

## Chapter III

**United Nations staff**

In 2002, the General Assembly, through the International Civil Service Commission (ICSC), reviewed the conditions of service of staff of the UN common system and adopted ICSC recommendations relating to the level of the education grant, the base/floor salary scale and dependency allowances. The Assembly took note of progress made in the review of the pay and benefits system and welcomed efforts to strengthen performance and accountability in the common system. It continued to consider the proposed review and strengthening of ICSC within the context of ongoing initiatives for UN reform and endorsed the terms of reference of the panel established for that purpose.

The Secretary-General reported on: the conditions of service of ad litem judges of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda; human resources management reform; post structure and financing of Secretariat posts; staff composition and placement of staff serving in his Executive Office; use of gratis personnel, consultants, individual contractors and retirees; the status of women in the Secretariat; staff rules and regulations; staff safety and security; a framework for a new mechanism of accountability and responsibility; and adherence to regulations governing standards of accommodation for air travel of UN officials.

The Office of Internal Oversight Services evaluated the implementation of Assembly provisions on human resources management and possible discrimination due to nationality, race, sex, religion and language in recruitment, promotion and placement in the Organization, while the Joint Inspection Unit considered options for higher recourse within the context of the reform of the administration of justice in the UN system.

In continuing efforts to strengthen the safety and security of UN staff and associated humanitarian personnel, the Assembly emphasized the need to ensure that staff received adequate security training prior to deployment to the field, and requested the Secretary-General to ensure that personnel carrying out activities in fulfilment of the mandate of UN operations were properly informed about the conditions under which they were called upon to serve.

**Conditions of service****International Civil Service Commission**

The International Civil Service Commission (ICSC), a 15-member body established in 1974 by General Assembly resolution 3357(XXIX) [YUN 1974, p. 875], continued in 2002 to regulate and coordinate the conditions of service and the salaries and allowances of the UN common system. The United Nations and 12 related organizations had accepted the ICSC statute: the International Labour Organization; the Food and Agriculture Organization of the United Nations; the United Nations Educational, Scientific and Cultural Organization; the World Health Organization; the International Civil Aviation Organization; the Universal Postal Union; the International Telecommunication Union; the World Meteorological Organization; the International Maritime Organization (IMO); the World Intellectual Property Organization; the United Nations Industrial Development Organization; and the International Atomic Energy Agency. One other organization, the International Fund for Agricultural Development, had not formally accepted the statute but participated fully in ICSC work.

ICSC held its fifty-fourth (Rome, Italy, 22 April–10 May) and fifty-fifth (New York, 22 July–9 August) sessions, at which it considered, in addition to organizational matters, the conditions of service applicable to both Professional and General Service categories of staff, and those relating specifically to the Professional and higher categories and to the General Service and other locally recruited categories.

ICSC's deliberations, recommendations and decisions on those matters were detailed in its twenty-eighth annual report to the Assembly [A/57/30] (see sections below).

In a 3 October statement on the administrative and financial implications of ICSC decisions and recommendations for the 2002-2003 programme budget [A/57/450 & Corr.1,2], the Secretary-General estimated the resultant increased requirements at \$25,064,900, net of staff assessment.

On 23 October [A/57/7/Add.9], the Advisory Committee on Administrative and Budgetary

Questions (ACABQ) indicated that it had no technical objection to the estimated requirements under the regular budget resulting from ICSC recommendations and decisions.

#### GENERAL ASSEMBLY ACTION

On 20 December [meeting 78], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/57/652], adopted **resolution 57/285** without vote [agenda item 120].

#### United Nations common system: report of the International Civil Service Commission

*The General Assembly,*

*Having considered* the report of the International Civil Service Commission for 2002 and the statement submitted by the Secretary-General on the administrative and financial implications of the decisions and recommendations contained in the report of the Commission,

*Reaffirming its commitment* to a single, unified United Nations common system as the cornerstone for the regulation and coordination of the conditions of service of the United Nations common system,

*Convinced* that the common system constitutes the best instrument through which to secure staff with the highest standards of efficiency, competence and integrity for the international civil service, as stipulated in the Charter of the United Nations,

*Reaffirming* the statute of the Commission and the central role of the Commission in the regulation and coordination of the conditions of service of the United Nations common system,

*Takes note* of the report of the International Civil Service Commission for 2002;

### I

#### Conditions of service applicable to both categories of staff

##### A. Review of the pay and benefits system

*Recalling* its resolutions 51/216 of 18 December 1996, 52/216 of 22 December 1997, 53/209 of 18 December 1998 and 55/223 of 23 December 2000,

1. *Takes note with appreciation* of the concrete progress made by the Commission in the review of the pay and benefits system in the context of the approved framework for human resources management;

2. *Takes note* of the decisions of the Commission contained in paragraphs 39 and 60 of its report;

3. *Invites* the Commission to duly take into account all views expressed by Member States regarding the review of the pay and benefits system, bearing in mind that any eventual proposals should be aimed at enhancing the effectiveness as well as the efficiency of the secretariats of the organizations of the United Nations system, consistent with the principles set out in paragraph 12 of the report of the Commission;

4. *Notes* that the Commission will examine the issue of contractual arrangements in the United Nations system organizations, bearing in mind its close linkage to the review of the pay and benefits system;

5. *Requests* the Commission to review the decision contained in paragraph 80 of its report, including the question of whether the Senior Management Service

should be dealt with in the framework of the review of the pay and benefits system, in view of the intention of the General Assembly to consider the question at its fifty-eighth session;

6. *Notes* that the proposed Senior Management Service would not require a special pay and benefits package, as mentioned in paragraph 80 of the report of the Commission;

7. *Requests* the Commission to conduct a review of grade equivalency between the United Nations and the United States federal civil service in accordance with the new master standard during its review of the pay and benefits system, taking fully into account the post structure of the United Nations and of the United States federal Government, and to report thereon to the General Assembly at its fifty-ninth session;

##### B. Mobility

*Recalling* its resolution 55/258 of 14 June 2001, in which the General Assembly requested the Commission to conduct a comprehensive review of the question of mobility and its implications for the career development of staff members in the United Nations system,

*Takes note* of paragraph 92 of the report of the Commission, and, in this context, requests the Commission to continue to develop its study in this area and to report thereon to the General Assembly at its fifty-eighth session;

##### C. Common scale of staff assessment

*Recalling* its resolutions 48/225 of 23 December 1993 and 51/216,

*Takes note* of the decision of the Commission as contained in paragraph 96 of its report;

##### D. Hazard pay

*Requests* the Commission to reconsider its decision on hazard pay, taking into account all the views expressed by Member States;

##### E. Review of the level of education grant

*Recalling* its resolutions 51/216 and 52/216,

1. *Approves* increases in the maximum reimbursement levels for seven countries or currency areas, as well as other recommendations in respect of the reimbursement of expenses under the education grant, as contained in paragraph 141 of and annex V to the report of the Commission;

2. *Takes note* of the decisions of the Commission contained in paragraphs 142 and 143 of its report;

### II

#### Conditions of service of staff in the Professional and higher categories

##### A. Margin considerations and base/floor salary scale

*Recalling* section I.C, paragraph 3, of its resolution 44/198 of 21 December 1989, section II.B of its resolution 48/224 of 23 December 1993, section I.C of its resolution 51/216, section I.B of its resolutions 52/216, 53/209 and 54/238 of 23 December 1999, section II.C of its resolution 55/223 and section II.A of its resolution 56/244 of 24 December 2001,

1. *Notes* that the net remuneration margin, which measures the relationship between United Nations salaries and those of the comparator for the period from 1 January to 31 December 2002, is 109.3, as shown in annex III to the report of the Commission;

2. *Reaffirms* that the range of 110 to 120 for the margin between the net remuneration of officials in the Professional and higher categories of the United Nations in New York and officials in comparable positions in the comparator civil service should continue to apply, on the understanding that the margin would be maintained at the desirable midpoint of 115 over a period of time;

3. *Requests* the Commission to keep the matter under review with a view to restoring the margin to its midpoint over a period of time, and requests the Commission to report to the General Assembly on the outcome of this review at its sixty-second session, taking into full account the Noblemaire principle;

4. *Approves*, with effect from 1 January 2003, the revised scale of gross and net salaries for staff in the Professional and higher categories, as contained in the annex to the present resolution;

5. *Welcomes* the efforts of the Commission to strengthen performance and accountability, especially at the senior levels, throughout the common system, and requests the Commission to make recommendations, where appropriate, for increasing the roles of performance and productivity in determining remuneration levels;

6. *Requests* the Commission, when conducting its review of the pay and benefits system, to bear in mind necessity for performance management systems to be fair and transparent;

7. *Reiterates its request* to the Commission to review, in the context of the review of the pay and benefits system, the existing linkage between the base/floor salary scale and the mobility and hardship allowance;

#### **B. Dependency allowances**

*Recalling* section II.F, paragraph 2, of its resolution 47/216 of 23 December 1992, in which it noted that the Commission would review the level of dependency allowances every two years,

*Endorses* the recommendations of the Commission contained in paragraph 182 of its report;

### **III**

#### **Conditions of service of the General Service and other locally recruited categories**

*Recalling* section II.A of its resolution 52/216, in which it reaffirmed that the Flemming principle should continue to serve as the basis for determining the conditions of service of the General Service and related categories and endorsed the revised methodology for surveys of best prevailing conditions of employment for those categories,

*Takes note* of the results of the salary surveys conducted in London, Vienna and Geneva, as reported in chapter V of the report of the Commission;

### **IV**

#### **Strengthening of the international civil service**

1. *Takes note* of the report of the Secretary-General concerning the strengthening of the international civil service;

2. *Endorses* the terms of reference of the panel on the strengthening of the international civil service, as contained in the report of the Secretary-General;

3. *Requests* the panel also to comment on the role and main characteristics of the international civil service;

4. *Invites* the Commission to comment on the findings and recommendations of the panel and to submit its comments to the General Assembly at its fifty-ninth session, to be considered by the Assembly together with the report of the Secretary-General.

ANNEX (see next page)

Also on 20 December, the Assembly decided that the agenda item on the UN common system would remain for consideration during its resumed fifty-seventh (2003) session (**decision 57/585**).

#### **Functioning of ICSC**

##### **Strengthening of ICSC**

In response to General Assembly resolution 56/244 [YUN 2001, p. 1330], the Secretary-General, in November [A/57/612], submitted the timetable of, terms of reference for and composition of the panel on the strengthening of the international civil service. The panel would consider ways of better equipping the Commission with the tools to implement its tasks, and study and report on ways to enhance the Commission's capability to reinforce, modernize and thereby strengthen the international civil service to meet new and complex challenges. The panel, whose four members were nominated by the Secretary-General, would also have the ICSC Chairman as an ex officio member. It would submit its findings and recommendations to the Assembly in 2004. The Assembly endorsed those proposals in resolution 57/285 (see above).

##### **Remuneration issues**

Pursuant to the standing mandate in General Assembly resolutions 47/216 [YUN 1992, p. 1055] and 55/223 [YUN 2000, p. 1331], ICSC continued to review the relationship between the net remuneration of UN staff in the Professional and higher categories (grades P-1 to D-2) in New York and that of the current comparator, the United States federal civil service employees in comparable positions in Washington, D.C. (referred to as the margin). ICSC, in its 2002 report to the Assembly [A/57/30], noted that a net remuneration margin of 109.3 was forecast for 2002, based on existing grade equivalencies between United Nations and United States officials in comparable positions, as shown in annex III to its report. Highlighting United States efforts to close a 22 per cent pay gap on average in 2002 between public and non-federal sectors, ICSC noted that the United States Administration, citing the current national security situation, had submitted an alternative pay increase in 2002, and that the actual year-to-

## ANNEX

**Salary scale for staff in the Professional and higher categories showing  
annual gross salaries and net equivalents after  
application of staff assessment**

(United States dollars)  
Effective 1 January 2003

Level	Step															
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV	XV	
<b>Under-Secretary-General</b>																
USG	Gross	186,144														
	Net D	125,609														
	Net S	113,041														
<b>Assistant Secretary-General</b>																
ASG	Gross	169,366														
	Net D	115,207														
	Net S	104,324														
<b>Director</b>																
D-2	Gross	139,050	142,085	145,119	148,154	151,189	154,223									
	Net D	96,411	98,292	100,174	102,055	103,937	105,818									
	Net S	88,571	90,159	91,741	93,318	94,890	96,456									
<b>Principal Officer</b>																
D-1	Gross	126,713	129,377	132,041	134,705	137,369	140,033	142,697	145,361	148,024						
	Net D	88,762	90,414	92,065	93,717	95,369	97,020	98,672	100,324	101,975						
	Net S	82,045	83,481	84,913	86,342	87,768	89,190	90,609	92,025	93,437						
<b>Senior Officer</b>																
P-5	Gross	104,102	106,369	108,635	110,901	113,168	115,434	117,701	119,967	122,234	124,500	126,766	129,033	131,299		
	Net D	74,743	76,149	77,554	78,959	80,364	81,769	83,174	84,580	85,985	87,390	88,795	90,200	91,606		
	Net S	69,437	70,685	71,930	73,174	74,416	75,655	76,892	78,127	79,360	80,591	81,820	83,046	84,271		
<b>First Officer</b>																
P-4	Gross	84,435	86,489	88,544	90,637	92,824	95,011	97,198	99,385	101,572	103,759	105,946	108,133	110,320	112,507	114,694
	Net D	62,327	63,683	65,039	66,395	67,751	69,107	70,463	71,819	73,175	74,530	75,886	77,242	78,598	79,954	81,310
	Net S	58,041	59,276	60,509	61,740	62,971	64,200	65,429	66,656	67,881	69,106	70,329	71,551	72,772	73,992	75,211
<b>Second Officer</b>																
P-3	Gross	68,306	70,208	72,112	74,011	75,915	77,815	79,715	81,620	83,523	85,423	87,326	89,226	91,202	93,226	95,250
	Net D	51,682	52,937	54,194	55,447	56,704	57,958	59,212	60,469	61,725	62,979	64,235	65,489	66,745	68,000	69,255
	Net S	48,242	49,396	50,553	51,706	52,862	54,015	55,169	56,324	57,477	58,632	59,782	60,933	62,083	63,233	64,384
<b>Associate Officer</b>																
P-2	Gross	55,346	56,907	58,465	60,027	61,729	63,429	65,130	66,829	68,532	70,233	71,932	73,636			
	Net D	42,849	43,973	45,095	46,218	47,341	48,463	49,586	50,707	51,831	52,954	54,075	55,200			
	Net S	40,191	41,210	42,226	43,244	44,260	45,279	46,313	47,344	48,379	49,412	50,444	51,479			
<b>Assistant Officer</b>																
P-1	Gross	42,944	44,444	45,942	47,442	48,939	50,438	51,938	53,436	54,932	56,432					
	Net D	33,920	35,000	36,078	37,158	38,236	39,315	40,395	41,474	42,551	43,631					
	Net S	31,997	32,992	33,986	34,980	35,974	36,967	37,962	38,944	39,921	40,899					

D = Rate applicable to staff members with a dependent spouse or child.

S = Rate applicable to staff members with no dependent spouse or child.

year (2002 over 2001) gross increase for Washington, D.C., taking into account the employment cost index and locality pay adjustment, was 4.77 per cent, effective 1 January 2002.

In view of the rise in the comparator's civil service salaries as at 1 January 2002, the Commission found that an adjustment of the UN common system's scale of 5.6 per cent would be nec-

essary in 2003 in order to keep the base/floor scale in line with the comparator. After considering proposed options for implementing such an adjustment, the Commission recommended, effective 1 March 2003, a differentiated real increase of the base/floor salary scale to address the low level of the margin at the upper grades of the salary scale and to restore the overall level of

the margin to the desirable midpoint of 115. The recommended revised salary scale and staff assessment rates were annexed to the ICSC report.

Based on the 1997 revised methodology for surveys of best prevailing conditions of employment at headquarters and non-headquarters duty stations [YUN 1997, p. 1453], ICSC conducted a survey of best prevailing conditions of service for General Service and other locally recruited staff in London, with a reference date of October 2001; in Vienna, with a reference date of April 2002; and in Geneva, with a reference date of 1 January 2002. Based on those surveys, it recommended new salary scales, which were, on average, 4.37 per cent higher than the current scale for London-based staff; 2.98 per cent higher for Vienna-based staff; and 1.93 per cent higher for Geneva-based staff, including staff in the Language Teachers category. The new net scales were annexed to the ICSC report. ICSC also recommended revised rates for dependency allowances for London-based staff, determined on the basis of payments by the United Kingdom Government and employers surveyed in London, and for staff based in Vienna and Geneva, on the basis of tax abatements and social security payments provided by the Austrian and Swiss Governments, and payments made by surveyed employers at both duty stations. The annual financial implications of those recommendations were estimated at \$254,000 for London-based staff, \$2,300,000 for Vienna-based staff and \$5,573,000 for Geneva-based staff.

In accordance with the normal cycle of methodology reviews, ICSC scheduled the next comprehensive review of General Service salary survey methodologies for headquarters and non-headquarters duty stations for 2003 and agreed to establish a working group for that purpose.

#### **Common staff assessment scale**

In accordance with a 1997 recommendation of the United Nations Joint Staff Pension Board for a biennial update of the common staff assessment scale for all staff categories for determining pensionable remuneration levels, ICSC, at its fifty-fourth session, examined tax changes at the duty stations concerned between 1999 and 2001 [A/57/30]. Having found that average taxes had increased or decreased only minimally at the relevant income levels during that period, the Commission recommended continued application of the current common scale of staff assessment and its review during the next comprehensive review of pensionable remuneration in 2004.

**Report of Secretary-General.** Pursuant to General Assembly resolution 56/253 [YUN 2001, p. 1297], the Secretary-General submitted an Octo-

ber report on options regarding the format currently used to present estimates, gross and net, of staff assessment, with a view to enhancing comparability with other UN system organizations [A/57/464]. He discussed the current format used by the United Nations, an earlier review of a single-section consolidation of staff assessment inflows and outflows, and the formats used in a number of other UN system organizations, which were annexed to his report. The Secretary-General observed that, given the different arrangements in use throughout the system, a change in the current format would not enhance overall comparability. He recommended therefore that the current format for presenting estimates of staff assessment be maintained.

**Report of ACABQ.** ACABQ, in an October report [A/57/7/Add.14], shared the Secretary-General's view regarding the format for presenting estimates of staff assessment and recommended that the Assembly take note of the report.

On 20 December, the Assembly took note of the Secretary-General's report and concurred with ACABQ's observations and recommendations (**decision 57/570**).

### **Other remuneration issues**

#### **Conditions of service and compensation for non-Secretariat officials**

##### *Judges of ICJ and the international tribunals*

The General Assembly, in June, considered the Secretary-General's report reviewing the conditions of service and compensation of members of the International Court of Justice (ICJ), judges of the International Tribunal for the Former Yugoslavia (ICTY) and of the International Tribunal for Rwanda (ICTR) and ICTY ad litem judges, and the related ACABQ recommendations [YUN 2001, p. 1334].

#### **GENERAL ASSEMBLY ACTION**

On 27 June [meeting 105], the General Assembly, on the recommendation of the Fifth Committee [A/56/736/Add.2], adopted **resolution 56/285** without vote [agenda item 123].

#### **Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice, judges of the International Tribunal for the Former Yugoslavia, judges of the International Tribunal for Rwanda and ad litem judges of the International Tribunal for the Former Yugoslavia**

*The General Assembly,*

*Recalling* section VIII of its resolution 53/214 of 18 December 1998 on the conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice, judges

of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, and its resolution 55/249 of 12 April 2001 on the conditions of service and compensation for the ad litem judges of the International Tribunal for the Former Yugoslavia,

*Reiterating* paragraph 6 of section III of its resolution 56/242 of 24 December 2001,

*Having considered* the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions,

*Reaffirming* the general principle that the terms and conditions of service for the judges of the International Tribunal for Rwanda shall be those of the judges of the International Tribunal for the Former Yugoslavia,

1. *Endorses* the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report with regard to the emoluments, the special allowance of the President and for the Vice-President when acting as President, the education grant, pensions and other conditions of service of the members of the International Court of Justice, the judges of the International Tribunal for the Former Yugoslavia, the judges of the International Tribunal for Rwanda and the ad litem judges of the International Tribunal for the Former Yugoslavia, without prejudice to the existing rules governing the conditions of service of the judges of the Tribunals;

2. *Decides* that the conditions of service and remuneration for the members of the International Court of Justice and the judges of the International Tribunal for the Former Yugoslavia, the judges of the International Tribunal for Rwanda and the ad litem judges of the International Tribunal for the Former Yugoslavia shall next be reviewed at its fifty-ninth session.

#### *Ad litem judges of the International Tribunal for Rwanda*

**Report of Secretary-General.** In November [A/57/587], the Secretary-General submitted a report on the conditions of service of the pool of ad litem judges in ICTR, established by Security Council resolution 1431(2002) (see p. 1287). He proposed that the emoluments and other conditions of service approved by the General Assembly in resolution 56/285 (above) for ad litem judges in ICTY be applied to ad litem judges in ICTR. Those conditions were limited to an annual salary of \$160,000, prorated for the length of service, travel costs, subsistence benefits and disability benefits. Pension benefits and a relocation allowance were not provided.

The Secretary-General, noting that the conditions of service and remuneration for members of ICJ, judges of ICTY and ICTR, and ad litem

judges of ICTY would next be reviewed by the Assembly in 2004, recommended that any adjustments in those conditions be applied to ad litem judges of both tribunals.

**ACABQ report.** In November [A/57/593], ACABQ recommended approval of the conditions of service for ad litem judges in ICTR, as set out in the Secretary-General's report, and that the provisions approved by the Assembly concerning conditions of service of judges of the tribunals, including ad litem judges, be compiled and issued.

The Assembly, in **resolution 57/289** of 20 December (see p. 1291), endorsed ACABQ's recommendations.

#### **Dependency allowances**

For its biennial review of dependency allowances for the Professional and higher categories, ICSC considered details of the percentage change required in the children's and secondary dependants' allowances based on changes in the tax abatement and social legislation for the seven headquarters duty stations between 31 January 2000 and 31 January 2002 [A/57/30]. ICSC recommended to the General Assembly that the children's and secondary dependants' allowances remain at their current annual levels of \$1,936 and \$693, respectively, but that dependency allowances be reduced by the amount of any direct payments received from Governments in respect of dependants. It also recommended that the current list of duty stations at which the allowances were payable in local currencies and the applicable local currency amounts at those duty stations be maintained.

#### **Education grant**

Based on the revised methodology for determining the education grant levels, endorsed by the General Assembly in resolution 52/216 [YUN 1997, p. 1454], ICSC reviewed the operation of the grant. It had before it a related study by the Human Resources Network, which analysed 10,138 claims for the academic year 2000/01 in the 17 individual countries/currency areas in which the grant was applied. In addressing proposals contained in the study, ICSC reviewed both the movement of school fees and the percentage of claims over the maximum admissible expenses. It concluded that any adjustment should be made on the basis of the movement of expenses and fees, to ensure that expatriate staff continued to bear a reasonable portion of the costs of their children's education.

ICSC recommended to the Assembly that, in areas where education-related expenses were incurred in the euro (Austria, Italy, Spain), Swiss

francs, pounds sterling and United States dollars (inside and outside the United States), the levels of maximum admissible expenses and the maximum grant should be set as shown in table 1 of annex V to its report [A/57/30]. Other recommendations were that the maximum amount of admissible expenses and the maximum grant should remain at the current levels for the countries/currency areas of Belgium, Finland, France, Germany, Ireland and the Netherlands, all in the euro zone, and the Danish krone, Japanese yen, Norwegian krone and Swedish krona; the flat rates for boarding to be taken into account within the maximum admissible educational expenses and the additional amounts for reimbursement of boarding costs over and above the maximum grant payable to staff members at designated duty stations should be revised as shown in table 2 of annex V to its report; and the amount of the special education grant for each disabled child should be equal to 100 per cent of the revised amounts of the maximum allowable expenses for the regular grant. All of the foregoing measures would apply as from the school year in progress on 1 January 2003. ICSC maintained the special measures for China, Indonesia, Romania and the Russian Federation, which would allow organizations to reimburse 75 per cent of actual expenses up to, but not exceeding, the maximum expenditure level in force for the United States dollar outside/inside the United States.

The financial implications of the proposed increases system-wide were estimated at some \$1.9 million per annum.

#### **Hazard pay**

As decided in 1998 [YUN 1998, p. 1304], ICSC reviewed the principle for granting hazard payment for employment under conditions where war or active hostilities prevailed and the evacuation of families and non-essential staff had taken place. It considered options for adjusting the hazard pay levels for both internationally and locally recruited staff, and recommendations from seven common system organizations to increase the level of pay for locally recruited staff.

ICSC recommended to the General Assembly that hazard pay for international staff should remain at its current level of \$1,000 monthly and that the pay for locally recruited staff be increased to 30 per cent of the midpoint of the local base salary scales, effective 1 January 2003. The financial implications of those proposals were estimated at \$6.9 million yearly system-wide. ICSC decided that the current criteria for granting the pay should remain unchanged. After considering the situation regarding the United Nations Relief and Works Agency for Palestine Refugees

in the Near East (UNRWA) area staff, the opinions of the UN Legal Counsel and those of UNRWA's General Counsel on the subject, ICSC concluded that UNRWA's Commissioner-General had full authority to deal with the matter by applying the relevant procedures in place for area staff.

#### **Payment of honorariums**

In March, the General Assembly considered a Secretariat note on the comprehensive study of the question of honorariums payable to members of UN organs and subsidiary organs [YUN 2001, p. 1336]. The Chairman of ACABQ, in his oral report to the Fifth Committee [A/C.5/56/SR.9], during consideration of the proposed 2002-2003 programme budget, recalled that the Assembly had not taken any action on ACABQ's earlier recommendation [YUN 1998, p. 1304] that any decision to grant the proposed 25 per cent increase in such payments should take effect on 1 January 2000. The Assembly was therefore being asked to decide whether to grant that increase to the six entitled entities (the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child) and the three others not currently entitled (the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture), and the date the increase should take effect. The financial implications would be \$1,088,000 for 2000-2001 and 2002-2003, if the decision were applied retroactively to 1 January 2000, and \$544,000 for the period 1 January 2002 to 31 December 2003, if applied prospectively.

#### **GENERAL ASSEMBLY ACTION**

On 27 March [meeting 97], the General Assembly, on the recommendation of the Fifth Committee [A/56/653/Add.1], adopted **resolution 56/272** without vote [agenda item 122].

#### **Comprehensive study of the question of honorariums payable to members of organs and subsidiary organs of the United Nations**

*The General Assembly,*

*Having considered* the note by the Secretariat on the comprehensive study of the question of honorariums payable to members of organs and subsidiary organs of the United Nations,

1. *Decides*, with effect from 6 April 2002, to set at a level of one United States dollar per year all honorariums currently payable on an exceptional basis to the members of the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Dis-

crimination against Women and the Committee on the Rights of the Child;

2. *Requests* the Secretary-General to report on the appropriation adjustments required as a consequence of the present resolution and the related transfers in respect of the provision of Internet services as set out in paragraph 5 of resolution 56/254 D of 27 March 2002, and to do so in the context of the first performance report on the programme budget for the biennium 2002-2003 to be submitted to the General Assembly at its fifty-seventh session.

**Communication.** Reacting to the reduction of the honorariums by the Assembly to the nominal amount of \$1, the President of the United Nations Administrative Tribunal, in a 26 July letter [A/C.6/57/INF/1] to the Chairman of the Sixth (Legal) Committee, drew attention to the unfairness of the Assembly's action in denying Tribunal members the already modest benefits to which they were entitled, the level of which had been fixed by the Assembly since 1981, pursuant to resolution 35/218 [YUN 1980, p. 1179].

---

## Other staff matters

---

### Personnel policies

#### Human resources management

**Reports of Secretary-General.** Pursuant to General Assembly resolution 55/258 [YUN 2001, p. 1337] and decision 56/462 [ibid., p. 1354], the Secretary-General, in August [A/57/293], submitted a report on the results of the implementation of provisions on human resources management reform contained in the resolution. He noted the significant progress achieved in bringing about the changes envisioned in the 10 key building blocks of human resources management: human resources planning; streamlined rules and procedures; recruitment, placement and promotion; mobility; competencies and continuous learning; performance management; career development; conditions of service; contractual arrangements; and administration of justice. Major achievements included the streamlining of policies and rules and the launching of the electronic *Human Resources Handbook*; definition and integration into human resources systems of organizational core values and managerial competencies; a Secretariat-wide system of human resources planning; a strengthened performance management system; a new staff selection system; an organizational mobility policy that included time limits on the occupancy of all posts and required lateral moves prior to promotion;

development of electronic tools to underpin new systems; investment in continuous learning; targeted programmes to build managerial capacity and promote the development of junior Professional staff; expanded career support programmes; increased attention to work and life issues; appointment of an ombudsman; and playing an active role in the ICSC review of pay and benefits. The Secretary-General reported separately on the administration of justice (see p. 1423).

The Secretary-General indicated that the next few years would focus on consolidating and institutionalizing changes already effected, on further improvements to ensure that policies and practices were fully in line with operational needs and worldwide standards of good practice, and on close cooperation with the UN common system and ICSC in developing and enhancing conditions of service, paying due attention to improvements in accountability, responsibility and monitoring mechanisms. The Secretary-General, in addition to setting out the achievements to date of the goals of each of the key building blocks of human resources management, identified future activities to fulfil those goals. He presented information on cross-cutting issues, including geographical representation; unplanned vacancies; rejuvenation; young Professional staff; mobility; and accountability, responsibility, monitoring and control mechanisms.

The Secretary-General concluded that emphasis would be placed on using the human resources function as a strategic tool to drive organizational change and create the organizational culture he had envisaged.

In further response to Assembly resolution 55/258, the Secretary-General, in September [A/57/276], submitted a report on the establishment of a capacity in the Office of Human Resources Management (OHRM) for monitoring all relevant Secretariat activities regardless of the source of funding. He examined human resources management monitoring activities in the Secretariat, defined the term "monitoring", explained the relevant guiding principles and described existing monitoring mechanisms and a strategy for future development. In so doing, he outlined a plan to improve OHRM's effectiveness in monitoring activities and gave an account of the most relevant mechanisms of accountability and the internal monitoring and control procedures already established to support his overall reform programme. The Secretary-General intended to continue current monitoring activities and to adjust resources to new functions so as to develop organizational capacity to fully meet the goal of achieving a comprehensive approach to

the kind of monitoring described in the report. The Secretary-General asked the Assembly to endorse the approach to developing a more robust monitoring capacity in OHRM.

**ACABQ report.** In October [A/57/469], ACABQ indicated that it would revert to the issue of a monitoring capacity in OHRM in the context of its review of the 2004-2005 programme budget. It observed that the Secretary-General's August report on human resources management reform and other cross-cutting issues covered the Secretariat's experience for a rather short period and asked that he report comprehensively on the matter, including on all Secretariat activities regardless of funding, in 2004. Noting the Secretariat's intention [YUN 2001, p. 1347] to streamline further the Secretary-General's reports on human resources management, ACABQ trusted that such streamlining would take into account its concern for more analytical reporting, with sufficient supporting statistical data.

On 20 December, the General Assembly decided that the agenda item entitled "Human resources management" would remain for consideration at its resumed fifty-seventh (2003) session (**decision 57/585**) and that the Fifth Committee would continue to consider it at that session (**decision 57/556**).

#### *Pay and benefits system*

ICSC, in its continued review of the UN pay and benefits system, said the current system was rigid and inadequate for the diverse requirements of common system organizations, and it sought an alternative holistic approach. ICSC reached a consensus on the set of priorities and the time frame for reforming the system, covering activities from 2003 to 2006, and considered proposals on key aspects of a new system, which included the reform of the job classification system and the introduction of broad banding, a rewards system and a senior management service.

ICSC decided to further develop the conceptual model for reforming job evaluation and to assess its validity in 2003. Pending the findings of the new model's testing and validation, ICSC considered, as part of its work programme for 2003, the possible promulgation of a new system of job evaluation under article 13 of its statute, which mandated it to deal with job classification issues for all common system staff categories.

Regarding broad banding and related rewards, under which grades would be grouped into broad salary bands that excluded steps between the minimum and maximum pay for particular bands, ICSC recommended to the General Assembly that, while a broad-banded model and related pay-for-performance systems could be valuable as part of

a revised pay and benefits system, the hypothesis needed to be proved through a rigorous test and the Assembly should be kept informed of progress made in that regard. A pilot study should therefore be conducted of one broad-banded model and pay-for-performance system (based on the confluence approach) at two volunteer organizations. ICSC's approval of a broad-banded and pay-for-performance system would depend on the successful results of the pilot study.

ICSC acknowledged that the proposal to establish a senior management service, a small group of senior managers across the common system, with a view to building leadership and managerial capacity, had merit. The service would consist of high-level managerial positions, with members recruited from within and outside the common system and posts based on ICSC approved criteria. It would have a common set of core competencies applicable for recruitment, selection, development and performance management, and executive heads would be responsible for selecting, evaluating and managing its members. ICSC would monitor implementation of the modalities and report to the Assembly.

**CEB action.** The High-level Committee on Management, in a statement adopted at its fourth session (Geneva, 7-8 October) on behalf of the United Nations System Chief Executives Board for Coordination (CEB), and transmitted to the General Assembly by the Secretary-General on 18 October [A/C.5/57/16], welcomed the ICSC proposals for reforming the pay and benefits system, particularly the development of a more flexible job classification system and the creation of a senior management service. The executive heads fully supported the recommendation to restore the margin to its midpoint by granting a differentiated salary increase for the Professional and higher categories. The ICSC proposals offered a unique opportunity to set in motion the most fundamental management reforms, which would uphold the common system, strengthen the international civil service and help reinvigorate organizations. The executive heads called on the Assembly to request ICSC to give the highest priority to completing its work in that area.

#### *Mobility*

In response to General Assembly resolution 55/258 [YUN 2001, p. 1337], ICSC considered the issue of staff mobility, which was a complex matter that had implications for a number of human resource areas. Therefore, it needed to be examined in a holistic manner, taking into consideration the varying missions and mandates of common system organizations. Acknowledging the importance of the work/life agenda in the con-

text of mobility policies, ICSC agreed on the need to examine appropriate modalities in the common system, noting that proposals currently being considered under the pay and benefits review (see p. 1404) would also need to be addressed. It requested its secretariat to develop a programme of work addressing, among other subjects, links between career development and mobility and analysing the advantages of mobility for common system organizations and staff. Any future work in that regard should be developed in accordance with ongoing work on the review of the pay and benefits system.

#### *Post structure*

In response to General Assembly resolutions 54/249 [YUN 1999, p. 1289] and 56/253 [YUN 2001, p. 1297], the Secretary-General submitted an October report [A/57/483] summarizing the findings of his comprehensive review of the UN Secretariat's post structure, conducted with a consultant's assistance, in the context of his programme for strengthening the Organization (see p. 1352). Prompted by the Assembly's concern about the Organization's top-heavy post structure, the objective of the review was to provide information and analysis to assess the balance and appropriateness of the current post structure and to identify further action required. The review focused on the D-1 level and above and covered posts in New York, Geneva, Vienna and Nairobi. Posts funded through the peacekeeping support account were included, but not military or civilian posts assigned to specific missions. The Secretary-General said the review's main conclusion was that the current post structure and distribution in the Secretariat indicated no apparent anomalies that could be characterized as top-heaviness when compared with the post structure and distribution in other international organizations. The Secretariat's post control mechanisms were effective, considering that new posts and upgrades were limited. However, there was a reliance on high-level restraint (the Fifth Committee) rather than managerial self-discipline and accountability, and the process created tensions and frustrations that might have prompted assumptions and concerns about top-heaviness. The Secretary-General intended to keep the matter under review and to report to the Assembly in the context of his biennial programme budgets.

**ACABQ report.** In October [A/57/7/Add.14], ACABQ recommended that the General Assembly take note of the Secretary-General's report.

By **decision 57/574** of 20 December, the Assembly decided to continue consideration of the question of the comprehensive review of the UN Secretariat post structure during its fifty-eighth

(2003) session. It requested the Secretary-General to include, in the context of the proposed programme budget for the 2004-2005 biennium, more information on the issue in the light of Member States' views, and to provide a comparison of the Secretariat's post structure with those of other multilateral organizations not covered in his report and of some Member States, as well as the percentage share of each grade.

#### *Review of incumbencies*

In response to General Assembly resolution 56/253 [YUN 2001, p. 1297], the Secretary-General submitted an October report [A/57/466] on cases in which incumbents of posts were being paid at a level other than the one provided for the post. He stated that, following a comprehensive review of post incumbencies based on data generated as at 1 September by the Integrated Management Information System (IMIS), it was found that 155 regular budget posts across all budget sections were encumbered by staff whose personal grades were lower than the level of the occupied post. The occurrence was not unusual and reflected managerial decisions to place staff temporarily against vacant posts pending completion of recruitment or staff placement procedures, and the need to maintain the operational capacity of departments and offices in the light of approved programme activities. The Secretary-General noted further that the number of such cases was low, varying between 3 and 5 per cent of the number of posts under review. However, he drew attention to the case of a post encumbered by a staff member whose personal grade was higher than the budgeted level of the post. That situation had resulted because the promotion of the staff member had not been regularized in the budget since 1990 owing to the unavailability of a post, and proposals for reclassification of the staff member's post were never approved. Thus, the situation was an exception, representing the Secretary-General's decision within the context of his prerogatives and responsibilities as Chief Administrative Officer of the Organization under the Charter. Nonetheless, the findings of the review indicated that IMIS and current administrative control mechanisms generally provided safeguards against error in or abuse of administrative procedures. Further steps were being taken to strengthen those mechanisms.

**ACABQ report.** In October [A/57/7/Add.14], ACABQ recommended that the Assembly take note of the Secretary-General's report.

On 20 December, the Assembly took note of the Secretary-General's report and, reaffirming paragraph 7 of its resolution 56/253 regarding its role in analysing and approving posts, finan-

cial resources and human resources policies, concurred with ACABQ's observations on the Secretary-General's report (**decision 57/569**).

#### *Recruitment, promotion and placement*

In 2002, ICSC received data on recruitment and retention difficulties, which it had requested from common system organizations. Noting no significant problems on the issue and recognizing that the information was obtained in a short time, it proposed a more systematic approach for collecting such information periodically and a quantitative and qualitative analysis of the data.

#### Investigation of possible discrimination

**OIOS report.** Pursuant to General Assembly resolutions 48/218 B [YUN 1994, p. 1362], 54/244 [YUN 1999, p. 1274] and 55/258 [YUN 2001, p. 1337], the Secretary-General, in July [A/56/956], transmitted a report of the Office of Internal Oversight Services (OIOS) on the investigation of possible discrimination due to nationality, race, sex, religion and language in recruitment, promotion and placement in the Organization. The objective was to determine whether trends and indicators pointed to systematic discrimination, whether the Organization's rules, regulations, policies and procedures were effective in preventing discrimination and whether mechanisms for handling complaints of alleged discrimination were effective and transparent. As information on race or religion was not usually recorded, and the large number of nationalities made it difficult to draw conclusions from disaggregated data, the investigation was limited to examining discrimination based on nationality by regional groupings, gender and language. OIOS found shortcomings in the consistency, completeness and accessibility of data essential for the review. However, from the available data, OIOS determined that there did not appear to have been systematic and consistent preference or exclusion that impaired equal opportunity for any given region in initial appointments, promotions and reappointments in the past six years. In some instances, however, regional differences existed, given that, in some locations, appointment, promotion and reappointment rates for certain grades varied among regions. From a gender perspective, disparities continued to exist, especially at higher grades. No conclusion on discrimination based on language could be made because of the lack of data.

Some staff and managers perceived that the control environment left room for discrimination, especially in the preparation of job descriptions and vacancy announcements, and the selection criteria for shortlisting candidates and for

final selection appeared to lack transparency. Staff also felt that the complaint mechanisms for dealing with discrimination were ineffective, which resulted in most cases being appealed to the United Nations Administrative Tribunal.

OIOS recommended that the Secretary-General articulate and promulgate a policy on discrimination in a Secretary-General's bulletin, and that further effort be made to achieve gender parity in recruitment, promotion and placement, especially at the higher levels, and to determine why female staff were increasingly separating from the Organization. OHRM should ensure that the new web-based staff selection system—Galaxy—captured and maintained all data related to recruitment, placement and promotion processing, including nationality and region. IMIS data should also include information on language. OHRM should ensure that the new central review bodies that would replace appointment and promotion bodies maintained consistent records, that performance appraisal data for each staff member were available in the IMIS system, and that adequate controls were built into the Galaxy system. Heads of departments/offices and programme managers should be held accountable for complying with the rules and procedures of the new staffing system and, in that regard, departmental human resources action plans should be strengthened to assist OHRM in monitoring programme managers' accountability. Complaint mechanisms should be evaluated and strengthened by ensuring that staff at all duty stations had recourse and access to the Ombudsman, whose terms of reference should require that all cases of discrimination be subject to informal recourse procedures of the Ombudsman before proceeding to the Joint Appeals Board; developing criteria for supporting a finding of discrimination by the various complaint mechanisms; and ensuring the independence of those mechanisms. Specific diversity training should be included in OHRM training programmes for all staff entering the Secretariat.

**JIU report.** The Joint Inspection Unit (JIU), pursuant to General Assembly resolution 48/218 B [YUN 1994, p. 1362], presented its comments on the OIOS report (above), which the Secretary-General transmitted, to the Assembly in September [A/56/956/Add.1]. Reflecting on the fact that the OIOS inspection did not address possible discrimination due to race or religion because of the absence of official records, JIU drew attention to the World Bank's efforts in that regard despite a similar limitation. It was not advisable to sidestep the issue and assume that the problem did not exist or was marginal in the UN Secretariat, considering especially that possible

discrimination due to race appeared to have been of concern to Member States. The Secretariat could learn from the World Bank's experience, particularly regarding why complaint mechanisms seemed not to be trusted by staff and why there was a reluctance to file grievances for fear of retaliation. OHRM exit interviews of resigning staff might help ascertain whether any form of discrimination was among their reasons for quitting. Racial discrimination in any form, whether or not it existed as a systemic problem, should not be condoned, and a zero-tolerance policy, as advocated by the World Bank, should be the norm and incorporated explicitly in the Secretary-General's bulletin, as OIOS recommended.

Considering difficulties in addressing discrimination based on language, JIU highlighted its expectations and those of OIOS, the framework governing the use of languages in the Secretariat and the need to clarify what was meant by discrimination due to language. It also addressed areas where there might be a potential for discrimination, including vacancy announcements, the mother tongue question and opportunities for the use of languages in the work environment. In that context, it noted that equal opportunity should entail posting information on vacancies simultaneously in all of the Organization's working languages. The Galaxy system might be well intentioned in its objective to increase the percentage of French-speaking staff. However, the emphasis on French and the silence on specific actions geared to other working languages at the regional level cast doubts on whether the new system could further the use of all working languages within the Secretariat as a whole. JIU further noted that the requirement of a mother tongue as proof of assumed fluency had become questionable and that consideration should be given to replacing it with "main language of education", which had already been adopted for some vacancies. An assessment of possible discrimination due to language, as requested in resolution 55/258 [YUN 2001, p. 1337], would be feasible or greatly facilitated if the Assembly provided additional guidance to the Secretariat as to whether any of its current practices established a distinction, restriction, exclusion or preference based on language that qualified as discrimination.

#### Placement of staff serving in the Executive Office of the Secretary-General

The Secretary-General, in a February report [A/56/816], drew the General Assembly's attention to the fact that the discretionary power of appointment and promotion outside established procedures granted to him under the provisions

of resolution 51/226 [YUN 1997, p. 1459], while allowing him the flexibility to make such appointments for staff at the D-2 level and below, often at short notice, to perform complex and sensitive tasks in his Executive Office, did not contain corollary authority for assigning those staff members from that Office when their services were no longer needed. The staff so appointed were separated from their assigned posts, and their placement, on release by the Executive Office, was hampered by established rules and policies. Consequently, to ensure that the career opportunities of those staff members were not jeopardized, and in the interest of good management, the Secretary-General proposed that outplacement policies and procedures be established, which would allow him to place staff members who served in his Executive Office in suitable vacancies in the Secretariat before or after the advertisement of a vacant post. That discretionary authority would be limited to all staff recruited under the 100 series of staff rules who were subsequently requested to serve in his Executive Office, in consultation with heads of departments concerned. Such policy was fully consistent with the staff mobility goals set out in his 2000 report on human resources management reform [YUN 2000, p. 1337], and staff regulation 1.2 (c), which made staff members subject to the Secretary-General's authority and to assignment by him to any of the activities or offices of the Organization. The policy would not require any change in existing staff regulations and rules and could be promulgated through the issuance of a Secretary-General's bulletin.

By **decision 56/458 B** of 27 March, the Assembly deferred consideration of the Secretary-General's report until its fifty-seventh session.

#### Staff composition

In a September annual report on the Secretariat's staff composition [A/57/414], the Secretary-General updated information on the demographic characteristics of the staff and on the system of desirable ranges for geographical distribution. As at 30 June 2002, Secretariat staff numbered 15,633, higher by 759 than at 30 June 2001. Of that number, 5,733 were in the Professional and higher categories, 9,063 were in the General Service and related categories, and 837 were project personnel; 7,469 were paid from the regular budget and 8,164 from extrabudgetary resources. Staff in posts subject to geographical distribution numbered 2,492, of whom 1,022 were female, accounting for 41 per cent of the total. For the first time, the number of female staff in such posts exceeded 1,000, having increased by 4.1 per cent over the preceding five years. Sixteen

Member States remained unrepresented in all staff categories, while 11 were underrepresented, compared to 18 and 10, respectively, in 2001. Appointments to posts subject to geographical distribution between 1 July 2001 and 30 June 2002 totalled 165, of whom 2 (1.2 per cent) were nationals of unrepresented Member States, 22 (13.3 per cent) of underrepresented Member States, 119 (72.1 per cent) of within-range Member States and 22 (13.3 per cent) of overrepresented Member States. Changes in representation status resulted from appointments or separation from service, adjustments to desirable ranges, owing to an increase or decrease in the number of posts subject to geographical distribution, and changes in the number of Member States, scale of assessments, population of Member States and status of individual staff members.

The report also detailed information on the demographic profile of Secretariat staff, Secretariat staff movement between 1 July 2001 and 30 June 2002 and forecasts of anticipated retirements between 2002 and 2005.

The report presented information on the ramifications of changing the relative weights of the factors used in establishing the desirable ranges of posts subject to geographical distribution from the current level of 5 per cent for the population factor, 40 per cent for the membership factor and 55 per cent for the contribution factor, as requested in Assembly resolution 55/258 [YUN 2001, p. 1337]. The current base figure for calculating all ranges was 2,700 posts. Noting that the basic criteria for defining desirable ranges had remained unchanged since 1988, five options were proposed to illustrate the ramifications of changing the relative weights of those factors. Option A reflected the current situation, while options B and C raised the weight of the population factor one percentage point. In option C, the membership factor was reduced from 40 to 39 per cent due to the increase in the population factor. In options D, E and F, the population factor was increased to 7 per cent. That increased the weight of the contribution factor to 53 per cent in option D, but reduced it by one percentage point in option E to 54 per cent. The increase in the population factor was equally carried in the membership factor in options E and F, reducing them to 39 and 38 per cent, respectively. Overall, the midpoints of the majority of Member States were affected only marginally by the factor changes. Under each option, significant changes in midpoint figures were evident only for a relatively small number of Member States, ranging between 1.6 and 7.4 per cent of the total. However, significant midpoint changes occurred either as gains or losses of one post or more with an in-

crease in the share of the population factor and a corresponding decrease in the share of the contribution factor. In that scenario, eight Member States with populations exceeding 200 million, or 4.2 per cent of all Member States, stood to benefit from the increase in the population factor, with only three of them gaining more than two posts under one or more of the options. Also, eight Member States that were large contributors to the regular budget stood to lose as a result of an increase in the population factor.

#### *Gratis personnel*

The General Assembly considered the Secretary-General's report on the status of type I and II gratis personnel for the period 1 January to 31 December 2001 [YUN 2001, p. 1343]. Type I gratis personnel serving under an established regime included interns, associate experts and technical cooperation experts obtained on non-refundable loans, while type II comprised personnel provided to the United Nations by a Government or other entity pursuant to Assembly resolution 51/243 [YUN 1997, p. 1469].

The Chairman of ACABQ, in oral comments [A/56/7/Add.1-11] to the Fifth Committee on the Secretary-General's report, noted that the functions of a health economist in the Economic Commission for Africa (ECA) performed by type II gratis personnel were mandated activities that ought to have been carried out under the regular budget, and that two type II gratis personnel appeared to fulfil criteria for type I gratis personnel. It requested that the next report on the subject contain a more precise application of the definition of the two types of gratis personnel.

#### GENERAL ASSEMBLY ACTION

On 20 December [meeting 78], the General Assembly, on the recommendation of the Fifth Committee [A/57/603], adopted **resolution 57/281 A** without vote [agenda items 111 and 118].

#### **Gratis personnel provided by Governments and other entities**

*The General Assembly,*

*Reaffirming* its resolutions 51/243 of 15 September 1997, 52/234 of 26 June 1998, 53/11 of 26 October 1998 and 53/218 of 7 April 1999 and its decision 55/462 of 12 April 2001,

*Having considered* the annual report of the Secretary-General on gratis personnel provided by Governments and other entities, covering the period from 1 January to 31 December 2001, and the related report of the Advisory Committee on Administrative and Budgetary Questions,

*Takes note* of the annual report of the Secretary-General.

**Report of Secretary-General.** The Secretary-General, in his annual report [A/57/721] on the status of types I and II gratis personnel for the period 1 January to 31 December 2002, submitted pursuant to Assembly resolution 51/243 [YUN 1997, p. 1469], stated that the total number of type I gratis personnel increased from 187 to 301 (60.9 per cent), owing mainly to an increase in the number of interns, associate experts and technical cooperation experts from 68 to 142 (108 per cent), from 105 to 124 (81.1 per cent) and from 14 to 35 (150 per cent), respectively. During the same period, the number of type II gratis personnel decreased from three to one (66 per cent). The report included information on the evolution of types I and II gratis personnel, on the engagement of type II gratis personnel by department, nationality, function and duration of service, and on the number of regular staff in the department where type II gratis personnel performed functions.

#### *Consultants and individual contractors*

**Report of Secretary-General.** Pursuant to section VIII of General Assembly resolution 53/221 [YUN 1999, p. 1328] and section VI of resolution 51/226 [YUN 1997, p. 1463], the Secretary-General submitted his annual report on the hiring and use of consultants and individual contractors in 2001 [A/57/310]. The report included statistics on the use of consultants and individual contractors in terms of the number of persons hired, the number and type of contracts awarded, the total number of days worked, the total fees paid, the nationality of persons hired, the purpose of engagement, occupational groups recruited, duration of contracts, time actually worked, hiring departments, gender, level of education, performance evaluation, funding source and aggregate data for each duty station. In 2001, a total of 3,300 consultants and 1,497 individual contractors were hired, accounting for 4,204 and 2,939 contracts, respectively. The highest number of contracts awarded worldwide were for administrative services, accounting for 48.45 per cent of all contracts signed. Of a total of 156 countries from which consultants were hired, 19 accounted for 51.8 per cent of all engagements, with international trade economists constituting the largest occupational group. Similarly, while individual contractors came from 116 countries overall, 11 accounted for 66.5 per cent of all engagements, with translators and revisers comprising the largest occupational group. Fees for both categories amounted to \$46.9 million from all funding sources, an increase of \$4.96 million (11.8 per cent) compared to the total reported for 2000 [YUN 2001, p. 1343].

As requested by Assembly resolution 55/258 [YUN 2001, p. 1337] and decision 56/460 [ibid., p. 1344], the Secretary-General reported that a study on the geographical representation of consultants and individual contractors was undertaken by the Secretariat and submitted to the Committee for Programme and Coordination (CPC) (see p. 1410).

**ACABQ report.** In October [A/57/469], ACABQ, in its comments on the Secretary-General's report (above), stated that the functions for which consultants and individual contractors were engaged needed to be reviewed, as the number of contracts awarded for administrative services was excessive compared with those awarded for substantive programme areas. In particular, the number of contracts issued for support-related work indicated a potential problem in the use of special service agreements. ACABQ intended to follow up on that issue in the context of the proposed programme budget for the 2004-2005 biennium. Noting the geographical imbalance in the hiring of consultants and individual contractors, ACABQ requested a review of engagements by nationality, with a view to hiring more consultants and individual contractors from developing countries and economies in transition.

#### *Geographical imbalance in hiring consultants*

**Note by Secretary-General.** As requested by CPC [YUN 2001, p. 1343], the Secretary-General, in an April note [E/AC.51/2002/3], described progress made in the preparation of his report on different methodologies that might correct the geographical imbalance in the hiring of consultants. Taking into consideration JIU's recommendation contained in its earlier report on the subject [YUN 2000, p. 1340], the Secretary-General presented a system for indexing the geographical distribution of consultants based on the current system of desirable ranges applied to Professional staff as a reference point. In doing so, he compared by Member State, in annex I to his report, the weighted values for the fractional numbers of consultants hired and the related fees paid in 2000 to comparable weighted fractional values of the midpoint in the desirable range. That comparison demonstrated a relationship between numbers and fees of consultants and geographical representation. Annex II showed those Member States for which there was a clear correlation between consultants hired in 2002 and their entitlement under the system of desirable ranges. It indicated that some countries had fewer consultants than their midpoint fraction warranted, while others had more consultants. Annex III provided the same comparisons by categories of national economies (developing, developed and

in transition) divided into those countries whose nationals provided consultants or individual contractors in 2000 and those whose nationals did not. Each national grouping reached more than 82 per cent of "target representation".

The Secretary-General said that to fully evaluate the application of the system of geographical quotas to the hiring of consultants would require an in-depth multi-year study aimed at establishing an operational reporting subsystem to provide continuous feedback and monitoring regarding the nationality of consultants hired and those shortlisted but not hired. Tracking data on the latter would help identify areas for change in the current distribution and assess the related financial implications. The Secretary-General proposed reporting on the results of the study in three years based on guidance from the Assembly on the applicable norms. In addition, CPC might consider the overall impact of the nationality distribution of consultants.

**CPC consideration.** CPC, at its forty-second session (10 June–5 July and 9 July) [A/57/16], took note of the Secretary-General's note (see above) and recommended that the Secretariat make greater efforts to ensure geographical balance among qualified consultants and individual contractors, and that the Assembly further consider the matter at its fifty-seventh session.

### **Status of women**

In a February report to the Commission on the Status of Women [E/CN.6/2002/7], the Secretary-General provided a statistical update, as at 30 November 2001, of the gender distribution of staff at the Professional and higher levels in the UN Secretariat and in organizations of the UN common system. He also outlined the 2002 work programme, which accorded priority to developing strategies for expanding the supply of women candidates for vacancies in the Secretariat, including in peacekeeping and other missions, with particular attention being given to candidates from unrepresented or underrepresented Member States and to occupations in which women were underrepresented. Priority would also be assigned to improving and streamlining UN policies to prevent and tackle harassment, including sexual harassment.

In response to General Assembly resolution 56/127 [YUN 2001, p. 1344], the Secretary-General submitted an October report [A/57/447] reviewing the status of women in the UN system. He said that the proportion of women in the Professional and higher categories with appointments of one year or more, as at 30 June, rose slightly from 1,906 (34.6 per cent) in 2001 to 2,004 (35 per cent)

in 2002, despite a notable decline in the total number of appointments at that level.

The overall percentage of women at the senior policy-making levels (D-1 and above) remained the same as in 2001 at 24.7 per cent. That reflected percentage decreases at the D-1 (from 30.1 per cent to 28.9 per cent), the Under-Secretary-General (by 1.3 per cent to 10.5 per cent) and the Assistant Secretary-General (by 0.6 per cent to 10.2 per cent) levels, but a 4.4 per cent increase at the D-2 level (from 17.9 per cent to 22.3 per cent). The highest concentration of women remained at the P-3 and P-4 levels, with only a slight (1.1 per cent) increase at the P-3 level. Only at the P-2 level was the goal of 50/50 gender distribution met in the selection of candidates for Professional posts of one year or more, and only 11 departments or offices in the Secretariat met or exceeded that goal.

The appointment of women in the Professional and higher categories registered a 7.5 per cent decline, from 40.7 per cent in 2001 to 33.2 per cent in 2002. It was particularly significant at the P-3 and P-4 levels, with declines of 10.7 and 9.4 per cent, respectively.

The Secretary-General said the overall advance towards gender equality at the Professional and higher levels had been less than impressive. While further analysis would be required to pinpoint the exact causes, the OIOS report on possible discrimination due to nationality, race, sex, religion and language in recruitment, promotion and placement in the Organization (see p. 1406) provided some credible insight. Other probable causes, each of which needed further analysis, included weak accountability mechanisms, attitudinal problems, the lack of real commitment to gender balance at all levels, inadequate spousal employment and work/life policy, insufficient attention to career development, inadequacies of the internal justice system, technicalities of the recruitment, promotion and placement system, attrition, especially at the mid-Professional level, and variable quality and levels of departmental focal point representation. Further improvement in women's representation would, among other factors, depend on the effectiveness of the implementation of the 2001-2002 human resources action plans in the new system of recruitment, placement and promotion and more effective and timely complaint resolution mechanisms. In that context, greater attention should be given to monitoring and evaluating the new system's approach to gender balance.

### **GENERAL ASSEMBLY ACTION**

On 18 December [meeting 77], the General Assembly, on the recommendation of the Third

(Social, Humanitarian and Cultural) Committee [A/57/549], adopted **resolution 57/180** without vote [agenda item 102].

**Improvement of the status of women  
in the United Nations system**

*The General Assembly,*

Recalling Articles 1 and 101 of the Charter of the United Nations, as well as Article 8, which provides that the United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs,

Recalling also the goal, contained in the Platform for Action adopted by the Fourth World Conference on Women, of achieving overall gender equality, particularly at the Professional level and above, by 2000 and the further actions and initiatives set out in the outcome document adopted by the General Assembly at its special session entitled "Women 2000: gender equality, development and peace for the twenty-first century",

Recalling further its resolution 56/127 of 19 December 2001,

Taking note of Commission on Human Rights resolution 2002/50 of 23 April 2002 on integrating the human rights of women throughout the United Nations system, in particular paragraph 14, in which the Commission recognized that gender mainstreaming would strongly benefit from the enhanced and full participation of women, including at the higher levels of decision-making in the United Nations system,

Welcoming the report of the Secretary-General on women, peace and security and the open debate held in the Security Council on 25 July 2002 on women and peace and security,

Taking into account the continuing lack of representation or underrepresentation of women from certain countries, in particular from developing countries, including least developed countries and small island developing States, and from countries with economies in transition,

Noting with appreciation those departments and offices that have achieved the goal of gender balance, as well as those departments that have met or exceeded the goal of 50 per cent in the selection of women candidates for vacant posts in the past year,

Welcoming the 4 per cent increase in the number of women at the D-2 level, which brings the proportion of women at that level to 22.3 per cent, but expressing concern that at other senior levels of the Secretariat the proportion of women has decreased overall since 1998 to only 10.5 per cent of Under-Secretaries-General and 12.5 per cent of Assistant Secretaries-General,

Expressing concern that only one of the fifty-one special representatives and envoys of the Secretary-General is a woman, and expressing regret that the number of women heading United Nations agencies has been halved, from six to three, and also that the percentage of women assigned to peace operations has decreased,

Taking note of the report of the Office of Internal Oversight Services of the Secretariat on possible discrimination due to nationality, race, sex, religion and language in recruitment, promotion and placement,

Concerned at the finding of the Office of Internal Oversight Services that the proportion of women sepa-

rating from the Organization increased from 42 per cent in 1998 to 48 per cent in 2001, that at most levels women are reappointed less frequently than men, and that at these rates the Organization is unlikely to meet its gender parity target without concerted efforts to recruit females and retain the female staff currently employed,

Noting that the statistics on the representation of women in some organizations of the United Nations system are not fully up to date,

1. Takes note with appreciation of the report of the Secretary-General and the actions described therein;

2. Regrets that the goal of 50/50 gender distribution was not met by the end of 2000, and urges the Secretary-General to redouble his efforts to realize significant progress towards this goal in the near future;

3. Reaffirms the urgent goal of achieving 50/50 gender distribution in all categories of posts within the United Nations system, especially at senior and policy-making levels, with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3, of the Charter of the United Nations, and also taking into account the continuing lack of representation or underrepresentation of women from certain countries, in particular from developing countries and countries with economies in transition;

4. Expresses concern that in four departments and offices of the Secretariat women still account for less than 30 per cent of staff, and encourages the Secretary-General to intensify his efforts to meet the goal of gender balance within all departments and offices of the Secretariat;

5. Welcomes:

(a) The ongoing personal commitment of the Secretary-General to meeting the goal of gender equality and his assurance that gender balance will be given the highest priority in his continuing efforts to bring about a new management culture in the Organization;

(b) The pledge of the executive heads of the organizations of the United Nations system to intensify their efforts to meet the gender equality goals set out in the Beijing Declaration and Platform for Action;

(c) The inclusion of the objective of improving gender balance in action plans on human resources management for individual departments and offices, and encourages further cooperation, including the sharing of best-practice initiatives, between heads of departments and offices, the Special Adviser on Gender Issues and Advancement of Women and the Office of Human Resources Management of the Secretariat in the implementation of those plans, which include specific targets and strategies for improving the representation of women in individual departments;

(d) The decision, within the context of the new staff selection system, to hold heads of departments and offices accountable for meeting the gender targets in departmental human resource action plans through their performance compacts;

(e) The continuing designation of focal points for women in the United Nations system, and requests the Secretary-General to ensure that the focal points are designated at a sufficiently high level and enjoy full access to senior management, both at Headquarters and in the field;

(f) The continuing provision of specific training programmes on gender mainstreaming and gender

issues in the workplace, tailored to meet the special needs of individual departments, commends those heads of departments and offices who have launched gender training for their managers and staff, and strongly encourages those who have not yet organized such training to do so by the end of the biennium;

6. *Requests* the Secretary-General, in order to achieve and maintain the goal of 50/50 gender distribution with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3, of the Charter:

(a) To continue to develop innovative recruitment strategies to identify and attract suitably qualified women candidates, particularly from and in developing countries and countries with economies in transition and other Member States that are unrepresented or underrepresented in the Secretariat, and in occupations in which women are underrepresented;

(b) To encourage the United Nations system and its agencies and departments to make more effective use of existing information technology resources and systems and other established methods to disseminate information about employment opportunities for women and to better coordinate rosters of potential women candidates;

(c) To continue to monitor closely the progress made by departments and offices in meeting the goal of gender balance, to ensure that the appointment and promotion of suitably qualified women will not be less than 50 per cent of all appointments and promotions until the goal of 50/50 gender distribution is met;

(d) To strongly encourage heads of departments and offices to continue selecting female candidates when their qualifications are the same as, or better than, those of male candidates, and to effectively encourage, monitor and assess the performance of managers in meeting targets for improving women's representation;

(e) To encourage consultation by heads of departments and offices with departmental focal points on women during the selection process and to ensure that the focal points are designated at a sufficiently high level and enjoy full and effective access to senior management;

(f) To enable the Office of the Special Adviser on Gender Issues and Advancement of Women, as outlined in the Beijing Platform for Action, to effectively contribute to, monitor and facilitate the setting and implementation of gender targets in human resource action plans, including by ensuring access to the information required to carry out that work;

(g) To intensify his efforts to create, within existing resources, a gender-sensitive work environment supportive of the needs of his staff, both women and men, by, inter alia, actively pursuing appropriate work/life policies, such as flexible working time, flexible workplace arrangements, career development and childcare and elder-care needs, and by providing more comprehensive information to prospective candidates and new recruits on employment opportunities for spouses, providing support for the activities of women's networks and organizations within the United Nations system and expanding gender-sensitivity training in all departments, offices and duty stations;

(h) To continue to work to further strengthen the policy against harassment, including sexual harassment, by, inter alia, ensuring the full implementation

of the guidelines for its application at Headquarters and in the field, including in peacekeeping operations, and further requests the early issuance of the directive on sexual harassment prepared by the Department of Peacekeeping Operations of the Secretariat for use in peacekeeping and other field missions, as well as user-friendly guidelines on sexual harassment to be prepared for the United Nations system by the Office of the Special Adviser on Gender Issues and Advancement of Women and the inter-agency working group;

(i) To undertake further analysis of the probable causes of the slow advance in the improvement of the status of women in the United Nations system, as outlined in paragraph 56 of his report, to institute remedial measures and to report on progress made in this context to the General Assembly at its fifty-eighth session;

7. *Strongly encourages* the Secretary-General to renew his efforts to appoint more women as special representatives and envoys to pursue good offices on his behalf, especially in matters related to peacekeeping, peace-building, preventive diplomacy and economic and social development, as well as in operational activities, and to appoint more women as resident coordinators and to other high-level positions;

8. *Encourages* the Secretary-General and the executive heads of the organizations of the United Nations system to continue to develop common approaches for retaining women, promoting inter-agency mobility and improving career development opportunities;

9. *Encourages* the United Nations and Member States to continue to implement the outcome of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" pertaining to the improvement of the status of women in the United Nations system;

10. *Strongly encourages* Member States:

(a) To support the efforts of the United Nations and the specialized agencies to achieve the goal of 50/50 gender distribution, especially at senior and policy-making levels, by identifying and regularly submitting more women candidates for appointment to positions in the United Nations system, by identifying and proposing national recruitment sources that will assist the organizations of the United Nations system in identifying suitable women candidates, in particular from developing countries and countries with economies in transition, and by encouraging more women to apply for positions within the Secretariat, the specialized agencies, funds and programmes and the regional commissions, including in areas in which women are underrepresented, such as peacekeeping, peace-building and other non-traditional areas;

(b) To identify women candidates for assignment to peacekeeping missions and to improve the representation of women in military and civilian police contingents;

(c) To identify and submit regularly more women candidates for appointment or election to intergovernmental, expert and treaty bodies;

(d) To identify and nominate more women candidates for appointment or election as judges or other senior officials in international courts and tribunals;

11. *Requests* the Secretary-General to report to the Commission on the Status of Women at its forty-seventh session and to the General Assembly at its fifty-eighth session on the implementation of the present

resolution, including by providing up-to-date statistics on the number and percentage of women in all organizational units and at all levels throughout the United Nations system, as well as gender-segregated attrition rates for all organizational units and at all levels, and on the implementation of departmental action plans for the achievement of gender balance.

### Multilingualism

On 15 February [meeting 94], the General Assembly, having considered the Secretary-General's report on efforts to promote multilingualism in the Secretariat [YUN 2001, p. 1346], adopted **resolution 56/262** [draft: A/56/L.44/Rev.2 & Corr.1] without vote [agenda item 32].

#### Multilingualism

*The General Assembly,*

*Recognizing* that the United Nations pursues multilingualism as a means of promoting, protecting and preserving diversity of languages and cultures globally,

*Also recognizing* that genuine multilingualism promotes unity in diversity and international understanding,

*Recalling* its resolution 47/135 of 18 December 1992, by which it adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the International Covenant on Civil and Political Rights, in particular article 27 concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

*Recalling also* its resolutions 2(I) of 1 February 1946, 2480 B (XXIII) of 21 December 1968, 50/11 of 2 November 1995, 52/23 of 25 November 1997, 54/64 of 6 December 1999, 55/258 of 14 June 2001, and 56/64 B and 56/242 of 24 December 2001,

#### I

1. *Takes note* of the report of the Secretary-General, and recalls the actions suggested therein;

2. *Also takes note* of the appointment of a coordinator for multilingualism;

3. *Notes with satisfaction* the willingness of the Secretariat to encourage staff members, in formal meetings with interpretation services, to use any of the six official languages of which they have a command;

4. *Stresses* that the employment of staff shall continue to be carried out in strict accordance with Article 101 of the Charter of the United Nations and in line with the relevant provisions of General Assembly resolutions;

5. *Also stresses* that the promotion of staff in the Professional and higher categories should be carried out in strict accordance with Article 101 of the Charter and in line with the provisions of resolution 2480 B (XXIII) and the relevant provisions of resolution 55/258;

6. *Encourages* United Nations staff members to continue to use actively existing training facilities to acquire and enhance proficiency in one or more official languages of the United Nations;

7. *Takes note* of the overhaul of the recruitment system undertaken by the Secretariat within the context of the Galaxy Project, and requests the Secretariat to ensure that the system becomes effective and operational as soon as practical;

8. *Recalls* its resolution 56/242, in which it requested the Secretary-General to report on the utiliza-

tion rates of interpretation services and conference facilities at all duty stations with a view to improving interpretation services, and requests the Secretary-General to carry out a comprehensive review of the reasons for holding informal calendar meetings without interpretation;

9. *Also recalls* its resolution 56/64 B, in which it noted the continuing efforts of the Secretary-General to enrich on a multilingual basis the stock of books and journals in the Library, and section V, paragraph 1, of its resolution 56/242, in which it requested the Secretary-General to submit a progress report on the use of information technology, including computerized terminology data banks;

10. *Further recalls* its resolution 56/64 B, and emphasizes the importance of multilingualism in United Nations public relations and information activities;

11. *Requests* the Secretary-General to submit to it at its fifty-eighth session a comprehensive report on the implementation of its resolutions on multilingualism, including the implications of section I of the present resolution;

#### II

12. *Welcomes* the decision by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 17 November 1999 that 21 February should be proclaimed "International Mother Language Day", and calls upon Member States and the Secretariat to promote the preservation and protection of all languages used by peoples of the world;

13. *Requests* the Secretary-General to report to it at its fifty-eighth session on the measures that can be taken by Member States and international organizations within the United Nations system in order to strengthen the protection, promotion and preservation of all languages, in particular languages spoken by persons belonging to linguistic minorities and languages facing extinction;

#### III

14. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Multilingualism".

### Staff rules and regulations

In accordance with staff regulation 12.3 stipulating that the full text of provisional staff rules and amendments should be reported annually to the General Assembly, the Secretary-General, in a July report [A/57/126], outlined amendments to the 100, 200 and 300 series of Staff Rules, together with the rationale for such changes. Amendments to the 100 series related to re-employment of separated staff and travel subsistence allowance, while amendments under the 200 series related to daily subsistence allowance, types of appointment and re-employment, and computation of the daily subsistence allowance while in travel status. Under the 300 series, the proposed amendments concerned special post allowance and subsistence allowance.

The Secretary-General recommended that the Assembly take note of the amendments in the

annex to the report, which he proposed to implement as from 1 January 2003.

### Safety and security

**Report of Secretary-General.** In response to General Assembly resolution 56/217 [YUN 2001, p. 1349], the Secretary-General submitted a progress report in August [A/57/300] providing information on threats against the safety and security of UN personnel over the past year and updating information on the implementation of the initiatives approved by the Assembly. The Secretary-General reported that the escalating violence against UN personnel had resulted in the death of seven more staff members, bringing the total number lost since 1992 to 214. Another three had lost their lives in helicopter accidents. Two cases of hostage-taking, involving four staff members, brought the number of those incidents to 258 since 1994. Currently, 39 UN system personnel remained in detention worldwide. Terrorist-related threats had also increased, including threats of the use of mail bombs and/or chemical/biological weapons. The report described initiatives taken under the current security management system to strengthen staff safety and security at Headquarters and in the field, including action related to accountability for security management, development of the concept of minimum operating security standards (MOSS) at all duty stations, aviation safety and security standards, mandatory security and stress management training for personnel, stress counselling and security collaboration with non-governmental organizations. The Secretary-General, observing that enhanced training and security management initiatives appeared to have helped decrease fatalities involving UN personnel, noted that more remained to be done. He was concerned that perpetrators of violence against UN personnel seemingly operated with total impunity, and called on Member States to take stronger action to bring the perpetrators to justice. The Secretary-General appealed to Member States that did not permit international organizations to equip themselves with any form of communications equipment to lift such restrictions immediately in the interest of the safety and security of staff. He reiterated his appeal to them to contribute generously to the Trust Fund for Security of Staff Members of the United Nations System to ensure the continuity of security and stress management training. Emphasizing the exponential increase of threats facing staff, compounded by the strong UN stand against terrorism, the Secretary-General underlined the need for additional reinforcement of the security management system, in terms of a strengthened

emergency response capacity, improved monitoring and a more efficient information system to cope with the influx of security-related information. He therefore asked the Office of the United Nations Security Coordinator (UNSECOORD) to prepare, in consultation with UN system agencies, programmes and funds, a plan for the further reinforcement of the Organization's security management system, for submission to the Assembly.

**CEB action.** CEB, in its annual overview report covering major developments in inter-agency cooperation in 2002 [E/2003/55], highlighted the work of its High-level Committee on Management in key areas, including staff security and safety [CEB/2002/3, CEB/2002/5]. The Committee reviewed progress in the implementation of General Assembly resolutions on the safety and security of humanitarian personnel and protection of UN staff and noted efforts made to consolidate UNSECOORD at Headquarters and in the field through additional staff recruitment. A memorandum of understanding had been signed with the United Nations Development Programme to recruit and administer field security officers on behalf of the UN system. Progress had also been made to enhance staff security awareness and preparedness through training, and an interactive CD-ROM had been developed in that regard for use by all UN organizations. In addition, the Committee addressed the issue of air safety, stating that it would consider in 2003 recommendations for common minimum air safety and security standards by the Inter-Agency Security Management Network based on proposals by a working group tasked to address the issue. The Committee asked the World Food Programme to consider administering all humanitarian and other air operations, excluding those relating to peacekeeping, and to establish an independent air safety unit to ensure both the efficiency and safety of those operations. The Committee reaffirmed its commitment to the implementation of MOSS at all duty stations and, in that regard, requested UNSECOORD to provide it with an update in 2003.

#### GENERAL ASSEMBLY ACTION

On 16 December [meeting 75], the General Assembly adopted **resolution 57/155** [draft: A/57/L.66 & Add.1] without vote [agenda item 21].

#### Safety and security of humanitarian personnel and protection of United Nations personnel

*The General Assembly,*

*Reaffirming* its resolution 46/182 of 19 December 1991 on strengthening of the coordination of humanitarian emergency assistance of the United Nations,

*Recalling* its resolutions 53/87 of 7 December 1998, 54/192 of 17 December 1999, 55/175 of 19 December 2000 and 56/217 of 21 December 2001 on safety and

security of humanitarian personnel and protection of United Nations personnel, as well as resolutions 52/167 of 16 December 1997 on safety and security of humanitarian personnel and 52/126 of 12 December 1997 on protection of United Nations personnel, and Economic and Social Council resolution 2002/32 of 26 July 2002,

*Taking note* of the reports of the Secretary-General on the protection of civilians in armed conflict and of Security Council resolutions 1265(1999) of 17 September 1999 and 1296(2000) of 19 April 2000 and the recommendations made therein, as well as the statements by the President of the Council of 30 November 1999, on the role of the Council in the prevention of armed conflicts, 13 January 2000, on humanitarian assistance to refugees in Africa, 9 February 2000, on protection of United Nations personnel, its associated personnel and humanitarian personnel in conflict zones, 9 March 2000, on humanitarian aspects of issues before the Council, and 15 March 2002, on the aide memoire for the consideration of issues pertaining to the protection of civilians in armed conflict, and noting in that context the range of views expressed during all open debates of the Council on these issues,

*Taking note also* of the report of the Special Committee on Peacekeeping Operations, as well as the report of the Special Committee on the report of the Panel on United Nations Peace Operations and the report of the Secretary-General on the implementation of the report of the Panel,

*Reaffirming* the need to promote and ensure respect for the principles and rules of international humanitarian law,

*Deeply concerned* by the growing number of complex humanitarian emergencies in the past few years, in particular in armed conflicts and in post-conflict situations, which have dramatically increased the loss of human lives, in particular of civilians, the suffering of victims, flows of refugees and internally displaced persons, as well as material destruction, which disrupt the development efforts of the countries affected, in particular those of developing countries,

*Concerned* by the increasingly difficult context in which humanitarian assistance takes place in some areas, in particular the continuous erosion, in many cases, of respect for the principles and rules of international humanitarian law,

*Deeply concerned* by the dangers and security risks faced by humanitarian personnel and United Nations and its associated personnel at the field level, and mindful of the need to improve the current security management system in order to improve their safety and security,

*Expressing profound regret* at the deaths of all international and national humanitarian personnel and United Nations and its associated personnel who were involved in the provision of humanitarian assistance, and strongly deploring the rising toll of casualties among such personnel in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations,

*Strongly condemning* acts of murder and other forms of violence, rape and sexual assault, intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations

are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their property,

*Strongly condemning also* all incidents in many parts of the world in which humanitarian personnel have been deliberately targeted,

*Expressing concern* that the occurrence of attacks and threats against humanitarian personnel and United Nations and its associated personnel is a factor that increasingly restricts the ability of the Organization to provide assistance and protection to civilians in fulfilment of its mandate under the Charter of the United Nations,

*Reaffirming* that ensuring the safety and security of United Nations personnel constitutes an underlying duty of the Organization, which must be based on a necessary cost-sharing arrangement with the relevant agencies, funds and programmes within the United Nations system,

*Recalling* that primary responsibility under international law for the security and protection of humanitarian personnel and United Nations and its associated personnel lies with the Government hosting a United Nations operation conducted under the Charter or its agreements with relevant organizations,

*Urging* all other parties involved in armed conflicts, in compliance with international humanitarian law, in particular their obligations under the Geneva Conventions of 12 August 1949 and the obligations applicable to them under the Additional Protocols thereto, of 8 June 1977, to ensure the security and protection of all humanitarian personnel and United Nations and its associated personnel,

*Recalling* the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter as a war crime in the Rome Statute of the International Criminal Court, which was adopted on 17 July 1998 and entered into force on 1 July 2002, and noting the role that the Court could play in appropriate cases in bringing to justice those responsible for serious violations of international humanitarian law,

*Welcoming* the fact that the Convention on the Safety of United Nations and Associated Personnel, which entered into force on 15 January 1999, has been ratified or acceded to by sixty-three States as at the present date,

*Mindful* of the need to promote universality of the Convention on the Safety of United Nations and Associated Personnel,

*Reaffirming* the fundamental requirement that appropriate modalities for the safety and security of humanitarian personnel and United Nations and its associated personnel be incorporated into all new and ongoing United Nations field operations, and welcoming in that regard the development of minimum operating security standards,

*Welcoming* the efforts of the United Nations system to develop higher aviation safety and security standards in humanitarian and peacekeeping missions,

*Increasingly concerned* at the need to ensure adequate levels of safety and security for United Nations personnel and humanitarian personnel and a culture of accountability at all levels, from the highest to the lowest, throughout the United Nations system,

*Welcoming* the report of the Secretary-General on a framework for accountability for the United Nations

field security management system, in which a new mechanism to ensure accountability and responsibility in the area of field security is introduced,

*Commending* the recent efforts by the United Nations agencies, funds and programmes aimed at the improvement of security management and training of their personnel,

*Commending also* the courage and commitment of those who take part, often at great personal risk, in humanitarian operations, especially of locally recruited staff,

*Guided* by the relevant provisions on protection contained in the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, the Convention on the Safety of United Nations and Associated Personnel, the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the Additional Protocols to the Geneva Conventions, and Amended Protocol II of 3 May 1996 to the Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980,

1. *Welcomes* the report of the Secretary-General;

2. *Urges* all States to take the necessary measures to ensure the full and effective implementation of the relevant principles and rules of international law, including international humanitarian law, as well as the relevant provisions of human rights and refugee law related to the safety and security of humanitarian personnel and United Nations personnel;

3. *Also urges* all States to take the necessary measures to ensure the safety and security of humanitarian personnel and United Nations and its associated personnel and to respect and ensure respect for the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations;

4. *Calls upon* all other parties involved in armed conflicts, in compliance with international humanitarian law, in particular their obligations under the 1949 Geneva Conventions and the obligations applicable to them under the Additional Protocols thereto, to ensure the safety and protection of humanitarian personnel and United Nations and its associated personnel, to refrain from abducting or detaining them in violation of their immunity under relevant conventions referred to in the present resolution and applicable international humanitarian law, and speedily to release, without harm, any abductee or detainee;

5. *Calls upon* all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

6. *Strongly condemns* any act or failure to act, contrary to international law, which obstructs or prevents

humanitarian personnel and United Nations personnel from discharging their humanitarian functions, or which entails being subjected to threats, the use of force or physical attack, frequently resulting in injury or death, and affirms the need to hold accountable those who commit such acts and, for that purpose, the need to enact national legislation, as appropriate;

7. *Expresses deep concern* that over the past decade, threats against the safety and security of humanitarian personnel and United Nations and its associated personnel have escalated at an unprecedented rate and that perpetrators of acts of violence seemingly operate with impunity;

8. *Urges* all States to take stronger actions to ensure that any threat or act of violence committed against humanitarian personnel and United Nations and its associated personnel on their territory is investigated fully and to ensure that the perpetrators of such acts are brought to justice in accordance with international law and national law;

9. *Requests* the Secretary-General to take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to continue to consider ways and means in which to strengthen the protection of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, notably by seeking the inclusion, in negotiations of headquarter and other mission agreements concerning United Nations and its associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

10. *Emphasizes* the importance of paying special attention to the safety and security of United Nations and its associated personnel engaged in United Nations peacekeeping and peace-building operations;

11. *Recommends* that the Secretary-General continue to seek the inclusion of, and that host countries include, key provisions of the Convention on the Safety of United Nations and Associated Personnel, among others, those regarding the prevention of attacks against members of the operation, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-mission and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;

12. *Calls upon* all States to provide adequate and prompt information in the event of arrest or detention of humanitarian personnel or United Nations and its associated personnel, to afford them the necessary medical assistance and to allow independent medical teams to visit and examine the health of those detained, and urges them to take the necessary measures to ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions referred to in the present resolution and applicable international humanitarian law;

13. *Encourages* all States to become parties to and respect fully their obligations under the relevant international instruments, including the Convention on the Safety of United Nations and Associated Personnel;

14. *Calls upon* all States to consider becoming parties to the Rome Statute of the International Criminal Court;

15. *Reaffirms* the obligation of all humanitarian personnel and United Nations and its associated personnel to observe and respect the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations;

16. *Requests* the Secretary-General to take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed about the conditions under which they are called upon to operate, including relevant customs and traditions in the host country, and the standards that they are required to meet, including those contained in relevant domestic and international law, and that adequate training in security, human rights and international humanitarian law is provided so as to enhance their security and effectiveness in accomplishing their functions, and reaffirms the necessity for all other humanitarian organizations to provide their personnel with similar support;

17. *Also requests* the Secretary-General to take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations humanitarian assistance operation are properly informed about and operate in conformity with relevant codes of conduct, including the core principles of conduct defined by the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises set up within the Inter-Agency Standing Committee;

18. *Further requests* the Secretary-General to take the necessary measures, falling within his responsibilities, to ensure that security matters are an integral part of the planning for existing and newly mandated United Nations operations and that such precautions extend to all United Nations and its associated personnel;

19. *Requests* the Office of the United Nations Security Coordinator to continue to play a central role in promoting increased cooperation and collaboration among agencies, funds and programmes in the planning and implementation of measures aimed at improving staff security training and awareness;

20. *Emphasizes* the need to give further consideration to the safety and security of locally recruited humanitarian personnel, who account for the majority of casualties;

21. *Stresses* the need to ensure that all United Nations staff members receive adequate security training, including physical and psychological training, prior to their deployment to the field, the need to attach a high priority to the improvement of stress and trauma counselling services available to United Nations staff members, including through the implementation of a comprehensive security and stress and trauma management training, support and assistance programme for United Nations staff throughout the system, before, during and after missions, and the need to make available to the Secretary-General the means for that purpose;

22. *Underlines* the need to allocate adequate and predictable resources to the safety and security of United Nations personnel, including through the Consolidated Appeals Process, and encourages all States to contribute to the Trust Fund for Security of Staff Members of the United Nations System;

23. *Welcomes* the appointment of a full-time United Nations Security Coordinator at the level of Assistant Secretary-General, and reaffirms the need to further strengthen security coordination and management and to sustain the initiatives aimed at increasing the efficacy of the security management system;

24. *Also welcomes* the establishment of an Inter-Agency Security Management Network, and encourages all relevant United Nations agencies, funds and programmes to continue to participate at an appropriate level;

25. *Recognizes* the need for a strengthened and unified security management system for the United Nations, both at the headquarters and the field levels, and requests the United Nations system, as well as Member States, to take all appropriate measures to that end;

26. *Also recognizes* the need for enhanced coordination and cooperation, both at the headquarters and the field levels, between the United Nations security management system and non-governmental organizations on matters relating to the safety and security of humanitarian personnel and United Nations and its associated personnel, with a view to addressing mutual security concerns in the field;

27. *Takes note with appreciation* of the work being done by the Ad Hoc Committee, established in accordance with resolution 56/89 of 12 December 2001 and open to all Member States or members of the specialized agencies or of the International Atomic Energy Agency, to consider the recommendations made by the Secretary-General in his report on measures to strengthen and enhance the protective legal regime for United Nations and its associated personnel;

28. *Calls upon* all States to consider becoming parties to and to respect fully their obligations under the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies, which have been ratified so far by one hundred and forty-six States and one hundred and seven States, respectively;

29. *Recalls* the essential role of telecommunication resources in facilitating the safety of humanitarian personnel and United Nations and its associated personnel, calls upon States to consider signing and ratifying the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 18 June 1998, and encourages them, pending the entry into force of the Convention, to facilitate and expedite, consistent with their national laws and regulations, the use of communications equipment in such operations, and emphasizes the importance of States facilitating communications, inter alia, through limiting and, whenever possible, lifting the restrictions placed on the use of communications equipment by United Nations and its associated personnel;

30. *Requests* the Secretary-General to submit to it at its fifty-eighth session a comprehensive and updated report on the safety and security situation of humanitarian personnel and protection of United Nations personnel and on the implementation of the present

resolution, including the progress made by the Secretary-General in pursuing accountability and assessing responsibility for all individual security incidents that involve United Nations and its associated personnel at all levels throughout the United Nations system, as well as an account of the measures taken by Governments and the United Nations to prevent and respond to such incidents, also taking into account the information requested from the Secretary-General in resolution 57/28 of 19 November 2002.

### **Employment of retirees**

**Report of Secretary-General.** In response to General Assembly decision 51/408 [YUN 1996, p. 1329], the Secretary-General submitted a September report on the use of retired personnel, covering the 2000-2001 biennium [A/57/413]. The report provided statistical data on the use of persons who retired after ages 60 or 62, excluding those engaged by the United Nations Joint Staff Pension Fund, by number of retirees engaged, the type and category of engagement, the departments and offices involved, and the retirees' nationality, gender, functions, age group, days worked and fees or salaries paid.

During 2000-2001 retired staff engaged totalled 375, an increase of 9.6 per cent over the 1998-1999 biennium, although the periods of engagement decreased by 6.5 per cent. Of the total number engaged, 44 per cent were in the Professional and higher categories, while 27.7 per cent were in the Field Service, General Service and related categories. Over a quarter (28.2 per cent) were engaged by special service agreement and 55 per cent on a short-term basis. Total fees and salaries paid amounted to \$10.5 million, with the average cost for each retiree increasing from \$18,642 in 1998-1999 to \$26,765. The language services of the Department of General Assembly Affairs and Conference Services were the largest user of retired staff, accounting for 104 (26.2 per cent) of total engagements for the biennium. However, owing to the rise of the daily rate for freelance interpreters in New York from \$355 to \$391.50, the number of days for which retirees in that category could be employed under the ceiling on annual earnings (currently set at \$22,000 and \$40,000 for language staff) decreased from 112 days to 102 days. Consequently, many of those engaged reached their income limit during the annual sessions of the General Assembly, which was the busiest part of the year. The Secretary-General, noting that the alternative of recruiting international freelance language staff was considerably more expensive owing to air travel costs and daily subsistence allowances, proposed raising the ceiling on the annual earnings of retired language staff to \$48,938, to allow for 125 workdays yearly, at an average of 10 days a month.

**ACABQ report.** In October [A/57/469], ACABQ concurred with the Secretary-General's proposal regarding a revision of the ceiling on the employment of retired language staff. It recommended setting the maximum limit for retirees in that category at 125 workdays yearly, which would remove the necessity in future of frequent revisions to accommodate cost-of-living adjustments to the daily rate. ACABQ also recommended that a trend analysis be included in future reports, with corresponding statistical data for the last biennium shown in tables in the annex, and that the retirees' pay or grade be explained more clearly in the tables. Regarding the use of retirees by department or office, ACABQ requested that, in future, the breakdown by nationality and gender also indicate the language staff component separately. It believed that greater effort should be made to recruit language staff from a wider geographical area and, whenever feasible, to use them in a remote role, rather than incur the additional expense of bringing them to a UN centre, bearing in mind the need for adequate resources for in-house revision. Considering the fall in the number of retirees engaged in language functions in 2000-2001 and the increase in the number engaged in administrative services, ACABQ requested that in future the reasons for those changes be explained.

### **Mandatory age of separation**

In February [A/56/846], ACABQ, commenting on the Secretary-General's 2001 report on his study of the implications of changing the mandatory age of separation for staff members appointed prior to 1 January 1990 from 60 to 62 [YUN 2001, p. 1354], noted that it was up to the General Assembly to make that decision. Should the Assembly decide to do so, ACABQ was of the view that the effective date of implementation of the policy should be set at three months subsequent to adoption. Thus, any such decision should include language to the effect that the extension would neither apply to staff who had already reached 60 years as at the effective date of implementation, nor to staff who had already been extended beyond the age of 60, subject to the Secretary-General's prerogative to extend the age-limit in exceptional cases, in accordance with staff regulation 9.5.

### **UN Joint Staff Pension Fund**

The number of participants in the United Nations Joint Staff Pension Fund (UNJSPF), as at 31 December 2002, increased from 80,082 to 82,715 (3.3 per cent); the number of periodic benefits in award increased from 49,416 to 51,028

(3.3 per cent). As at 31 December 2002, the breakdown of the periodic benefits in award was 16,138 retirement benefits, 11,291 early retirement benefits, 6,540 deferred retirement benefits, 8,014 widows' and widowers' benefits, 8,116 children's benefits, 885 disability benefits and 44 secondary dependants' benefits. In the course of the year, 6,425 lump-sum withdrawal and other settlements were paid. Although contribution income increased from \$928.6 million in 2001 to \$1,009.7 million in 2002 (8.7 per cent), expenditure for benefits, administration and investments exceeded contribution income by approximately \$164 million.

The Fund was administered by the 33-member United Nations Joint Staff Pension Board, which held its fifty-first session (Rome, 10-19 July) [A/57/9] to consider actuarial matters, including the twenty-sixth actuarial valuation of the Fund as at 31 December 2001; management of the Fund's investments and reports on the investment strategy and performance for the two-year period ending 31 March 2002; the final report of the working group established to review the Fund's benefit provisions; a progress report on the framework of the Fund's longer-term vision and objectives, including a whole-office review; revised budget estimates for 2002-2003; the size and composition of the Board and its Standing Committee; and activities relating to former participants from the former USSR, the Ukrainian SSR and the Byelorussian SSR. The Board also examined and approved the financial statements and schedules for the biennium ended 31 December 2001 and considered the report of the Board of Auditors on the Fund's accounts and operations, as well as an OIOS report on the internal audits of the Fund [A/57/451]. In addition, the Board considered the proposed transfer agreements between the Fund and the European Organization for the Safety of Air Navigation (Eurocontrol) and the Organization for Security and Cooperation in Europe (OSCE), the ICSC review of the common scale of staff assessment for pensionable remuneration purposes, the methodology for determining final average remuneration, amendments to the Fund's regulations concerning the commutation of minimum benefits and extended periods of leave without pay, and the possible application of the International Criminal Court for membership in the Fund.

**ACABQ report.** ACABQ, in October [A/57/490], concurred with the Pension Board's recommendation that the current contribution rate of 23.7 per cent of pensionable remuneration be retained. It also agreed with the Board's decision to approve the proposed transfer agreements with Eurocontrol and OSCE, and with its position concerning the re-

spective investment roles of the Board, the Secretary-General, the Investments Committee and management. As to the Board's requests that the Secretary-General review the procedures and operating methods of the Fund's Investment Management Service (IMS), ACABQ concluded that IMS had not received sufficiently clear and precise guidance to proceed in the manner contemplated by the Board, and suggested that future requests for such reviews and studies should be clearer and specific regarding the basis for the request, the objective and the expected results. ACABQ agreed with the Pension Board's recommendations concerning modification of the benefit provisions to apply to deferred retirement benefits the cost-of-living adjustments as from age 50 and the cost-of-living differential factors as from the day of separation, and to eliminate the limitation on the right to restoration of prior service. It also agreed with the Board's proposal that the General Assembly approve an increase in resources under administrative costs from \$29,943,800 to \$30,123,000 for the 2002-2003 biennium. Focusing on the Board's recommendation that the Fund secretariat prepare a study on alternative arrangements for the performance of the Fund's internal audit function, ACABQ pointed out that there was no compelling argument to discontinue OIOS services in that regard and recommended that the UN Board of Auditors assess OIOS capacity to provide such services. It agreed with the Board's recommendation that the General Assembly approve an increase in its membership, from 33 to 36 members, and the consequential amendments of articles 5 and 6 of the Fund's regulations and appendix 1 to its rules of procedure.

#### GENERAL ASSEMBLY ACTION

On 20 December [meeting 78], the General Assembly, on the recommendation of the Fifth Committee [A/57/653], adopted **resolution 57/286** without vote [agenda item 121].

#### United Nations pension system

*The General Assembly,*

*Recalling* its resolutions 51/217 of 18 December 1996, 53/210 of 18 December 1998 and 55/224 of 23 December 2000 and section V of its resolutions 54/251 of 23 December 1999 and 56/255 of 24 December 2001,

*Having considered* the report of the United Nations Joint Staff Pension Board, the report of the Secretary-General on the investments of the United Nations Joint Staff Pension Fund and the related report of the Advisory Committee on Administrative and Budgetary Questions,

*Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

## I

### Actuarial matters

*Recalling* section I of its resolution 55/224,

*Having considered* the results of the valuation of the United Nations Joint Staff Pension Fund as at 31 December 2001 and the observations thereon by the Consulting Actuary of the Fund, the Committee of Actuaries and the United Nations Joint Staff Pension Board,

1. *Takes note* of the actuarial situation of the United Nations Joint Staff Pension Fund, which went from an actuarial surplus of 0.36 per cent of pensionable remuneration as at 31 December 1997 to an actuarial surplus of 4.25 per cent of pensionable remuneration as at 31 December 1999, and to an actuarial surplus of 2.92 per cent of pensionable remuneration as at 31 December 2001, and, in particular, of the opinions provided by the Consulting Actuary and the Committee of Actuaries, as reproduced in annexes VII and VIII, respectively, to the report of the United Nations Joint Staff Pension Board;

2. *Also takes note* of the general support of the Board for the report of the Working Group established by the Board to undertake a fundamental review of the benefit provisions of the Fund, taking into account developments in staffing and remuneration policies in the member organizations and in pension arrangements at the national and international levels, and notes in particular that the Board approved the recommendations of the Working Group, set out in paragraphs 157 and 158 of the report of the Board, as further promoting the human resources framework adopted by the International Civil Service Commission and the General Assembly and serving to enhance the mobility of staff and the portability of pensions;

3. *Further takes note* of the recommendation of the Board that the current contribution rate should be maintained but kept under review;

4. *Approves*, in principle, the changes in the benefit provisions of the Regulations of the Fund, as set out in annex XIV to the report of the Board, that would eliminate the limitation on the right to restoration for existing and future participants, with implementation to begin at such time as the actuarial valuation of the Fund shows a clear upward pattern of surpluses;

5. *Notes* that the Board agreed to make no changes in the methodology currently used in the determination of final average remuneration, but agreed to study all possible means of redressing the existing aberrations in the levels of initial pensions and in income replacement ratios over time;

6. *Concurs* with the transfer agreements with the European Organization for the Safety of Air Navigation and the Organization for Security and Cooperation in Europe, as approved by the Board under article 13 of the Regulations of the Fund, with a view to securing continuity of pension rights between the Fund and the two organizations, as set out in annex X to the report of the Board;

## II

### Pension adjustment system

*Recalling* section II of its resolution 55/224,

*Having considered* the reviews carried out by the Working Group of the United Nations Joint Staff Pension Board and subsequently by the Board, as set out in

its report, of various aspects of the pension adjustment system,

1. *Recalls* the aim of enhancing the mobility of staff and the portability of pensions;

2. *Approves*, in principle, the changes in the pension adjustment system, as set out in annex XIII to the report of the Board, with implementation to begin when the actuarial valuation of the United Nations Joint Staff Pension Fund shows a clear upward pattern of surpluses, namely:

(a) To apply cost-of-living adjustments to deferred retirement benefits as from age 50;

(b) To apply cost-of-living differential factors to deferred retirement benefits as from the date of separation;

3. *Notes* that the Board approved the recommendation of the Working Group to eliminate the 1.5 percentage point reduction in the first consumer price index adjustment due to existing and future beneficiaries, subject to an actuarial surplus being revealed in the actuarial valuation to be performed as at 31 December 2003;

4. *Takes note* of the decision of the Board to continue to study the problems associated with the adjustment of pensions after award;

5. *Also takes note* of the results of the monitoring of the costs/savings of recent modifications of the two-track feature of the pension adjustment system and of the intention of the Board to continue to monitor those costs/savings every two years, on the occasion of the actuarial valuations of the Fund;

## III

### Financial statements of the United Nations Joint Staff Pension Fund and report of the Board of Auditors

*Having considered* the financial statements of the United Nations Joint Staff Pension Fund for the biennium ended 31 December 2001, the audit opinion and report of the Board of Auditors thereon, the information provided on the internal audits of the Fund and the observations of the United Nations Joint Staff Pension Board,

*Notes* that, in its report on the accounts of the United Nations Joint Staff Pension Fund for the biennium ended 31 December 2001, the Board of Auditors indicated that the financial statements were in compliance with accepted standard accounting principles and that there were no major findings of problems concerning procedures and controls;

## IV

### Administrative arrangements and longer-term objectives of the United Nations Joint Staff Pension Fund

*Recalling* section VII of its resolution 51/217, section V of its resolutions 52/222, 53/210 and 54/251, section IV of its resolution 55/224 and section V of its resolution 56/255 concerning the administrative arrangements and expenses of the United Nations Joint Staff Pension Fund,

*Having considered* chapter VII of the report of the United Nations Joint Staff Pension Board concerning the administrative arrangements of the Fund,

1. *Takes note* of the information set out in paragraphs 96 and 97 of the report of the United Nations Joint Staff Pension Board on the revised budget estimates for the biennium 2002-2003;

2. *Approves* the increase in resources under administrative costs for the biennium 2002-2003, from 29,943,800 to 30,006,300 United States dollars, for the recalculation of benefits due to a judgement of the International Labour Organization Tribunal and a retroactive change in local salary scales;

3. *Takes note* of the information set out in paragraphs 100 to 104 of the report of the Board on the whole-office review of the staffing structure and levels of both the Fund secretariat and the Investment Management Service, and also takes note of the support and endorsement in principle of the Board for the Secretary/Chief Executive Officer's efforts and plans for modernization in order to deal with the fast-growing activities of the Fund;

4. *Also takes note* of the support of the Board for the efforts of the Secretary/Chief Executive Officer to continue to search for permanent premises for the Fund in New York;

#### V

##### Survivors' benefits

*Recalling* section V of its resolution 55/224,

*Takes note* of the further review undertaken by the United Nations Joint Staff Pension Board of issues related to the pension entitlements of survivors, and requests the Board to examine the administrative and financial aspects of this matter, as a whole, and report to the General Assembly thereon at its fifty-ninth session;

#### VI

##### Activities relating to former participants from the former Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic

*Recalling* section VI of its resolution 55/224,

1. *Notes* the information provided by the United Nations Joint Staff Pension Board in paragraphs 125 to 140 of its report;

2. *Decides* that this issue does not require further consideration by the General Assembly;

#### VII

##### Size and composition of the United Nations Joint Staff Pension Board and the Standing Committee

1. *Takes note* of the information set out in paragraphs 205 to 220 of the report of the United Nations Joint Staff Pension Board on the review of the size and composition of the Board and its Standing Committee;

2. *Requests* the Board to study the representation of the Fund's member organizations on the Board, so as to clarify the criteria adopted for that purpose, and to submit further proposals to the General Assembly at its fifty-ninth session, with a view to making such representation more equitable in order to reflect the actual distribution of active participants in the Fund, present and future trends in Fund participation, the changing nature of the Fund's member organizations and improved participation by members and alternate members in the Committee and Board meetings;

#### VIII

##### Other matters

1. *Takes note* of the observations of the United Nations Joint Staff Pension Board, as set out in paragraphs 194 and 195 of its report, on the review and conclusions reached by the International Civil Service Commission on the changes in average tax rates at the

seven headquarters duty stations, which formed the basis for the development of the current common scale of staff assessment for pensionable remuneration;

2. *Approves*, with effect from 1 April 2003, amendments to articles 28 (g), 30 (c) and 34 (f), of the Regulations of the Fund, as set out in the annex to the present resolution, to increase the ceilings applicable in the commutation of the minimum benefit;

3. *Also approves*, with effect from 1 April 2003, the addition of a new paragraph to article 21 of the Regulations of the Fund, as set out in the annex to the present resolution, stating that a participant is deemed to have separated when he or she is on leave without pay for an extended period of time without concurrent contributions having been paid to the Fund;

4. *Notes* that the Board considered the possible application by the International Criminal Court to become a member organization of the Fund and that a formal application would be submitted to the Standing Committee in 2003, with possible membership to take effect on 1 January 2004;

5. *Also notes* that the Board considered the detailed report of the medical consultant, covering the period from 1 January 2000 to 31 December 2001;

6. *Takes note* of the other matters dealt with in the report of the Board;

7. *Decides* to revert to the issue of possible improvements in pension benefits at the fifty-ninth session of the General Assembly;

#### IX

##### Investments of the United Nations Joint Staff Pension Fund

1. *Takes note* of the report of the Secretary-General on the investments of the United Nations Joint Staff Pension Fund as well as the observations of the United Nations Joint Staff Pension Board, as set out in paragraphs 81 to 83 of its report;

2. *Stresses* the importance of ensuring that the fiduciary responsibility of the Secretary-General, under the Regulations of the Fund, to take decisions on the investments of the assets of the Fund would under no circumstances be compromised;

3. *Notes* the concern expressed by the Board over the reduction in the market value of the investments of the Fund and the continuing efforts by the management of the investments to deal with market turbulence;

4. *Takes note* of the intention of the Board of Auditors and the Pension Board:

(a) To follow up on the audit recommendations;

(b) To review the procedures and operating methods of the Investment Management Service;

(c) To review terms of reference for an independent external performance review of the investments of the Fund;

#### X

##### Diversification of investments of the United Nations Joint Staff Pension Fund

*Recalling* its resolutions 36/119 A to C of 10 December 1981,

1. *Recognizes* that the Fund's policy of broad diversification of its investments by currency, types of asset classes and geographical areas continues to be the most reliable method of reducing risk and improving returns over long periods of time;

2. *Reaffirms* paragraph 3 of section VIII of its resolution 55/224;

3. *Also reaffirms* the policy of diversification of the investments of the Fund across geographical areas, wherever this serves the interests of the participants and beneficiaries of the Fund, in accordance with the four criteria of safety, profitability, liquidity and convertibility;

4. *Requests* the Secretary-General to continue to report on this matter to the General Assembly at its fifty-ninth session.

#### Annex

#### Amendments to the Regulations of the United Nations Joint Staff Pension Fund

##### Article 21

##### Participation

Add the following new paragraph (c):

“(c) Notwithstanding the provisions of (b) above, a participant is deemed to have separated when he or she has completed (i) a consecutive period of three years on leave without pay without concurrent contributions having been paid in accordance with article 25 (b), or (ii) four years under the conditions described in (i) above within a total period of five years. To re-enter the Fund, such former participant would have to satisfy the requirements for participation set out in (a) above.”

##### Article 28

##### Retirement benefit

In paragraph (g), subparagraph (iii), replace the number “300” with the number “1,000”.

##### Article 30

##### Deferred retirement benefit

In paragraph (c), replace the number “300” with the number “1,000”.

##### Article 34

##### Widow's benefit

In paragraph (f), replace the number “200” with the number “600”.

Also on 20 December, the Assembly, by **decision 57/585**, decided that the agenda item on the UN pension system would remain for consideration during its resumed fifty-seventh (2003) session.

#### Pension Fund investments

The market value of UNJSPF assets as at 31 December 2002 was \$20.9 billion, a decrease of \$827 million from the previous year. For the year ending 31 December 2002, the Fund had a one-year annualized real rate of return of -2.9 per cent compared to -5.3 per cent for the benchmark. After adjustment for a 2.4 per cent rise in the consumer price index, the Fund's real rate of return was -5.2 per cent. Over periods of three and five years, it had a total return of -5.8 per cent and +3.5 per cent, while the benchmark had returns of -7.7 per cent and +1.5 per cent, respectively.

At the end of 2002, the Fund had 48.1 per cent of its assets in equities, 35.6 per cent in bonds, 6.1 per cent in real estate and 10.2 per cent in short-term investments. The book value of development-related investments was \$1,357 million.

In October [A/C.5/57/11], the Secretary-General described the economic and investment conditions prevailing in the reporting period ended 31 March 2002 and provided statistical information on the Fund's investment returns and diversification, including development-related investments. The data were based on the audited financial statements for 2000 and 2001, and on the unaudited appraisals ended 31 March 2002. Some of the data were updated to 30 June 2002 in order to provide the General Assembly with timely information.

#### Travel-related matters

In October, the Secretary-General submitted his annual report on standards of accommodation for air travel [A/57/485], listing exceptions to those standards from 1 July 2001 to 30 June 2002.

During the period under review, the Secretary-General authorized 33 cases of first-class and 43 of business-class air travel, as exceptions to the standards of accommodation, compared with a total of 67 exceptions in the previous reporting period. Included in the first-class group were the Deputy Secretary-General, the President of the General Assembly's fifty-sixth session and the Secretary-General's personal aide/security officer. The Secretary-General noted that, while continuous administrative oversight had kept exceptions to a minimum, they were unavoidable in certain cases.

#### GENERAL ASSEMBLY ACTION

On 27 March [meeting 97], the General Assembly, on the recommendation of the Fifth Committee [A/56/653/Add.1], adopted **resolution 56/273** without vote [agenda item 122].

##### Standards of accommodation for air travel

###### *The General Assembly*

1. *Takes note* of the reports of the Secretary-General on standards of accommodation for air travel;
2. *Endorses* the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its reports;
3. *Requests* the Secretary-General to continue to submit annual reports on standards of accommodation for air travel to the General Assembly through the Advisory Committee;
4. *Calls upon* the Secretary-General to improve coordination among the various departments in order to expedite settlement of travel reimbursement claims;
5. *Emphasizes* that all travel reimbursement claims must, to the extent possible, be settled within 30 working days of their submission.

### Administration of justice

**Report of Secretary-General.** In response to section XI of General Assembly resolution 55/258 [YUN 2001, p. 1340], the Secretary-General submitted a February report [A/56/800] outlining the status of consideration of certain aspects of the administration of justice in the Secretariat, including a review of the role of the Joint Appeals Board (JAB) and the outcome of its work, the establishment of an ombudsman function and measures for closing the gap regarding performance of an obligation and compensation limits between the statutes of the United Nations Administrative Tribunal (UNAT) and the Administrative Tribunal of the International Labour Organization (ILOAT).

The Secretary-General, having considered the four options proposed by the Assembly on JAB's role (to maintain the Board as an advisory body, subject to a number of changes; maintain it as it currently functioned; change it from an advisory to a semi-judicial body; and effect other changes that might flow from staff consultations), found no need to change the nature of JAB and endorsed maintaining its current form, with corrective measures, such as additional training for its members and a management review to identify bottlenecks in the appeals system. He also proposed maintaining JAB's positive elements and rectifying problems affecting the system. To that end, the Secretary-General suggested amendments to the Staff Rules, annexed to the report, relating to the selection of JAB chairpersons; the free choice of counsel, including outside counsel; and undue interference in the justice process. To address the problem of long delays in the issuance of JAB reports on appeals submitted to it, the Secretary-General requested OIOS to conduct a management review to identify problems and devise solutions. In addition, he found no justification for the proposal of a full-time chairperson to enhance the continuity and consistency of JAB reports and ensure the availability of a trained member familiar with the Board's functions. Nor did he support the suggestion that JAB be empowered to suspend action on a contested decision, since giving it the authority to decide rather than advise in that context would raise a major constitutional issue.

In 2001, 115 appeals and suspension-of-action cases were filed with JAB in New York, Geneva, Vienna and Nairobi compared to 120 cases the previous year. JAB disposed of 105 cases compared to 103 in 2000. The Secretary-General accepted fully or partially 81 per cent of unanimous JAB decisions favourable to appellants in 2001 and rejected 19 per cent, compared to 79 per cent acceptances and 21 per cent rejections in 2000.

Regarding the Ombudsman, the Secretary-General stated that, as the function was new, he considered it advisable to gain some experience and appreciation of the volume of work involved to determine whether it needed additional support, and, if so, to develop a broader system in the light of the experience gained. Annexed to the report were the proposed terms of reference of the Ombudsman.

On the question of aligning the statutes of UNAT and ILOAT, the Secretary-General, noting that the issue of specific performance should not be viewed in isolation, pointed to other important differences between the two tribunals, notably the selection procedures and the mode of compensation for ILOAT judges and UNAT members. The Secretary-General stated that he would reconsider his position on the question of specific performance if the statutes and practices of the two tribunals were fully harmonized. Alternatively, the current system could be retained with an increase in the limit of compensation to be paid, should he decide, in the interest of the United Nations, that the applicant should be compensated without further action. The current two-year limit on compensation could be raised to three years, and UNAT would retain the authority to order payment of a higher indemnity in exceptional cases, stating the reasons for such a decision.

**ACABQ report.** On 18 February [A/57/736], ACABQ concurred with the Secretary-General that there was no need to change the nature of JAB or to further strengthen its current advisory function with regard to suspension of action on a contested administrative decision. It recommended acceptance of his proposal to maintain the positive elements of the current system and to address related problems and the proposed amendments to the Staff Rules. However, regarding the amendment of staff rule 110.4 concerning due process, ACABQ recommended written notification of the allegation against the staff member. ACABQ requested that the OIOS management review of the entire appeals process to identify the causes of delays and propose a remedy, requested by the Secretary-General, should include a review of whether the provision of a full-time chairperson of JAB would help expedite the handling of cases. OIOS should also quantify the cost of a comparative set of selected cases and determine whether increased resources at any stage would speed up the handling of the cases and reduce the overall level of staff time and other resources devoted to the appeals process. The exercise should examine the loss of work-days by staff and management and the extent to which limitations could be placed on the fre-

quency allowed to parties to submit written pleadings and counterclaims.

**JIU report.** By a September note [A/57/441], the Secretary-General transmitted to the General Assembly a JIU report on reform of the administration of justice in the UN system: options for higher recourse instances. The report considered the possibility of establishing a higher-level jurisdiction in respect of binding decisions of UNAT and ILOAT, the two main international administrative jurisdictions. JIU found substantive and procedural loopholes that might allow organizations to evade the worst consequences of improper decisions by their officials. JIU also found that, although several organizations had internal advisory bodies, they had not proved as effective as they could be in preventing litigation. Moreover, the important role they and others played in assisting executive heads of organizations in resolving staff-management disputes needed to be more widely recognized. Inspectors also found that ILOAT and UNAT seemed to require more formal and explicit mediation authority to relieve congestion at the lower jurisdictional levels. Their statutory provisions and work procedures also differed in a number of respects, especially regarding the selection of their members and their competencies, jurisdictions and case laws. JIU believed that the elimination of recourse against UNAT decisions before the International Court of Justice (ICJ), through its Committee to Review the Judgements of the Administrative Tribunal—abolished in 1995—had had the perhaps unintended effect of suppressing the only existing remedy against any possible flaws in the decisions of the Tribunal.

JIU recommended that the Assembly request the Sixth Committee to study the desirability of establishing an ad hoc panel responsible for reviewing ILOAT and UNAT judgements or those of a future single tribunal. Applications for review of judgements would be founded on the following criteria: the tribunal had exceeded its jurisdiction or competence, failed to exercise its vested jurisdiction, erred on a question of law relating to the Charter, committed a fundamental procedural error or deviated substantially from its jurisprudence. Its determinations and conclusions would be binding on executive heads and tribunals. The panel would be composed of a chairperson designated by the ICJ President and two members designated by the Presidents of ILOAT and UNAT/legislative bodies of the International Labour Organization and the United Nations. Other recommendations included the harmonization of the work and procedures of ILOAT and UNAT, particularly those relating to membership selection, competencies, jurisdic-

tion and case law, leading to the merger of the two tribunals, for which a detailed timetable should be developed. JIU also recommended the establishment of independent offices grouping all bodies and institutions dealing with the administration of justice to ensure their independence; strengthening the organizations' capacity for informal conciliation, mediation and negotiation through the establishment of an independent, central ombudsman function, complemented at major duty stations by a person or panel responsible for its oversight; adopting the principle of accepting the unanimous recommendations of internal advisory bodies without prejudice to the authority of executive heads; publishing annual reports summarizing information on the number and nature of cases heard before those advisory bodies, as well as statistics on the disposition of cases; and holding oral hearings before all appellate bodies that contributed to expediting cases. Executive heads should ensure collaboration with staff associations in the development of comprehensive legal insurance schemes, on the understanding that organizations would contribute to such self-financing schemes.

In an addendum [A/57/441/Add.1], the Secretary-General and CEB welcomed the JIU proposals as a useful addition to the ongoing reform of the administration of justice and noted that they either extended or revised many of JIU's previous recommendations [YUN 2000, p. 1359]. Commenting on the specific recommendations, CEB pointed out that, in common system organizations other than the United Nations, where the administration of justice was done efficiently and satisfactorily on a part-time basis only, the volume of work did not justify the creation of an independent and separate office for bodies dealing with those issues. CEB also suggested that it would be the prerogative of the Ombudsman to determine whether and under what conditions his/her office should be complemented by a person or panel responsible for informal conciliation, mediation and negotiation. There was also insufficient justification as to why a uniform, single, non-renewable five-year term should be adopted for the Ombudsman in all organizations. Noting further that empowering UNAT to mediate between parties to a dispute raised difficult issues, CEB did not consider adding a mediation function to UNAT's authority to be necessary. Besides, adequate opportunities and mechanisms already existed to address staff appeals without involving the Tribunal. On the issue of accepting the unanimous recommendations of appellate bodies, CEB noted that the Secretary-General had followed the policy of accepting such recommendations of JAB, except where a

major question of law or principle was involved. However, it did not agree with JIU's proposal for automatic acceptance by executive heads of other UN system organizations of unanimous recommendations of appeal boards. As to JIU's recommendation on the establishment of an ad hoc panel to review the judgements of UNAT and ILOAT and the criteria for such review, CEB questioned the appropriateness of the criterion that "the tribunal has deviated substantially from its jurisprudence" for objection to the judgements of the tribunals. That suggested adherence to a new principle of justice that would make previous decisions automatically binding in future cases and might impede the Tribunal from deviating justifiably from earlier jurisprudence. CEB pointed out that JIU's recommendations that the decisions of the ad hoc panel be binding and that the panel only review a judgement and not reopen a procedure were contradictory and merited clarification. CEB further pointed out that the Assembly, in resolution 50/54 [YUN 1995, p. 1422], had noted, among other things, that the procedure provided for under article II of UNAT's statute concerning revision of the Tribunal's judgements had not proved to be constructive or useful in adjudicating staff disputes within the Organization and had consequently eliminated that procedure. On the question of legal insurance schemes, CEB was of the view that

more in-depth analysis of the implications and financial viability was necessary.

**Communication.** On 8 November [A/C.5/57/25], the UNAT President transmitted to the Fifth Committee the Tribunal's observations and recommendations on the question of closing the gap between its statute and that of ILOAT, and on the possible need for jurisdiction.

The General Assembly, on 20 December, decided that the agenda item entitled "Administration of justice at the United Nations" would remain for consideration at its resumed fifty-seventh (2003) session (**decision 57/585**) and that the Fifth Committee would consider the item at that session (**decision 57/556**).

#### **UN Administrative Tribunal**

In its annual note to the General Assembly [A/INF/57/5], the United Nations Administrative Tribunal reported in December, through the Secretary-General, that it delivered 59 judgements during 2002, relating to cases brought by staff against the Secretary-General or the executive heads of other UN bodies to resolve disputes involving terms of appointment and related issues. The Tribunal met in plenary in New York on 28 October and held two panel sessions (Geneva, 24 June–26 July; New York, 28 October–29 November).