied by the Secretary-General, version A was too arbitrary and too similar to the existing system. Any of the other three versions would be acceptable, and version D seemed the most logical.

20. Mr. WEI (China), noting from the tables given in the Secretary-General's report that progress had been made in the application of the principle of equitable geographical distribution in the Secretariat, said that the remaining imbalances could be easily eliminated if no more appointments were given to nationals of the over-represented countries. Despite the directives to that effect issued by the Secretary-General in 1948, many staff members from those countries had been appointed since then. That inconsistency in policy and practice should be halted. Henceforth recruitment should be carried out not only on a geographical, but also a national basis. It was also important to apply the principle of equitable distribution to posts at the Principal Officer as well as the Professional levels in the newly created autonomous units, whose staff should, as far as possible, be recruited from the developing countries in view of their understanding of the development problems. He was surprised to learn that there was only one Chinese among the several hundred Pro-

fessional appointments made in those units, despite his country's experience in technical assistance. Although, in general, China was not inadequately represented in the Secretariat, many Chinese staff members were approaching retirement; it might therefore be wise to recruit a second generation of Chinese staff and prepare them for the posts about to become vacant. In that way the geographical distribution of staff at the senior levels would be preserved. In the past, the permanent missions to the United Nations had been provided periodically with lists of their nationals employed in the Secretariat, in accordance with the Convention on Privileges and Immunities of the United Nations; he asked the Office of Personnel to resume that useful practice.

21. Mr. FERNANDEZ MAROTO (Spain) did not think it would be difficult to introduce an effective post-level-weighted system of national entitlements, which would help to ensure a more equitable and balanced composition of the Secretariat. Countries which, like Spain, had reached full representation in the Secretariat could then obtain a fair proportion of the higher posts. That consideration should be borne in mind when deserving staff members were promoted. He hoped that, when making appointments, the Secretary-General would take into account the substantial increase in Spain's assessment.

22. The CHAIRMAN suggested that the Committee should continue the discussion at a subsequent meeting.

*It was so decided.*

#### AGENDA ITEM 74

Budget estimates for the financial year 1968 (continued) (A/6705 and Corr.1, A/6707 and Corr.1 and 2, A/6854, A/6861, A/6878, A/C.5/1113 and Corr.1 and 2, A/C.5/1114 and Corr.1, A/C.5/1115 and Corr.1, A/C.5/1118, A/C.5/1123 and Corr.1, A/C.5/1124, A/C.5/1126-1129, A/C.5/1132, A/C.5/1135, A/C.5/L.901, A/C.5/L.908 and Corr.1)

First reading (continued) (A/C.5/L.908 and Corr.1)

SECTION 3. SALARIES AND WAGES (A/6705 AND CORR.1, A/6707 AND CORR.1 AND 2, A/6854, A/C.5/1114 AND CORR.1)

23. The CHAIRMAN recalled that, in documents A/6705 and Corr.1 and A/C.5/1114 and Corr.1, the Secretary-General had proposed appropriations totaling \$60,799,500 under section 3, and the Advisory Committee on Administrative and Budgetary Questions in documents A/6707 and Corr.1 and 2 and A/6854 had recommended reductions that would bring that total down to \$58,501,800.

24. Mr. BANNIER (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, when examining the estimates, the Advisory Committee had asked the Secretary-General for additional information on the utilization of existing staff resources in all branches of the Secretariat, current recruitment and vacancies, with breakdown by department and activity. Although the 160 Professional posts vacant at the end of May 1967 had been reduced to 113 by 1 November, that trend would not necessarily continue, since many of the substantive posts required highly specialized qualifications and

experience and suitable candidates were difficult to find. Of the 100 vacancies in the Economic and Social sectors at the end of May, about 77 were still unfilled. The improvement had therefore been mainly in other sectors.

25. Being responsible for execution of the work programmes, the Secretary-General understandably provided a margin of safety in his estimates of the staff and financial resources needed, whereas the Advisory Committee took a more restrictive view. The two approaches were not incompatible. However, an element of judgement entered into some estimates. Surpluses occurred almost every year, for instance, under section 3, chapter I (Established posts). Referring to the breakdown by Secretariat units suggested by the Secretary-General in document A/C.5/L.901 for the new posts recommended by the Advisory Committee for 1968, he pointed out that the Advisory Committee had not suggested such a detailed arrangement, but only that allocation of the new posts might follow a certain pattern over broad areas of the Secretariat.

26. The Advisory Committee had no wish to frustrate or curtail the essential programmes of the Organization, but was anxious to ensure that the resources available were directed to priority programmes and projects and that the fullest use was made of the staff. The Advisory Committee was confident that the additional staff resources it had recommended for 1968 would enable the Secretary-General to proceed with the essential work programmes.

27. Mr. TURNER (Controller) stated that the Secretary-General would probably have to seek a supplementary appropriation for 1968 under section 3, as a consequence of the modest adjustment in Headquarters General Service salary scales that was expected to result from consultations now in progress. The estimates made no provision for such an adjustment, which had not been anticipated at the time of their preparation. The adjustments already made at other offices, notably Geneva, had been anticipated and were reflected in the estimates. The Secretary-General hoped to reach a decision within 24 hours and would submit a special report on its financial consequences to the Fifth Committee.

28. Mr. SCHUURMANS (Belgium), noting the Secretary-General's statement in paragraph 17 of his note on the reorganization of the top echelon of the Secretariat (A/C.5/1128) that he proposed to initiate a study of the problem of reorganizing the Secretariat at other levels, said that his delegation would have liked some information on all the reforms the Secretary-General had in mind. It would then have been better able to appreciate the scope and merit of the proposed changes. The Secretary-General's proposals for the top echelon of the Secretariat seemed acceptable in principle, since it was only right that the changes in the Secretariat's functions should be reflected in the policy-making structure.

29. However, his delegation did not agree with the proposed change in the status of the Legal Counsel, who, in the new hierarchy, was to be relegated to the lower level of the top echelon as an Assistant

Secretary-General. The responsibilities and prestige attaching to the high office of Legal Counsel of the United Nations and the qualifications required of its incumbent surely warranted the rank of Under-Secretary-General, which was the equivalent of its present status. He therefore asked the Secretary-General to amend his proposal accordingly.

30. Mr. HAMBRO (Norway), while recognizing that the organization of the Secretariat was quite rightly left to the discretion of the Secretary-General, in whose competence, integrity and judgement his delegation had every confidence, also expressed concern that, under the proposed reorganization, the post of Legal Counsel was to be at the lower level of the top echelon. Since its establishment, that post had ranked among the top positions in the Secretariat. Among its many functions the Office of Legal Affairs served as the codification centre for the International Law Commission, and that work would shortly be increased as a result of the activities of the United Nations Commission on International Trade Law. The Legal Counsel regularly attended the proceedings of the Sixth Committee and it would be unfortunate if that Committee were the only one not served by a top-ranking official of the Secretariat. The post had a symbolic significance and its down-grading might be taken to mean that the Organization attached less importance to the rule of law in the conduct of human and international relations. On behalf of the Scandinavian countries, he appealed to the Secretary-General to reconsider his proposal and to restore the post of Legal Counsel to the top level of the Secretariat.

31. Mr. CUEVAS CANCINO (Mexico) said that, although his delegation on the whole supported the Secretary-General's proposals for reorganizing the top echelon of the Secretariat, it too was disturbed to see that the post of Legal Counsel was to be merely at the lower level of the top echelon. The law was of enormous importance in the activities and endeavours of the United Nations and greater recourse should be had to it in the solution of present-day problems. The assigning of second rank to the Legal Counsel might be interpreted as an act of disdain for the law, and his delegation hoped that the Secretary-General would place the Legal Counsel at the higher level of the reorganized top echelon.

32. Mr. SMALL (Ireland) agreed with the Secretary-General that a review of the Secretariat's structure was opportune, as the size and responsibilities of the United Nations had expanded since the last reorganization twelve years previously. In general, he supported the proposals contained in document A/C.5/1128, but had some reservations regarding the decision to place the post of Legal Counsel at the lower level of the top echelon. Such a rank might not adequately reflect the part played by law in the activities of the United Nations, one of whose main purposes was to promote and consolidate the rule of law throughout the world. His country's Minister for External Affairs had on many occasions in the United Nations suggested the establishment of areas of law as a means of alleviating and eliminating sources of conflict in particularly sensitive regions. Many United Nations bodies were primarily concerned with legal affairs and one of the six principal organs listed in the Charter

was the International Court of Justice. It was therefore essential that the Secretary-General should be able to obtain authoritative legal advice. Status was perhaps more important in the present case than remuneration and the Legal Counsel should be, and should be seen to be, one of the highest assistants of the Secretary-General. He therefore urged the Secretary-General to reconsider his proposal and raise the post of Legal Counsel to the rank of Under-Secretary-General.

33. Mr. ARYEE (Ghana) agreed with the preceding speakers and observed that the African group was still studying the Secretary-General's proposals (A/C.5/1128) within the context of the Fifth Committee's responsibilities; the group hoped that sufficient time for thorough study and discussion would be allowed.

34. Mr. KOUYATE (Guinea) supported the Secretary-General's proposal to combine the posts of Controller and Director of Personnel and to divide the top echelon into two levels. The higher level as proposed demonstrated the Secretary-General's concern to achieve equitable geographical distribution. Yet, however great that concern might be, the Office of Legal Affairs required special consideration because of its contribution towards consolidating the legal principles on which the United Nations was based. Its demotion might well make it harder for the smaller countries to ensure the defence of their legal interests, and hence their sovereignty. He hoped that the Secretary-General would adjust his plans and raise the Legal Counsel to the higher rank in the top echelon. A weakening of its legal machinery would weaken the United Nations itself.

35. Mr. TEMBO (Zambia) requested that adequate time should be allowed for the consideration of the Secretary-General's proposals for reorganization, since they had far-reaching implications still under study by his Government.

36. Mr. URABE (Japan) said that the estimates under section 3 represented more than 42 per cent of the total budget estimates for 1968. Of the reduction of \$5,626,700 recommended by the Advisory Committee, only \$2,177,500, or 37 per cent, related to section 3. He wondered whether that figure could not be raised to, say, \$2,365,000 or approximately 42 per cent of the total reduction recommended. His approach was not scientific, but he had the feeling that the Advisory Committee's recommended cut under section 3 might itself have been the result of guess-work.

37. Referring to paragraphs 171 and 172 of the Advisory Committee's main report (A/6707 and Corr.1 and 2), he stated his delegation's view that the relevant policy directives of the Secretary-General should be adhered to with more respect by the Secretariat units in future. Paragraph 175 indicated two reasons for the permanent vacancy situation, but apparently the Advisory Committee had not investigated them; such an investigation would help to improve personnel administration and recruitment. According to paragraph 181, it was the practice to use about one half of vacant posts for promotion purposes. Promotion to posts vacated as a result of separations was entirely fitting and proper, but

creating posts on grounds other than the necessity of promotion and then using them for promotion would introduce an element of deceit in personnel administration, and any such malpractice must be immediately abandoned.

38. In that connexion, his delegation had wondered whether the proposed reorganization of the top echelon of the Secretariat was not merely a device to give promotion to some Under-Secretaries. However, after carefully examining the matter, his delegation had decided that the proposed reorganization and the suggested study team to consider the reorganization of the Secretariat at other levels warranted its support, because of the need to streamline the Secretariat after many years of sporadic growth and because of the great confidence his delegation placed in the judgement of the Secretary-General.

39. It also shared the view of previous speakers that the Legal Counsel should have the rank of Under-Secretary-General. His delegation agreed with the Advisory Committee (*ibid.*, para. 177) that, in the face of the growing complexity of practices and procedures in the personnel field, it was better to reduce the workload than to increase the number of personnel officers. He hoped that the Advisory Committee would look at other departments with the same critical eye. The unwarranted increase of staff did no one any good, including the staff itself, in the long run.

40. Mr. CESKA (Austria) said that, while generally endorsing the Secretary-General's proposals for reorganization, he believed that the functions and responsibilities of the Office of Legal Affairs were of particular importance—since the promotion of the rule of law was a vital task of the Organization—and that no action should be taken which might be interpreted as lowering the status of international law. The Legal Counsel should accordingly be placed at the higher level of the top echelon. It was noteworthy that before 1955, when there had been only 8 top-echelon officials, the Legal Counsel had been one of them.

41. Mr. RUDA (Argentina) remarked that although the Office of Legal Affairs was small, owing to the specialized nature of its work, it was extremely important. The very first article of the United Nations Charter spoke of the settlement of international disputes "in conformity with the principles of justice and international law". Under Article 13, the General Assembly was to encourage "the progressive development of international law and its codification". The United Nations had made considerable advance in the legal sphere, especially in codification, and its success appeared the greater on comparison with the League of Nations. The Legal Counsel's opinions on the interpretation and application of the Charter were of utmost importance. His responsibilities were great, and to downgrade him would be to reduce the role of international law in world affairs. The Argentina delegation therefore hoped that the Secretary-General would reconsider his proposal in that regard.

42. Mr. WILTSHIRE (Trinidad and Tobago) observed that much of the weight of the Advisory Committee's arguments concerning section 3 of the budget estimates rested on the contention that no appreciable harm

would be done to the work programme of the United Nations in the economic and social field by its recommended reductions. His delegation wondered whether it would not be possible for the Under-Secretary for Economic and Social Affairs to attend an early meeting of the Fifth Committee in order to inform members whether in the view of his Department the reductions would have a significant

effect on the implementation of the programme. Such information would help members in arriving at a decision on the Advisory Committee's recommendations.

43. The CHAIRMAN said that due consideration would be given to that request.

*The meeting rose at 1 p.m.*