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PERSONNEL QUESTIONS

- (a) Geographical distribution of the staff of the Secretariat;
- (b) Proportion of fixed-term staff;
- (c) Other personnel questions.

Report of the Fifth Committee

Rapporteur: Mr. Antonio ARRAIZ (Venezuela)

1. The Fifth Committee considered agenda item 64, "Personnel questions", in the course of nineteen meetings, ^{1/} held between 24 October and 28 November 1961.

- (a) Geographical distribution of the staff of the Secretariat
- (b) Proportion of fixed-term staff

2. For its consideration of these two questions, which were taken up jointly, the Committee had before it the following documents:

- (a) Annual reports of the Secretary-General on the geographical distribution of the staff of the Secretariat (A/C.5/890) and on the proportion of fixed-term staff (A/C.5/891);
- (b) Chapter IV of the report of the Committee of Experts on the Activities and Organization of the Secretariat (A/4776, paras. 42 to 93); and the related comments of the Secretary-General (A/4794, paras. 31 to 40); and

^{1/} 863rd to 865th, 869th to 875th, 879th to 882nd, and 887th to 891st meetings. Many representatives also spoke on the first two points of the present agenda item in the course of their general statements on the 1962 budget estimates.

(c) A note by the Secretariat on the geographical distribution of the staff of the Secretariat (A/C.5/686).

3. The staff covered by the Secretary-General's report (A/C.5/890) occupied on 31 August 1961 1,382 posts, distributed as follows by grade level:

						<u>Total by category</u>
	<u>Under-Secretary</u>	<u>Director (D-2)</u>		<u>Principal Officer (D-1)</u>		
	18	26		65		109
Professional category	<u>Senior Officer (P-5)</u>	<u>First Officer (P-4)</u>	<u>Second Officer (P-3)</u>	<u>Associate Officer (P-2)</u>	<u>Assistant Officer (P-1)</u>	
	162	283	324	285	57	1,111
General Service category	<u>Principal level (G-5) - Headquarters</u>					
	162					162

4. There was general agreement in the Committee that the present composition of the Secretariat did not correspond to what the authors of the Charter had intended in stipulating in Article 101 (3)^{2/} that due regard should be paid to the importance of recruiting the staff on as wide a geographical basis as possible. It was clearly desirable that the existing geographical imbalance should be corrected as soon as possible, for the principle of geographical distribution (by which was understood the principle stated in the second sentence of Article 101 (3)) was intended to serve, not so much the interests of the Member States, as those of the United Nations itself. There were, however, wide differences of opinion regarding the methods of best attaining the desired objective, and as to the pace at which remedial action could be taken without causing detriment to the Secretariat or prejudice to the present staff.

^{2/} "The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible."

Charter provisions

5. The interpretation of Article 101 (3) formed, as in past years, the topic of a lengthy discussion reflecting the positions that are summarized below.

6. Article 101 (3) recited, in successive sentences, two considerations, of which one was expressly termed the "paramount consideration"; inevitably therefore the other consideration must be subordinate. Any other construction would distort the known intent of the authors of the Charter, as well as the language in which that intent was expressed. It followed that if, in the selection of staff, any conflict arose between the two considerations, the Secretary-General must give preference to that one which was "paramount". If immediate and full effect could not be given to the subordinate consideration concerning recruitment on as wide a geographical basis as possible, that was due not to any flaw in the Article, but to a combination of historical causes beyond the Secretary-General's control, of which the foremost were the enlargement of the Organization from sixty to 103 Members within a span of six years and the difficulty, existing until recent times, in recruiting from one of the largest Member States.

7. Other delegations maintained that neither sentence in Article 101 (3) was intended to take precedence over the other, and the attempts to prove that more weight should be given to the consideration of efficiency, competence and integrity had hampered the application of the principle of geographical distribution and retarded a solution of the problems created by the present composition of the Secretariat. In the opinion of several representatives, it was also essential, in the letter and spirit of the Charter, to interpret the word "geographical" in its literal sense and most certainly not in any political sense, for the "representation" of countries or groups of countries within the Secretariat was contrary to the Charter and indeed a contradiction in terms, as clearly emerged from Article 100 of the Charter; the first paragraph of that Article laid down, beyond the possibility of doubt, that the staff members of the Secretariat could not be recruited on the basis of political or ideological considerations. Other representatives maintained that it was incorrect, in relation to the problem of adequate "representation" in the Secretariat, to interpret "geographical" considerations in too literal a sense. The term "geographical" in Article 101 (3) had been used by the authors of the Charter mainly in its political sense, since the Charter was primarily a political document and the United Nations a political

organization. In any event, the existence in the world of three main groups of nations and the alignment of forces which they represented were a contemporary reality that must be recognized and reflected in the composition and personality of the Secretariat, if that organ was to gain and retain the confidence of all Member States. Delegations taking this position further argued that it rested with a Member State alone to decide whether or not a given person was one of its nationals, and whether or not he was qualified to "represent" the Member State in the Secretariat; it was by that token the duty of the Secretary-General to consult the Member concerned before taking any action affecting its national "quota" in the Secretariat.

8. A number of representatives took an intermediate position. They considered that no conflict arose between the two principles stated in Article 101 (3), and neither one must be given more weight than the other. A preponderance of staff - however well qualified - drawn from one particular State or group of States might in itself lead to a failure in terms of the United Nations' aims, whereas a balanced distribution of staff was calculated to inspire confidence among the Member States and to enhance thereby the Organization's efficiency. According to these representatives, the divergent interpretations of Article 101 (3) could be ascribed to differing conceptions of the nature of the Secretariat: on the one hand, those who laid predominant stress on the personal attributes of the staff envisaged a supra-national civil service composed of individuals acknowledging an exclusive allegiance to the Charter and accepting no will but the will of the United Nations as expressed in the Charter; those, on the other hand, who attached an equal importance to geographical distribution saw in the Secretariat an international, as opposed to a supra-national, civil service - a service that would reflect, with the object of reconciling, the existing alignment of national forces in the world. If the foregoing premise was accepted - these representatives contended - the imperative need was not so much to argue the respective merits of the two conceptions as to seek ways and means of evolving a balanced structure designed to restore to the Secretariat the vital element of which it stood in need, the unqualified confidence and support of all the nations. To achieve that end, it was necessary to take account of the fundamental conflict regarding the nature and function of the Secretariat. Viewed from that angle, the formulae by which the geographical distribution of staff was at present governed

were wholly inadequate, and it would be vain to think in terms of minor refinements, improvements or additions. There was need for a radically new approach to the problem that would dispel the idea that the questions of principle had already been settled beyond controversy, and that there remained no more than a problem of application. The time had come for a practical solution - a solution based on a detailed study of contemporary facts and designed to ensure a proper balance among the factors which in the past had made for inequality between the nations.

9. It was suggested that the first necessary task - and one to which the Expert Committee had given scant attention - was to attempt to define the term "geographical distribution" by referring to the Articles of the Charter that dealt with the Secretariat. The Committee appeared to have considered only Articles 100 and 101 of the Charter, neither of which made reference to "geographical distribution"; indeed, that term was not to be found anywhere in the Charter. The Charter provided that the staff should be recruited on the basis of certain prescribed qualities; it did not stipulate that candidates must be nationals of any particular country as a condition of their recruitment into the Secretariat. All that it said, in Article 101 (3), was that the staff should be recruited on as wide a geographical basis as possible, and that term - "geographical basis" - had erroneously been interpreted as meaning "nationality". That initial error had given rise to other false conceptions: by some "nationality" had been interpreted in a regional sense, while others had gone so far as to introduce an ideological twist. It was time to come back to the Charter and to apply the only interpretation which the text could bear, for to misinterpret the Charter was to place insurmountable obstacles in the path of the United Nations. In view of the formula which the Expert Committee had proposed and which would lead the United Nations even further from the Charter, it would be wise to adhere strictly to its provisions, including those contained in Article 8, which the Expert Committee had - as certain of its recommendations demonstrated - ignored. It was necessary to bear in mind that the Secretariat was composed of individuals rather than nationals of Member States, and that its staff must be protected by the provisions of Article 8, for the Charter had not been amended since the date of their recruitment. The purpose of the discussion in the Fifth Committee was to help new Member States to contribute to the value of the Organization by sending to the Secretariat persons who could represent the cultures of their countries and

regions. The principle that there should be no distinction of race, colour, sex, language or religion was embodied in the Charter, and it followed that the nationals of new Member States were entitled, if qualified, to occupy any post in the Secretariat. What was needed was an improvement in recruitment policies; that might be achieved by providing that recruitment should be by examination in which due account would be taken of differences in language and culture and in which stress would not be laid so much on technical training or experience but on the general intellectual equipment of a candidate and on his capacity for serving the Organization with ability and, above all, with honesty of purpose.

10. Other representatives suggested that it was surely not necessary to labour the proposition that technical competence, as distinct from innate ability, could not be improvised at short notice, for were that so, the economically less developed countries would not put in so many requests for experts under the Expanded Programme and other technical programmes of the United Nations; nor would many of those countries be compelled to retain for their domestic requirements the limited number of their own nationals who were technically qualified, and whom - but for that circumstance - they would willingly nominate for service in the Secretariat. Two further points were worthy of note: first, that the work of the United Nations was becoming progressively more specialized and thus accentuated the difficulty; secondly, that the shortage of technical personnel was a relatively short-term problem: within the foreseeable future, most, if not all, Member States would be in a position to offer candidates satisfying not only the highest standards of integrity - all States without exception could already fulfil that condition - but also the highest standards of technical competence. To view the matter in that light did not, as had been argued, betray an attitude of prejudice, for while talent, being infinitely varied, might be found in every part of the world, it was not synonymous with technical skill or with the experience and learning of the specialist. It was open to question whether some of the Member States would be in a position to forgo the badly needed services of even a minimum of five nationals and release them for employment in the Secretariat.

11. It was, on the other hand, asserted that both the idea that a conflict might arise between the two considerations in Article 101 (3) and the fact that a number of Member States might be precluded from nominating a minimum of, say, five candidates for the Secretariat fulfilling the requisite conditions of competence, efficiency and integrity to some extent betokened a basic questioning of the practical advantage of geographical distribution. In point of fact, that conflict would never arise for the requirements stipulated in the Charter could at all times be met by the nationals of any Member State. Every one of the Member States - not excluding the smallest, those with the lowest population and those that were the least developed - could certainly provide a minimum of five such candidates for service with the Secretariat. The number of five should be deemed a symbolic minimum reflecting the attribute of membership of the United Nations and the sovereign equality of all its Members. So far from being viewed with mistrust, the principle of geographical distribution should be a source of optimism as being likely both to enrich and to give more flexibility to the Secretariat.

Progress made in the period under review (year ended 31 August 1961)

12. It was the view of several delegations that, on the evidence of the Secretary-General's report (A/C.5/890), the Secretariat's efforts had yielded satisfactory results during the year under review: the number of Member States with nationals on the staff had risen from seventy-two to eighty-four, and the gap had narrowed in many cases between the "desirable range of posts" and the actual distribution of staff. Admittedly, there was no room for complacency in regard to the existing situation, for Africa and Eastern Europe were seriously "under-represented", while other regions, particularly Western Europe, were still "over-represented". Where Africa was concerned, the situation was easily explained: not only had a large number of African countries been admitted into the United Nations during the last few years, but those countries stood in acute need of qualified personnel for their national services. The case was very different as regards the Member States of Eastern Europe, and the Soviet Union in particular. It was to be feared that, so long as those States persisted, notwithstanding Article 100 of the Charter, in considering that their nationals represented them in the Secretariat, the existing difficulties would

continue. Furthermore, the high rate of withdrawals of Eastern European officials - fifteen separations had been recorded during the period under review - was an added obstacle. In spite of that, the number of officials from that region had risen from eighty-five to 107 in a single year.

13. Other representatives likewise recognized that in the matter of recruitment some factors were outside the control of the Secretariat. The rapid increase in the membership of the United Nations had accentuated the imbalance in the distribution of its staff, and the process of recruiting staff members from the new Member States must inevitably be a slow and progressive one. To achieve an immediate and substantial improvement in geographical distribution, it would be necessary either to increase the number of posts to accommodate the nationals of the new States, or to replace some members of the existing staff. Neither course would be beneficial to the United Nations, and both would reduce the Charter requirement of efficiency, competence and integrity to the position of a secondary consideration.

14. Another section of opinion reflected a radically different approach. A situation in which the United States and other Western Powers held three quarters of the principal posts in the Secretariat and more than 70 per cent of all other posts subject to geographical distribution, while the "socialist" States and the majority of "neutralist" States - as some speakers described and defined the groupings of States - were excluded from the more important aspects of the work of the Secretariat was clearly intolerable and demanded prompt rectification. Out of thirty-three posts at the Under-Secretary or equivalent level, twenty were held by nationals of countries belonging to Western alliances, twelve by nationals of "neutralist" countries, and only one by a representative of the "socialist" countries, while of the total of 1,659 posts subject to geographical distribution, 1,280, or 77 per cent, were held by nationals of Western countries, 288 posts, or 17 per cent, were held by nationals of "neutralist" States, and only ninety-one posts, or 6 per cent, were held by nationals of "socialist" countries. Yet in 1961, when the Soviet Union had submitted a list of sixty-five candidates, only fifteen had been recruited, for posts at the lower levels. Furthermore, "socialist" countries were virtually excluded from participation in the programme of technical assistance to the less developed countries, even though they paid their share of the expenses involved. Thus, of the 612 experts working

under the auspices of the United Nations Bureau of Technical Assistance on 30 June 1961, 523 were citizens of countries "belonging to Western alliances"; only four were "representatives" of the Soviet Union, although the latter had presented a lengthy list of qualified candidates, and only seven were citizens of other "socialist" countries. A no less deplorable situation prevailed in respect of the special political missions, for of the seventy-nine established posts allotted to those missions, fifty-two were held by nationals of Western countries, while not one was held by a national of a "socialist" country. In so far as the composition of ONUC was concerned, its staff of 1,014 drawn from various countries included 807 nationals of the United States and countries allied to it and seventy-two nationals of States not members of the United Nations, but not one "representative" of a "socialist" country. In the opinion of these delegations, vigorous and immediate action was needed in order to ensure that the composition of the Secretariat, particularly at the higher levels of posts, reflected the interests of the three groups of Members, the "socialist" group, the "neutralist" group, and the group of countries "belonging to Western alliances", and thus commanded universal confidence.

15. The representative of the Secretary-General said that as critical references had been made to the action taken by the Secretariat on a list of Soviet Union nationals who had been recommended for employment in the Secretariat, the record should be cited: a total of seventy-four candidates had been recommended by the Soviet Union Government over the last fifteen or sixteen months. Of those seventy-four, sixty were candidates for posts subject to geographical distribution. The situation with regard to those sixty persons was as follows: twenty had been appointed, fourteen had been offered appointments and five had declined such offers. Thus, in thirty-nine cases out of sixty, positive action had been taken, while eight candidates were still under consideration and the names of thirteen had been withdrawn. Of twelve Soviet Union candidates recommended for appointments in the Language Services, seven had been appointed, two had been offered appointments and three were under consideration. One candidate had been appointed to the staff of TAB and one offer of such an appointment had been declined. The Secretariat had no cause to be ashamed of such a record.

Categories of posts subject to geographical distribution

16. Divergent views were expressed on that part of the report (A/4776, paras. 50-63) in which the Expert Commission had considered the question whether the under-mentioned categories of staff should be counted for purposes of geographical distribution:

- (a) Mission staff at the P-1 level and higher, sent to various countries under resolutions of the General Assembly, the Security Council or other organs of the United Nations, and the heads and members of such missions, including those personally designated by the General Assembly or the Security Council, where their appointments exceed six months;
- (b) The Chairman of the Technical Assistance Board (TAB) and its staff and the Managing Director and staff of the Special Fund;
- (c) The staff of the International Court of Justice;
- (d) The High Commissioner for Refugees and his staff;
- (e) The Executive Director of the United Nations Children's Emergency Fund (UNICEF) and his staff;
- (f) Consultants appointed by the Secretary-General, and experts appointed under the various technical assistance programmes.

17. At one extreme, the views of a number of delegations coincided with those recorded by the Soviet Union member of the Expert Committee (A/4776, paras. 56-60, 63). The delegations in question, relying on similar considerations, maintained that all of the categories should be made subject to whatever provisions the General Assembly might adopt in regard to geographical distribution. In so far as categories (a) to (e) were concerned, the holders of the posts were subject to the Staff Regulations and Staff Rules of the United Nations, and the cost of their membership or associate membership of the Pension Fund was defrayed, in part or in whole, by the Member States, which likewise were called upon to finance their posts through the medium of contributions to the regular budget and the extra-budgetary programmes. Specifically, as regards the staff of the International Court of Justice, there appeared to be no logical reason why the provisions of Article 9 of its Statute should not be applied, mutatis mutandis, to the staff of the Registry. That would not infringe the Court's authority in the matter of its Registrar and staff as laid down in Article 21 (2) of the Statute.

18. An intermediate position, consistent with the majority recommendations of the Expert Committee, was favoured by other delegations. They supported the

inclusion of the International Court of Justice, the Technical Assistance Board and the Special Fund staffs in any over-all geographical formula, but considered it preferable not to extend that formula to the staffs of UNICEF, the High Commissioner for Refugees and still less to the category of consultants and experts. Where the staff of the Registry was concerned, it would be legitimate for the General Assembly to adopt a resolution on geographical distribution embracing that staff; such an action would not in any way affect its position in relation to the Court. They likewise supported the argument put forward by the Committee of Experts to the effect that the Chairman of TAB and his staff, and the Managing Director of the Special Fund and his staff should be included for purposes of geographical distribution. In so far as the United Nations was concerned, the activities of those two bodies were serviced largely by the Department of Economic and Social Affairs, and while they were not covered by the regular budget, the appointment of staff was made by the Director of Personnel acting on their behalf. As regards UNICEF, and the Office of the High Commissioner for Refugees, these delegations concurred in the views of the majority of the Expert Committee as set forth in paragraph 59 of its report (A/4776).

19. At the other extreme, a number of delegations opposed the recommended extension of categories. While it was true that, in the case of TAB, the Special Fund, the Office of the High Commissioner for Refugees and the International Court of Justice, staffs were subject, largely or wholly, to the Staff Regulations and Rules of the United Nations, that fact was not in itself a determining criterion. Where TAB and the Special Fund were concerned, these delegations concurred in the comments of the Secretary-General (A/4794, para. 39): the programmes had their own governing bodies; contributions were made on a voluntary basis that might bear no relation to the contribution ratios which were used as one indicator for geographical distribution in the Secretariat proper; some non-member States were important contributors; and in the case of TAB, the specialized agencies had a voice in the selection of some of the field staff, who had also to be acceptable to recipient Governments. Finally, as regards the category of experts and consultants, it seemed incontestable that the final decision in the matter of appointments should rest with the requesting Government; if so, to apply the principle of geographical distribution would be tantamount to denying to the Government the freedom of choice.

20. Those opposing the adoption of a regulated scheme of geographical distribution for staff in categories (a) to (e) (para. 11 above) - or alternatively for staff in certain of those categories - emphasized that their attitude in no way implied that the principle of geographical distribution should not embrace those categories to the fullest extent possible. The method of its application should, however, be left to the discretion of those whose prerogative it was to appoint the staff; the General Assembly might, at most, invite their attention to the problem. Category (f) - consultants and experts - was quite separate, for the compelling reason that, the sources of supply being limited, geographical distribution, though desirable in theory, could not in fact be attained at the present time.

Criteria for determining the range of posts

21. It was argued that the formula recommended by a majority of the Expert Committee failed to give adequate recognition to certain of the factors on which that formula was ostensibly based. Thus, while some weight had been given to the population factor, it was open to question whether an over-all geographical balance would result for the seven main geographical regions of the world; the figure for North America and Western Europe, with an aggregate population of 550 million, would be 720 posts, while that for the rest of the world, composed of Asia, Africa, Latin America, the Middle East and Eastern Europe, and counting a total population of 1,800 million, would be 766 posts. The figure for Eastern Europe, including the USSR, at 253 posts was only slightly more than one third of that envisaged for North America and Western Europe. It could thus be seen that, with the principle of the sovereign equality of Member States virtually discarded, the real basis for the formula continued to be the scale of contributions: under the proposed new formula the United States target of 366 posts was attributable, as to two posts to the "membership" factor, as to sixteen posts, to the population factor, and as to 348 posts, to the scale of contributions. So heavy an emphasis on the contributions factor distorted a pattern of distribution purporting to be based on geographical balance and on population, and it could obviously not be reconciled with the principle of the equality of Member States. The recommended formula would merely perpetuate an anomalous situation and ensure that a limited number of States would occupy, as in the past, a predominant position in the Secretariat.

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22. In the opinion of other delegations, the population factor was not less open to objection than the contributions factor. In fact, neither factor, whether weighted in isolation or in combination, could be fully justified by any provision of the Charter: the keynote of that instrument being the sovereign equality of each Member State, it was imperative to obviate any action tending to accentuate the differences between the Members or to discriminate in favour of any one-State or group of States. The fact that a country had a large population did not necessarily mean that it could supply more candidates having the qualifications stipulated in the Charter, for no nation had a monopoly of integrity; efficiency and competence, on the other hand, were a direct product of the level and quality of education and, as such, were just as likely to be found in a country with a small population but a high level of education. Nor did the fact that one country had a larger population than another mean that more of its nationals should serve in the Secretariat since that could not be reconciled with the equality of Member States.

23. Some delegations which voiced those criticisms of the formula recommended by a majority of the Expert Committee considered, as its most satisfactory element, the recognition of membership as one of the factors to be weighed in connexion with the geographical distribution of posts, as well as the establishment of a minimum of such posts for each Member State. The element in question accorded with the principle of the sovereign equality of Member States, the importance of which was attested by its embodiment in Article 2 of the Charter. The majority of the Expert Committee, however, had not given sufficient importance to that principle when suggesting two posts in the Secretariat as the minimum number for each Member State. That suggestion could hardly be regarded as a step forward for the existing formula provided for a "desirable range" of from one to three posts. If the principle of the equality of Member States was to be suitably reflected, the minimum should be substantially higher than that recommended by the majority of the Expert Committee.

24. On the subject of possible methods of weighting the various posts, many delegations considered that the majority recommendations of the Expert Committee represented an improvement on the present system, particularly as regards the division of the posts subject to geographical distribution into two ranges, the first comprising level P-1 through D-1, together with the G-5 level at Headquarters, and the second consisting of posts at the Under-Secretary and

D-2 levels, for distribution on a regional basis. At the same time, it was recognized that, where the latter range of posts was concerned, some difficulty arose in defining geographical regions that would represent a community of interests and aspirations. Reference was also made to the difficulty of establishing a scientific basis for appraising posts in the G-5-D-1 range for purposes of geographical distribution. If every post could rationally be counted as a single unit, the problem, as a purely quantitative one, would admit of a ready solution; but, since a formula of that kind was obviously unacceptable, a majority of the Expert Committee had offered, pending the further study it recommended, no more than an interim, partial solution. The intricacy of the problem led some delegations to suggest that the salary attaching to each post should, through a system of weighting, constitute one of the factors in determining the relative importance of posts - a matter to which the General Assembly had attached special significance at the previous session (resolution 1559 (XV), para. 1). It was also suggested in that connexion that the whole question of quotas should be studied further by an ad hoc committee composed of one representative from each geographical region, which would submit its recommendations to the General Assembly at the next session.

Proportion of fixed-term staff

25. Many delegations felt that it would not be wise to exceed the proportion of 20 per cent for fixed-term staff, in relation to career staff, which had already been attained, or - according to the latest statistics (A/C.5/890) - slightly exceeded, at 20.5 per cent. That figure had been approved by the General Assembly in February 1957 on the recommendation of the Salary Review Committee and the Fifth Committee. The security of tenure inherent in a career appointment constituted a factor of importance in ensuring the independence and the efficiency of Secretariat officials. Apart from the posts at the Under-Secretary and D-2 levels, to which appointments should be made solely on a fixed-term basis, all posts subject to geographical distribution should be filled predominantly through career appointments. Admittedly, a limited recruitment of fixed-term staff - for example, on secondment from national services or analogous sources - served a useful purpose: from the point of view of the Organization itself, it provided, through the inflow of new ideas and experience, a salutary antidote to any tendency towards bureaucratic rigidity or complacency; from the point of view of

the Members, there was the undeniable advantage of their being able to draw on the experience of civil servants who had spent some time in the international secretariats; that was especially true of many of the newly independent States which, having need of their qualified nationals for the execution of domestic programmes of development, could make only a limited contribution to the staffing of the Secretariat. But to exceed 20 per cent would not be wise. Short-term service with the United Nations, if carried much beyond that point, might weaken the concept of the Secretariat as a truly international body made up of officials wholly independent of any government or any other authority external to the Organization.

26. Other delegations took note of, and concurred in, the view of the majority of the Expert Committee that, while the efficiency of the Secretariat was dependent on the existence of a substantial core of career officials, an increase in the proportion of fixed-term staff to 25 per cent by the end of 1962 would not be excessive. They also noted with satisfaction the Expert Committee's suggestion for the establishment of an adequate programme for trainees serving on fixed-term appointments of two to three years' duration and counting against their countries' targets.

27. A radically different position was taken by a few representatives. They maintained that the practice of granting career appointments to the large majority of the staff precluded any improvement in geographical distribution; that practice should be discontinued forthwith. Career appointments should in future be granted only in exceptional cases expressly authorized by the General Assembly. The adoption of such a policy was urgently imperative in order to expedite the solution of the problem and give effect to the legitimate desire of many countries that the movement of staff between Member States and the United Nations should be expanded, to mutual advantage.

Principal level (G-5) of the General Service category

28. The Expert Committee recommended that the General Assembly should make a separate special study of the entire range of General Service posts with a view to deciding which categories of General Service posts should be made subject in future to geographical distribution. The Committee further recommended that, pending the completion of the study, all posts at the G-5 level at Headquarters (with the exception of those requiring special language qualifications) should remain subject to geographical distribution.

29. A number of delegations, while not opposing the Expert Committee's recommendation for a further study, considered that there was a clear case for excluding from the ambit of geographical distribution staff members holding posts at the G-5 level at Headquarters, on the following grounds:

(a) The staff in question, who had for the most part been promoted from the lower levels of the General Service category, performed purely clerical and administrative functions that had no bearing on the making of policy; some of them carried out technical duties - for example, the supervision of offset printing - in respect of which international recruitment, though certainly feasible, would be entirely pointless;

(b) If, as at present, such posts were to be filled preponderantly by local, and not by international, recruitment, the inclusion of the incumbents in the statistics of geographical distribution had the effect of seriously distorting the statistics; for example, on the 1961 statistics for geographical distribution (A/C.5/890, Table I), approximately 75 per cent of the 162 G-5 posts at Headquarters were filled by United States nationals, with the result that the total number of posts subject to geographical distribution and held by United States nationals was shown as 371, even though the latter figure included 115 posts not open to international recruitment;

(c) If, on the other hand, it were decided to recruit internationally for such posts, the cost to the United Nations, estimated at some \$200-250,000 annually for the G-5 level at Headquarters alone, would represent a wholly unwarranted addition to the budget; least of all could such a policy be defended at the moment when the Organization found itself in desperate financial straits.

30. It was the view of many delegations that, if the G-5 posts at Headquarters were included in the count of posts subject to geographical distribution, logic required that posts at the equivalent levels at other United Nations offices should be similarly treated; some delegations further maintained that the principle should be applied, at all United Nations offices, not solely to the highest level of the category but to all the levels from which promotion to the G-5 and equivalent levels was made.

Scheme for early retirement

31. Little support was expressed for the scheme recommended by the Expert Committee (A/4776, para. 89) whereby each year a limited number of senior staff members, as from the age of 50 years, would be entitled to resign from the Secretariat under preferential conditions providing for the payment of a special retirement benefit together with ad hoc compensation. Representatives feared that the scheme, though based in principle on a voluntary choice, might in practice prove inimical to the security of tenure which the system of career appointments was intended to ensure. Moreover, in the process of improving the geographical distribution of the staff the Organization might forfeit the services which it could least afford to lose - those of staff members whose long experience presumably represented an asset of value. In any case, there could be no justification for inviting staff members to resign, not on the ground of incompetence or other statutory ground, but for the sole purpose of varying the distribution by nationality of the staff.

Views of the Acting Secretary-General

32. The Acting Secretary-General, addressing the Committee at the 873rd meeting, pointed out that, however closely a representative was identified with the activities of the United Nations, the responsibilities entrusted to the Secretary-General were so different, so much more comprehensive and complex that he would have to rely heavily on the co-operation and goodwill of all representatives. He would need a little time fully to familiarize himself with the basic issues relating to personnel and to the budgetary and financial policy of the Organization. He had no panaceas to offer, but would give those problems his immediate attention, in consultation with those of his colleagues who were directly concerned, as well as with those whose views might help to formulate constructive proposals for the Fifth Committee's consideration. He was well aware that the problems confronting the United Nations were of deep concern to every delegation. The Secretariat shared with them the conviction that the issues at stake were so great that the possibility of failure could not be contemplated. He was therefore optimistic enough to believe that where there was a will there was a way, and that, despite the existing differences or divisions, there was in the United Nations no lack of real desire to reconcile the opposing views.

33. A number of representatives suggested that the wisest course would be to bring the debate to a close; it had been marked by much acrimony, and no useful purpose would be served by its prolongation. The Secretary-General must be left full freedom of choice during his fifteen months of office, so that he could feel his way and take whatever action seemed to him appropriate in the matter of geographical distribution. The Member States, for their part, could best aid him by putting forward candidates of the highest qualifications, chosen on merit alone, without reference to any other consideration whatever. The point was, however, made - in support of a divergent opinion - that, inasmuch as the Charter provided that the staff should be appointed by the Secretary-General under regulations established by the General Assembly, the Committee should proceed to establish such regulations. The Acting Secretary-General was faced with many grave problems, and it would not be fair to burden him further with administrative and technical problems which it was the General Assembly's responsibility, under the Charter, to solve.

34. At the 879th meeting, the representative of the Secretary-General said that the Acting Secretary-General would need time to make a thorough study of so complex a matter as that of the geographical distribution of the staff of the Secretariat. The Acting Secretary-General did not therefore propose to submit to the General Assembly during the present session his own comments on chapter IV of the Expert Committee's report (A/4776). If there was a consensus of the Committee on any of the major points at issue, particularly on the method of determining the desirable range or the target figure, he would, of course, be happy to take it into account during 1962 and, on the basis of a year's actual experience, report to the Committee at the next session on the practicability of any method proposed.

Consideration of the draft resolutions

35. At the 874th meeting, the United States of America submitted the following draft resolution (A/C.5/L.683):

"The General Assembly,

"Recalling the provisions of Article 101 (3) of the Charter and the responsibility of the Secretary-General for implementing those provisions,

"Recalling General Assembly resolution 1559 (XV) which requested the Committee of Experts, appointed by the General Assembly resolution 1446 (XIV), to study and report on the question of geographical distribution of Secretariat posts,

"Noting with appreciation the report of the Committee of Experts contained in document A/4776 and the comments of the Secretary-General thereon contained in document A/4794,

"Noting further the annual report of the Secretary-General in document A/C.5/890 on the implementation of the decisions of the General Assembly regarding geographical distribution,

"Recognizing that significant imbalances in the geographical distribution of the staff of the Secretariat have developed over the years and continue to exist,

"1. Invites the attention of the Acting Secretary-General to:

(a) The report of the Committee of Experts (A/4776), the comments of the late Secretary-General thereon (A/4794), and the annual report of the Secretary-General (A/C.5/890);

(b) The views expressed on this matter at the current session of the General Assembly; and

(c) The view of the General Assembly that wider geographical distribution is possible and desirable in the staff of the Secretariat, particularly at the higher levels, and that weight should be given to the factors of population and the political equality of States as well as the financial contributions of States;

"2. Requests the Acting Secretary-General to initiate such action as in his view will bring about an early improvement in the geographical distribution in the staff of the Secretariat;

"3. Requests the Acting Secretary-General to report to the seventeenth session of the General Assembly on the progress he has made in improving geographical distribution and on what plans and recommendations he has for further progress in the future."

36. Introducing the draft resolution, the United States representative said that his delegation had sought to reflect various opinions that had been expressed in the course of the debate. The proposed text, after referring to the provisions

of Article 101 (3) of the Charter - for they must continue to be strictly observed - emphasized that the responsibility for carrying out those provisions, as well as the related decisions of the General Assembly, rested with the Secretary-General. The Acting Secretary-General, by asking for time for study, had shown that he was aware of the complex nature of the situation. It had therefore seemed proper to limit the text, first, to a recognition of the existence of imbalances in the geographical distribution of the staff, and, secondly, to an invitation to the Acting Secretary-General to study the various reports on the subject and to take note of the opinions that had been voiced in the Committee at the current session, as well as the views of the General Assembly as expressed at the previous session (resolution 1559 (XV)). Some delegations would undoubtedly prefer to recommend a new formula to govern geographical distribution but, since agreement was not possible on a universally acceptable formula, it seemed preferable to refer the whole matter to the Acting Secretary-General, who would be associated with the problem on a day-to-day basis.

37. At the 880th meeting, Afghanistan, Ceylon, Ghana, Iraq, Morocco, Nepal, Nigeria, Sudan, Venezuela and Yugoslavia proposed the following draft resolution (A/C.5/L.689 and Add.1):

"The General Assembly,

"Recalling resolutions 153 (II) and 1559 (XV),

"Recognizing that the principle of an equitable geographical distribution in the composition of the Secretariat does not conflict with the paramount considerations of employment of staff, namely, the necessity of securing the highest standards of efficiency, competence and integrity as laid down in Article 101, paragraph 3, of the Charter,

"Noting with appreciation the report of the Committee of Experts contained in document A/4776, the comments of the Secretary-General thereon contained in document A/4794 and the annual report of the Secretary-General in document A/C.5/890 on the implementation of the decisions of the General Assembly regarding geographical distribution,

"Recognizing that significant imbalances in the geographical distribution of the staff of the Secretariat continue to exist,

"Recognizing further the necessity of correcting these imbalances as early as possible,

/...

"1. Recommends that the principle of geographical distribution should extend to all appointments of more than six months' duration, as follows:

(a) Posts in part II of the regular budget at the Professional level and above plus the principal level of the General Service category (G-5) at Headquarters and staff of equivalent level at other duty stations except staff appointed to posts with special language requirements;

(b) Staff at the P-1 level and higher of Special Missions falling under section 18 of the regular budget;

(c) The Chairman of the Technical Assistance Board, the Managing Director of the Special Fund and their staff at the levels given in paragraph (a) above;

"2. Requests the Acting Secretary-General to make a special survey of the entire range of General Service posts with a view to determining which categories of General Service posts should be made subject to geographical distribution;

"3. Recommends that the Acting Secretary-General should be guided in his efforts to achieve a more equitable geographical distribution by the following principles and factors:

(a) The target of a minimum of five staff members from each Member State on the basis of membership;

(b) Equal regard to be paid to the relative sizes of populations and the ratios of contributions to the regular budget of the United Nations;

(c) The relative importance of posts at various levels;

(d) The need for a balanced regional composition of the staff at levels of D-2 and above;

(e) The desirability of raising the percentage of fixed-term staff to 25 per cent of the total staff;

"4. Requests that in the implementation of this resolution due regard should be paid to existing contractual obligations;

"5. Requests the Acting Secretary-General to bring to the notice of the Registrar of the International Court of Justice, the High Commissioner for Refugees and the Executive Director of UNICEF the desirability for ensuring an equitable geographical distribution in accordance with the principles of this resolution;

"6. Requests the Acting Secretary-General to report to the General Assembly at its seventeenth session on the progress he has made in the implementation of this resolution."

38. Subsequently, India, Saudi Arabia and the United Arab Republic were added, (A/C.5/L.689, Add.2 and 3), to the list of sponsors of the foregoing draft resolution.

39. Delegations sponsoring the thirteen-Power draft resolution said that, even in its improved form (A/C.5/L.683/Rev.1) (see para. 33 below), the United States draft resolution failed to give the Acting Secretary-General specific guidance regarding the action that was requested of him in operative paragraph 2. It was not possible for the Secretariat, on its own initiative, to solve the problem of geographical distribution, and the fact that the Acting Secretary-General was new to his office was an added reason for laying down some guide lines. The Committee should state its views on the Expert Committee's report as it might otherwise be thought that the formula recommended in paragraphs 74 and 75 of that report had been tacitly accepted. That was not the case: a number of delegations had pointed out that the formula was not satisfactory and would tend to increase the rigidity of the existing system. Accordingly, the sponsors of draft resolution A/C.5/L.689 had thought it advisable to prescribe certain targets and principles rather than a rigid formula. The Acting Secretary-General expected guidance from the Fifth Committee, and there was no question of curtailing his freedom of action; he should, on the contrary, be allowed to exercise his judgement in accordance with a set of principles to be approved by the General Assembly.

40. Turning to the details of the text, these delegations pointed out that paragraph 1 (a) and (c), paragraph 2, paragraph 3 (c), (d) and (e), and paragraphs 4 and 5 of the operative part were based on unanimous or majority recommendations of the Expert Committee. Paragraph 3 (a) and (b), which formed a crucial part of the draft resolution, was intended as guidance towards the achievement of certain targets, for the sponsors did not expect an immediate, full application of the proposed provisions; an interval of perhaps five years might elapse before that could be attained. The figure of five in sub-paragraph (a) served to recognize the right of each Member State to have a given number of its nationals in the Secretariat by virtue of its membership of the Organization; that figure represented a target for each State, and the more easily a State could spare the services of its nationals, the shorter would be the time taken to reach it; but it also represented a minimum figure, for Member States would be entitled to claim additional posts on the basis of the other factors. The sponsors had

attempted to find a more satisfactory formula in respect of the weight to be given to the population factor, as the one recommended by a majority of the Expert Committee offered no advantage for the two thirds of the Member States that had a population of less than ten million. Their proposal likewise contained some indication of the weight to be given to the population factor in relation to the scale of assessment, while leaving to the Acting Secretary-General the task of developing a formula that would benefit the largest number of Member States.

41. At the 880th meeting, the United States representative introduced an amendment (A/C.5/L.683/Rev.1) to his delegation's draft resolution, by which paragraph 1 (c) would read as follows:

"(c) The view of the General Assembly that wider geographical distribution is possible and desirable in the staff of the Secretariat, particularly at the higher levels; that weight should be given to the factors of United Nations membership, the financial contribution of States, and the population of States; that an attempt should be made to ensure, in so far as possible, the inclusion in the staff of the Secretariat of at least four nationals of each Member State; and that the rights of existing staff members under the present Staff Regulations and Rules should be fully preserved;"

The amendment was not intended to establish a formula but to make it possible for the Acting Secretary-General to do so. In the event of the adoption of draft resolution A/C.5/L.689, it would be difficult for the Acting Secretary-General not to interpret its provisions as specific directives. Furthermore, the arguments advanced in support of paragraph 1 (c) of the latter proposal were of doubtful validity. Were the principle of geographical distribution to be applied to the posts in question (Technical Assistance Board and Special Fund), Member States' contributions to the voluntary programmes would likewise have to be taken into account. Thus, the United States contributed some 40 per cent of the funds for the technical assistance programmes, whereas the number of United States experts had never exceeded 11 per cent. Care should be taken not to prejudice the interests of the less-developed countries by decisions that might impair the effectiveness of programmes of particular concern to those countries.

42. The United States of America submitted, at the 882nd meeting, the following amendments (incorporated in A/C.5/L.683/Rev.2) to the first revision of its draft resolution:

"2. Requests the Secretary-General immediately to initiate such action as in his view will bring about as early an improvement as possible in the geographical distribution of the staff of the Secretariat;

"3. Requests the Secretary-General to make a special study of the question of the desirability of including within the categories of Secretariat staff subject to geographical distribution:

(a) any General Service staff and

(b) the Chairman of the Technical Assistance Board and the Managing Director of the Special Fund and members of their staffs other than field experts;

"4. Requests the Secretary-General to report to the seventeenth session of the General Assembly on the results of the special studies provided for in operative paragraph 3 above, on the progress he has made in improving geographical distribution of the staff of the Secretariat and on what plans and recommendations he has for further progress in the future."

43. Several delegations referred to the weaknesses which, in their opinion, the thirteen-Power draft resolution (A/C.5/L.689 and Add.1, 2 and 3) disclosed. From the procedural angle, the text failed to reflect the view of many members of the Committee that the Acting Secretary-General should be given the opportunity and the time to study the questions at issue, to take account of the Committee's discussions and of whatever guide lines it might wish to offer, and thereafter to frame his own proposals. The proposed text, while purporting to give the Acting Secretary-General the necessary time and latitude, would prove a source of confusion; it contained debatable provisions, which it might not be possible to apply. In the operative paragraphs, the authors had laid down the main principles by which the Acting Secretary-General was to be guided, in regard to the membership minimum, the population and contribution factors, the relative importance of posts, the division of posts into two categories, the application of "regional" criteria, and the desirable proportion of fixed-term staff. Yet on none of those points had there been that measure of agreement in the Committee by which alone the Acting Secretary-General might have been guided. So far from offering certain guide lines, the Committee, by adopting such a proposal, would impose upon the Acting Secretary-General a rigid plan of action.

44. Apart from the procedural aspect - these delegations added - there were a number of substantive flaws in the text. Operative paragraph 1 (a) provided that the principle of geographical distribution should apply to posts at the principal level of the General Service category. The consequence was that, even though no

delegation had as yet proposed that such posts should be filled by international recruitment, locally recruited staff would in fact be treated as international staff for the purposes of geographical distribution. As it seemed probable that such an abnormal arrangement would be brought to an end upon completion of the special survey recommended in paragraph 2, it would be better not to introduce it at all. In the latter paragraph the words "if any" should be inserted between the words "posts" and "should", since otherwise the text, by implying that at least some of the General Service posts should be made subject to geographical distribution, prejudged the issue. In paragraph 1 (c), the questions concerning the Technical Assistance Board and the Special Fund, which called for careful and unhurried study, were summarily disposed of. It would be preferable to omit the sub-paragraph (c), and include a reference to the Board and the Fund in paragraph 5. As regards paragraph 3 (a), although the principle of a "membership minimum" had been generally supported, the Committee had received no evidence regarding the consequences resulting from any one of the suggested minima - 2, 4, 5 or 10 staff members. Furthermore, certain delegations, while admitting that they would not be in a position to provide five staff members for the Secretariat, had argued that a right to that number of posts should be recognized in their favour. The adoption of a formula which bore no relation to present possibilities would gravely compromise the Acting Secretary-General's chances of success. The question also arose how the 515 posts thus reserved were to be treated - whether the Secretary-General would be free to fill them as he thought best or in accordance with some other criteria, or whether they should be regarded as "belonging" to particular geographical regions. If the number of five posts was retained, it should at least be specified that the target set was a long-term one. There seemed to be a case for adopting a compromise solution whereby the Acting Secretary-General would be requested to aim at recruiting two to five staff members from each of the Member States that might be regarded as being on the "minimum range". As regards paragraph 3 (b), it seemed arbitrary to decide that the factors of population and contribution should be given equal weight. As their relative importance deserved careful study, the Acting Secretary-General should not be required to accept a solution placing the two factors on a footing of equality. It should not be overlooked in that connexion that the United Nations was composed mainly of small States, sixty-three of its Members having a population

of 10 million or less. The word "equal" might be replaced by the word "due", or alternatively the first six words of the clause might be omitted. Paragraph 3 (c) was silent on the method of measuring the relative importance of posts; that intricate question had been ignored by the Committee although one delegation had suggested, as a possible yardstick, the salary attaching to the post. In paragraph 3 (d), the regional factor was limited to posts at D-2 and above; there had been no agreement in the Committee regarding such a limitation, or, alternatively, regarding the extension of that factor to posts at all levels. As regards paragraph 3 (e), there had similarly been no agreement on the desirable proportion of fixed-term staff. Many delegations had reservations about the proposed increase to 25 per cent, and it was worth noting that, in 1956, the Salary Review Committee had expressed similar reservations, based on considerations of efficient administration, staff morale and promotion opportunities, when it recommended a limit of 20 per cent.^{3/} Paragraph 4 might usefully be amplified to include a reference to "reasonable expectations" in addition to contractual obligations, for it was essential, if staff morale was not to be damaged, to ensure that the improvement of the geographical composition of the Secretariat should not be pursued through a system of selective, ad hoc promotions. Paragraph 5 contained a reference to the Registrar of the International Court of Justice, whereas it was the Court itself which was responsible under its Statute for the appointment of staff. Finally, in order to mark the degree of latitude which the Acting Secretary-General should properly enjoy, paragraph 6 should contain a reference to the practicability of any proposals or suggestions of the Committee.

Consideration of the proposed amendments

45. At the 889th meeting, the Union of Soviet Socialist Republics proposed the following amendments to the two draft resolutions before the Committee:

^{3/} Official Records of the General Assembly, Eleventh Session, Annexes,
separate fascicle (A/3209) paras. 49-55.

(a) Amendments (A/C.5/L.696) to the United States draft resolution (A/C.5/L.683/Rev.2)

- (i) In the third paragraph of the preamble, to delete the words "with appreciation";
- (ii) To redraft paragraph 1(c) of the operative part as follows:

"The view of the General Assembly that wider geographical distribution is possible and desirable in the staff of the Secretariat, particularly at the higher levels; that weight should be given to the factors of United Nations membership, the financial contribution of States, and the population of States; that efforts should be made to reduce the proportion of staff members of the Secretariat holding permanent contracts; and that the rights of existing staff members under the present Staff Regulations and Rules should be fully preserved;"

- (iii) To redraft paragraph 3 of the operative part as follows:

"3. Requests the Secretary-General to make a special study of the questions of: (a) widening the categories of Secretariat staff subject to geographical distribution; and (b) the relative importance of posts at various levels subject to geographical distribution."

(b) Amendments (A/C.5/L.697) to the thirteen-Power draft resolution (A/C.5/L.683 and Add.1, 2 and 3)

- (i) In the third paragraph of the preamble, to delete the words "with appreciation";
- (ii) To delete sub-paragraph 3(a) of the operative part and to renumber the remaining sub-paragraphs accordingly;
- (iii) In sub-paragraph 3(b), to delete the word "Equal"; and after the words "paid to" insert the words "the factor of United Nations membership";
- (iv) In sub-paragraph 3(e), to delete the words "to 25 per cent of the total staff;"

46. The United States representative said that, in the hope of reaching agreement in the Committee, his delegation would accept the Soviet Union amendments (A/C.5/L.696) to the United States draft resolution (A/C.5/L.683/Rev.2) subject to a minor amendment and subject also to the explanatory comment which he then offered. The first of the Soviet Union amendments ((a)(i) above) caused no difficulty; not every part of the Expert Committee's report had met with favour, and the words

"with appreciation" might be taken to imply that each one of its recommendations or majority recommendations had been approved. The second amendment ((a) (ii) above)) did two things: (a) it eliminated the reference in the United States text (paragraph 1(c)) to a "membership minimum" of four nationals, which the Soviet Union had understood in a restrictive sense; as the phrase had been intended in a contrary sense - to bring about a wider distribution - its elimination would not be opposed; and (b) it introduced a phrase regarding a possible reduction in the proportion of permanent contracts. In the course of the general discussion, the United States delegation had raised a similar point, though arguing it from a different angle, when it suggested a possible increase in the proportion of fixed-term staff from 20.5 to 25 per cent. Provided that the acquired rights of staff members were protected, there could be no objection to a study's being made in the light of the existing situation. The third amendment proposed by the Soviet Union ((a) (iii) above) was acceptable subject to the addition of a third clause reading:

"; and (c) the extent of the applicability of geographical distribution to General Service posts."

47. The Soviet Union representative explained the reasons why, in the opinion of his delegation, any reference to a minimum figure in respect of membership should be omitted in the draft resolutions. At present, 81 per cent of the posts subject to geographical distribution were held by staff members on career appointments. Any re-distribution of posts, in terms of nationality, would therefore of necessity be limited to the remaining 19 per cent of such posts, which were held by staff members on fixed-term appointments. The Soviet Union's "quota" of posts subject to geographical distribution amounted to 20 per cent, and, as none of its nationals held a career appointment, the reshuffle of posts which the "membership minima" necessitated could be effected only within the group of fixed-term posts (19 per cent); it would by that token be effected exclusively at the expense of the Soviet Union. The whole question hinged on a solution of the problem of career appointments; a decrease in their number was a matter that affected not the Soviet Union alone, but every Member State, and any discriminatory action should be strenuously resisted. If, as was the case, the position of the Soviet Union was unsatisfactory under the existing system, it would be even worse under either of the systems proposed in the draft resolutions before the Committee. The Soviet

Union representative added that his delegation accepted the oral sub-amendment proposed by the United States of America to the third Soviet Union amendment (A/C.5/696, para. 3). Its main concern was that a special study should be made of the General Service posts; that category comprised - according to the figures which he cited - 3,500 posts, of which only 146 posts or 4 per cent were subject to geographical distribution.

48. The view was expressed that, while the first two Soviet Union amendments (A/C.5/696) might be acceptable - the first, on the ground that eulogistic references to reports and studies were better reserved for the exceptional occasion; the second (concerning the "membership minimum"), on the ground that it was both premature and impracticable to bind the Acting Secretary-General to a specific figure - the third amendment was, at least in form, not entirely satisfactory: the phrase "that efforts should be made to reduce the proportion of staff members of the Secretariat holding permanent contracts" carried an implication that there was something undesirable in the concept of a career appointment; it would be preferable to rephrase the clause in positive terms - to the effect that a cautious move should be made towards the attainment, at a reasonably early date, of a proportion of 25 per cent for fixed-term staff. In no case should that proportion be exceeded, for the principles set forth in Article 100 of the Charter made it imperative that a very substantial majority of the staff should hold career appointments: that was the only sure foundation on which to build an international civil service. It was therefore to be hoped that, rather than press for a largely increased number of fixed-term appointments, the Soviet Union and other Eastern European Member States would in future permit their nationals to accept career appointments in the Secretariat. As regards the United States sub-amendment to the final Soviet Union amendment (A/C.5/696, para. 3), the case against the inclusion of any General Service posts in the statistics of geographical distribution had been stated at length in the course of the general discussion (para. 23 above); their inclusion was logically unsound or, if it entailed an extension of international recruitment to the General Service category, indefensible on financial grounds.

In opposing the revised United States draft resolution (A/C.5/L.683/Rev.3), sponsors of the thirteen-Power draft resolution (A/C.5/L.689 and Add.1, 2 and 3) made the following among other points:

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(a) So long as the scale of contributions remained the sole criterion for geographical distribution, previous resolutions of the General Assembly had in practice proved of little avail; in fact, they had amounted to no more than pious hopes and pious exhortations. At last, after many years' consideration of the subject, the Committee had found in the Expert Committee's report some tangible basis for improvement. Accordingly, the sponsors of the thirteen-Power draft resolution had submitted a text containing concrete proposals, to be tested by the Secretary-General in an experimental way and over a period of years. Approval of the United States proposal, as amended by the Soviet Union, would be tantamount to reverting to the situation of earlier years.

(b) The second revision of the United States draft resolution was too general in its terms and on that ground unacceptable; it had, however, contained one good feature - the "membership minimum" of four nationals. That sole point of advantage had now been withdrawn in the composite text (A/C.5/L.683/Rev.3). What then remained? Merely the distant hope that the Acting Secretary-General would examine the various factors. But that had been done over a period of many years by his predecessors, and no improvement had resulted. The time had come for the newly independent States and the smaller States to make their bid for a positive improvement in the situation so that the less-privileged Members might also have a share in the Organization;

(c) After the exhaustive discussion that had been held in the Committee, delegations were surely in a position to offer the Acting Secretary-General some guiding principles - for example, on the relative weight to be given to such factors as population, membership and contributions. If the present opportunity was not seized, the smaller Member States would undoubtedly have to wait at least another decade before the intentions, however good, to which such copious expression had been given, could be translated into reality;

(d) It had been generally conceded that an improvement of the present situation would not be possible if the scale of contributions was retained as the sole determining factor. But, under the revised United States draft resolution, the Acting Secretary-General would receive no guidance in respect of the several factors to which his attention was invited. That was to transfer the entire responsibility to his shoulders and to expect him, when reporting at the next

session, to take the blame for the Committee's default. The Committee should lay down the guiding principles and request the Acting Secretary-General to report back to the Committee in 1962 on the difficulties or defects which his experience of some twelve months would by then have disclosed. There was no question of tying his hands; on the contrary, it should be made crystal clear that the Committee was granting him the fullest possible latitude in applying certain guiding principles, and that those principles were offered in outline form on a purely tentative basis;

(e) The Soviet Union's misgivings (para. 39 above) were not well founded. The situation which its representative had forecast might be correct in so far as the date of 1 January 1962 was concerned, but the authors of the thirteen-Power draft resolution (A/C.5/L.689 and Add. 1, 2 and 3) had no expectation that the minimum figure of five nationals could be attained on that date. Instead, they had in mind a progressive improvement extending over a period of years, as vacancies occurred and as the Member States offered qualified candidates. Furthermore, the conclusion to which the Soviet Union representative had come as regards the nationals of his country and other Eastern European countries in the Secretariat did not appear to be supported by the facts. In the first place, the nationals of the socialist countries accounted for only 6 per cent of the proportion of some 20 per cent relating to fixed-term appointments, and accordingly, the balance of 14 per cent had no reference to those nationals; in the second place, he had wholly disregarded the factor of annual turnover of staff, which was not limited to the fixed-term appointments, and amounted, on a rough estimate, to between 12 and 20 per cent. It was not the fact that the redistribution of posts envisaged in the thirteen-Power draft resolution would be effected at the expense of the socialist countries: under that proposal the socialist countries would be entitled to have at least 249 of their nationals in the Secretariat, or a figure exceeding that recommended by the majority of the Expert Committee;

(f) In other respects also the revised United States draft resolution (A/C.5/L.683/Rev.3) represented a retrograde step by comparison with the Expert Committee's majority recommendations. The membership minimum of two was eliminated, the inclusion of the Technical Assistance Board and the Special Fund in the statistics of geographical distribution - a point on which the Expert Committee had been unanimous - was eliminated, and in general, the draft resolution was tantamount to a routine postponement of measures that were long overdue.

50. At the 890th meeting, the Committee voted on a proposal of the representative of India, made at the 887th meeting, that, in accordance with rule 132 of the rules of procedure, the Committee should vote first on the thirteen-Power draft resolution (A/C.5/L.689 and Add.1, 2 and 3). The proposal was rejected by a roll-call vote of 47 to 26, with 6 abstentions. The voting was as follows:

In favour: Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iraq, Lebanon, Libya, Mali, Mexico, Nepal, Nigeria, Saudi Arabia, Sierra Leone, Sudan, Syria, Tunisia, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Finland, France, Greece, Guatemala, Hungary, Iceland, Iran, Ireland, Israel, Italy, Japan, Liberia, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Poland, Portugal, Romania, South Africa, Spain, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cameroun, Congo (Leopoldville), Mongolia, Niger, Philippines, Togo.

51. Following the roll-call vote and a brief suspension of the 890th meeting, the representative of Canada formally proposed that, as the sponsors of the two draft resolutions had not been able to reach agreement, the Committee should not put either of them to the vote, but should instead request the Rapporteur to include in the report the following statement:

The Fifth Committee considered the geographical distribution of the staff to be a matter of the highest importance. It sought to adopt concrete measures for the indispensable improvement of the existing situation. Its discussion was directed to two draft resolutions, namely, a thirteen-Power draft resolution (A/C.5/L.689 and Add.1, 2 and 3) and a United States draft

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resolution (A/C.5/L.683) (thrice revised). In spite of lengthy negotiations, a merger of those two texts did not prove possible, and after determined efforts to arrive at a consensus and a compromise, the two positions were still marked by a difference in emphasis although agreement was reached on a number of approaches. The Fifth Committee accordingly invited the Secretary-General (a) to take into consideration the contents of the two draft resolutions and also the views expressed in the Committee on this question, and (b) to present to the General Assembly at its seventeenth session a statement of his considered views on how to improve the geographical distribution of the staff of the Secretariat.

52. The representative of Venezuela, supported by two other sponsors of the thirteen-Power draft resolution, put to the Chair the following question:
whether the Committee was entitled to decide against putting a draft resolution to the vote even if its sponsors insisted on a vote.

The Chair ruled that the Canadian proposal was admissible, inasmuch as it was open to any of the sponsors who found it unacceptable to vote against it.

Decision of the Fifth Committee

53. At the 890th meeting, the Canadian proposal (para. 51 above) was adopted by 64 votes to 9, with 8 abstentions.

(c) Other personnel questions

54. At the 890th and 891st meetings, the Committee considered a report of the Secretary-General (A/C.5/883) submitting proposals regarding the education grant, to the following effect:

- (a) To provide for a consistent application of the principle of partial compensation for the education of the children of expatriate staff members;
- (b) To establish the proportion of such (partial) compensation at 75 per cent of the cost incurred, subject to the limit stipulated in
- (c) below; and
- (c) To ensure a larger measure of equity - in relation to the cost of education - between staff members in high-cost areas and those in low-cost areas, by raising the maximum of the grant from \$400 to \$800.

55. The Advisory Committee, whose report (A/4955) was also before the Committee, recommended that the maximum of the grant should be held to the figure of \$600. It concurred in the remaining provisions proposed by the Secretary-General.
56. The recommendation of the Advisory Committee received the support of the majority of the delegations, which took under consideration the increase in the base salary scale which the General Assembly had already approved for the Professional and higher categories (resolution 1658 (XVI) of 28 November 1961); these delegations felt that, while the Organization might properly be asked to contribute towards the educational costs in question, the staff member should also assume a reasonable share.
57. One delegation, however, while welcoming a more consistent application of the principle of partial compensation, considered that the present education grant was already adequate in relation both to total United Nations emoluments and also to similar grants payable to comparable officials in certain national and international civil services.
58. The financial implications were estimated for 1962 at \$135,000 under the Secretary-General's proposal, and at \$100,000 under the Advisory Committee's recommendation.

Decision and recommendation of the Fifth Committee

59. At the 891st meeting, the Committee decided, by 44 votes to 1, with 10 abstentions, that the Secretary-General's proposals relating to the education grant (A/C.5/883) should be approved, except that, as recommended by the Advisory Committee (A/4955, para. 10), the maximum amount of the grant should be fixed at \$600.
60. Accordingly, the Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

DRAFT RESOLUTION

AMENDMENT TO THE STAFF REGULATIONS OF THE UNITED NATIONS

The General Assembly,

Having considered the reports of the Secretary-General (A/C.5/883) and the Advisory Committee on Administrative and Budgetary Questions (A/4955), concerning the education grant,

/...

Decides that, with effect from 1 January 1962, staff regulation 3.2 shall be amended through the substitution of the following text as the second sentence of the first paragraph:

"The maximum amount of the grant shall be \$600 per scholastic year for each child."

ANNEX I

GEOGRAPHICAL DISTRIBUTION OF THE STAFF OF THE SECRETARIAT

Draft resolution proposed by the United States of America
(A/C.5/L.683/Rev.3)

The General Assembly,

Recalling the provisions of Article 101 (3) of the Charter and the responsibility of the Secretary-General for implementing those provisions,

Recalling General Assembly resolution 1559 (XV) which requested the Committee of Experts, appointed by General Assembly resolution 1446 (XIV), to study and report on the question of geographical distribution of Secretariat posts,

Noting the report of the Committee of Experts contained in document A/4776 and the comments of the Secretary-General thereon contained in document A/4794,

Noting further the annual report of the Secretary-General in document A/C.5/890 on the implementation of the decisions of the General Assembly regarding geographical distribution,

Recognizing that significant imbalances in the geographical distribution of the staff of the Secretariat have developed over the years and continue to exist,

1. Invites the attention of the Secretary-General to:

(a) The report of the Committee of Experts (A/4776), the comments of the late Secretary-General thereon (A/4794), and the annual report of the Secretary-General (A/C.5/890);

(b) The views expressed on this matter at the current session of the General Assembly; and

(c) The view of the General Assembly that wider geographical distribution is possible and desirable in the staff of the Secretariat, particularly at the higher levels; that weight should be given to the factors of United Nations membership, the financial contribution of States, and the population of States; that efforts should be made to reduce the proportion of staff members of the Secretariat holding permanent contracts; and that the rights of existing staff members under the present Staff Regulations and Rules should be fully preserved;

2. Requests the Secretary-General immediately to initiate such action as in his view will bring about as early an improvement as possible in the geographical distribution of the staff of the Secretariat;

3. Requests the Secretary-General to make a special study of the questions of: (a) widening the categories of Secretariat staff subject to geographical distribution; (b) the relative importance of posts at various levels subject to geographical distribution; and (c) the extent of the applicability of geographical distribution to General Service posts;

4. Requests the Secretary-General to report to the seventeenth session of the General Assembly on the results of the special studies provided for in operative paragraph 3 above, on the progress he has made in improving geographical distribution of the staff of the Secretariat and on what plans and recommendations he has for further progress in the future.

ANNEX II

GEOGRAPHICAL DISTRIBUTION OF THE STAFF OF THE SECRETARIAT

Draft resolution proposed by Afghanistan, Ceylon, Ghana, India, Iraq, Morocco, Nepal, Nigeria, Saudi Arabia, Sudan, United Arab Republic, Venezuela and Yugoslavia (A/C.5/L.689 and Add.1, 2 and 3)

The General Assembly,

Recalling resolutions 153 (II) and 1559 (XV),

Recognizing that the principle of an equitable geographical distribution in the composition of the Secretariat does not conflict with the paramount considerations of employment of staff, namely, the necessity of securing the highest standards of efficiency, competence and integrity as laid down in Article 101, paragraph 3, of the Charter,

Noting with appreciation the report of the Committee of Experts contained in document A/4776, the comments of the Secretary-General thereon contained in document A/4794 and the annual report of the Secretary-General in document A/C.5/890 on the implementation of the decisions of the General Assembly regarding geographical distribution,

Recognizing that significant imbalances in the geographical distribution of the staff of the Secretariat continue to exist,

Recognizing further the necessity of correcting these imbalances as early as possible,

1. Recommends that the principle of geographical distribution should extend to all appointments of more than six months' duration, as follows:

(a) Posts in part II of the regular budget at the Professional level and above plus the principal level of the General Service category (G-5) at Headquarters and staff of equivalent level at other duty stations except staff appointed to posts with special language requirements;

(b) Staff at the P-1 level and higher of Special Missions falling under section 18 of the regular budget;

(c) The Chairman of the Technical Assistance Board, the Managing Director of the Special Fund and their staff at the levels given in paragraph (a) above;

/...

2. Requests the Acting Secretary-General to make a special survey of the entire range of General Service posts with a view to determining which categories of General Service posts should be made subject to geographical distribution;

3. Recommends that the Acting Secretary-General should be guided in his efforts to achieve a more equitable geographical distribution by the following principles and factors:

(a) The target of a minimum of five staff members from each Member State on the basis of membership;

(b) Equal regard to be paid to the relative sizes of populations and the ratios of contributions to the regular budget of the United Nations;

(c) The relative importance of posts at various levels;

(d) The need for a balanced regional composition of the staff at levels of D-2 and above;

(e) The desirability of raising the percentage of fixed-term staff to 25 per cent of the total staff;

4. Requests that in the implementation of this resolution due regard should be paid to existing contractual obligations;

5. Requests the Acting Secretary-General to bring to the notice of the Registrar of the International Court of Justice, the High Commissioner for Refugees and the Executive Director of UNICEF the desirability for ensuring an equitable geographical distribution in accordance with the principles of this resolution;

6. Requests the Acting Secretary-General to report to the General Assembly at its seventeenth session on the progress he has made in the implementation of this resolution.
