

# ARTICLE 8

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## ARTICLE 8

### TEXT OF ARTICLE 8

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.

### INTRODUCTORY NOTE

1. During the period under review, there was no significant change in either the application or the interpretation of Article 8. The present study consists of a general survey and an analysis of those discussions and decisions of the principal organs of the United Nations with a direct bearing on Article 8.

### I. GENERAL SURVEY

2. During the period under review, both the General Assembly and the Economic and Social Council expressed concern at the lack of progress towards increasing the proportion of women in the Secretariat and reaching the targets set within the mandate set out in resolution 33/143 III<sup>1</sup> and continued to indicate the need to improve recruitment in this area.<sup>2</sup> Consequently, the Organization continued to work towards the development and refinement of the personnel policies and practices of the Organization in a reform process primarily based on specific requests of the General Assembly, most of which had been formulated in its resolution 33/143 III.<sup>3</sup> In addition, the process was informed by decisions taken by the Secretary-General in consultation with the representatives of the staff through joint administrative machinery established for that purpose.<sup>4</sup>

3. During the period under review, the question of the recruitment and promotion of men and women under conditions of equality within the Secretariat and the other organizations of the United Nations system was often discussed in the context of promoting the principles of Article 101 (3) of the Charter.<sup>5</sup> Priority was given to nationals of unrepresented and underrepresented Member States and women, groups for which numerical targets had been set.<sup>6</sup> Decisions of the principal organs regarding the need to increase the participation of women in the work of

the Secretariat and of the other organizations of the United Nations system focused primarily on the areas of recruitment, career development and promotion.

4. The General Assembly took decisions in this area mainly on the basis of two progress reports of the Joint Inspection Unit entitled "Status of women in the Professional category and above".<sup>7</sup> Here it should be noted that, insofar as the mandates of the United Nations in this area were addressed to the specialized agencies as well as the United Nations Secretariat, JIU examined the status of women throughout the United Nations system. The executive heads of the organizations of the United Nations system, within the framework of the Administrative Committee on Coordination (ACC) considered the reports of JIU and submitted comments thereon to the General Assembly.<sup>8</sup> The Secretary-General continued to report annually on the status of progress in his report on the composition of the Secretariat.<sup>9</sup>

5. During the period under review, the Secretariat continued to promote the institutional arrangements to strengthen the equal participation and access of men and women in the work of the United Nations. For example, the Panel established by the Secretary-General in 1977 by administrative instruction ST/AI/246 continued to investigate allegations of discriminatory treatment.<sup>10</sup> In addition, the Secretary-General earmarked posts for the recruitment of women, instructed the appointment and promotion boards to pay special attention to women in the annual promotion reviews,<sup>11</sup> and designated a senior official

<sup>1</sup>See e.g., G A resolutions 38/231, 39/245, E S C resolution 1984/11.

<sup>2</sup>See e.g., G A resolution 35/210 V.

<sup>3</sup>See *Repertory*, vol. I, *Suppl. No. 5*, under Article 8, para. 35.

<sup>4</sup>A/C.5/35/10, para. 2.

<sup>5</sup>Article 101 (3) of the Charter states that "[t]he paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible." See *Repertory*, vol. VI, *Suppl. No. 5*, under Article 101.

<sup>6</sup>A/C.5/39/9, para. 4.

<sup>7</sup>A/35/182 and A/37/469.

<sup>8</sup>A/35/182/Add.1 and A/37/469/Add.1.

<sup>9</sup>See e.g., A/35/528, A/37/764, A/38/347 and A/39/453.

<sup>10</sup>A/36/495, para. 111. See *Repertory*, vol. I, *Suppl. No. 5*, under Article 8, para. 27.

<sup>11</sup>A/36/495, para. 111.

to coordinate questions with respect to the appointment and promotion of women.<sup>12</sup>

6. During the review period, the General Assembly adopted the 1979 Convention on the Elimination of All Forms of Discrimination against Women, whereby States Parties undertook to promote the objectives of Article 8 of the Charter of the United Nations. Specifically, article 8 of the 1979 Convention states the following:

“Article 8

“States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity ... to participate in the work of international organizations.”<sup>13</sup>

In addition, the 1980 World Conference of the United Nations Decade for Women: Equality, Development and Peace promoted these objectives along the same lines in its resolution 24, in which it urged “States Members of the United Nations to take into account the efforts of the United Nations to redress the current imbalance in recruitment levels between men and women by all appropriate means, in particular by the dissemination of employment information through formal and informal networks to which women have access.”<sup>14</sup>

7. In resolution 24 the Conference also called upon, *inter alia*, the Secretary-General to designate coordinators in

<sup>12</sup>A/C.5/39/CRP.4.

<sup>13</sup>G A resolution 34/180, annex, article 8.

<sup>14</sup>A/CONF.94/35, resolution 24, chap. I, sect. B, pp. 86-87.

their respective organizations to: (a) review policies on the recruitment, promotion, career development, training and remuneration of women, with the objective of ensuring the equal treatment of women and men in all spheres of activity; (b) ensure that women employed by the United Nations and its specialized agencies were not subject to sexual harassment in the workplace or otherwise on account of their sex; (c) receive information on kinds of grievances submitted by women to the panels or other bodies dealing with discriminatory practices within the United Nations system; and (d) implement the recommendations of the General Assembly and the Joint Inspection Unit and, in particular, promote the recruitment and hiring of women in secretariat Professional posts at middle and high levels, whether as permanent, temporary or fixed-term appointees, or as experts and consultants. The Conference urged the Secretary-General of the United Nations to set and pursue targets for the recruitment of women, in accordance with General Assembly resolution 33/143.<sup>15</sup>

8. Most of the guidelines formulated during the review period regarding personnel policies generally, as well as those dealing specifically with Article 8 of the Charter, are laid out in General Assembly resolutions 35/210, 37/235 and 38/231.<sup>16</sup>

<sup>15</sup>Ibid.

<sup>16</sup>A/C.5/39/9, para. 4. G A resolutions 3417 A (XXX), 33/143 are the main source of guidelines for the previous period.

## II. ANALYTICAL SUMMARY OF PRACTICE

### A. Participation of men and women in the United Nations Secretariat

#### \*\*1. PROVISIONS CONCERNING PARTICIPATION IN ANY CAPACITY

#### 2. PROVISIONS CONCERNING PARTICIPATION UNDER CONDITIONS OF EQUALITY

9. The General Assembly in its resolution 33/143 had requested the Secretary-General and the executive heads of the other organizations within the United Nations system to “review and revise, as necessary, staff rules and procedures covering assignments of married couples to the same duty station, maternity leave, part-time employment and flexible working hours”.<sup>17</sup> During the period under review, pursuant to that mandate, ACC asked the Consultative Committee on Administrative Questions (CCAQ) to undertake such a review for the United Nations system.<sup>18</sup> In 1979, CCAQ considered the relaxing of restrictions on employment of spouses in the same organization, the adequacy of the maternity leave provisions and the development of part-time

employment possibilities.<sup>19</sup> Agreement was reached on a revision of maternity-leave provisions “as a first step”.<sup>20</sup>

10. On 17 December 1979, the Secretariat issued an administrative instruction<sup>21</sup> taking effect 1 January 1980 which would extend the duration of the maternity leave to 16 weeks, as agreed upon by the organizations participating in the United Nations common system.<sup>22</sup> Staff rule 106.3 on “Maternity leave” was amended accordingly.<sup>23</sup> In addition, effective 1 January 1980, staff rule 104.10 on “Family relationships” was amended to provide for greater flexibility with regard to the employment of spouses and to foster equal employment and career development opportunities for women in the United Nations Secretariat.<sup>24</sup> An administrative instruction (ST/AI/273) was issued on 4 March 1980 to provide guidelines for the assignment of married couples to the same duty station, with a view to

<sup>19</sup>Ibid., para. 11.

<sup>20</sup>Ibid.

<sup>21</sup>ST/AI/219/Rev.1.

<sup>22</sup>A/35/528, para. 25.

<sup>23</sup>ST/SGB/Staff Rules/1/Rev.5/Amend.1. See also A/C.5/35/9, para. 2 (b).

<sup>24</sup>ST/SGB/Staff Rules/1/Rev.5/Amend.1. See also A/C.5/35/9, para. 2 (a).

<sup>17</sup>G A resolution 33/143, sect. III, para. 3 (c); see also *Repertory*, vol. 1, *Suppl. No. 5*, under Article 8, para. 35.

<sup>18</sup>A/35/182, para. 30.

fostering equal employment and career development opportunities in the United Nations Secretariat.<sup>25</sup>

11. During the period under review, further to the Secretary-General's bulletin of 8 March 1977,<sup>26</sup> the Secretary-General issued an information circular<sup>27</sup> containing guidelines for promoting the equal treatment of men and women in the United Nations Secretariat. The main intent of the guidelines was to alert staff members to the policies, attitudes, behaviour and language required to promote such equal treatment in the belief that this would foster harmonious and productive working relations.<sup>28</sup>

12. The guidelines covered the following areas: uniform application of criteria for assignment; periodic review of promotion; the need to avoid prejudice in choosing assignments; the need to avoid stereotyping in allocating tasks or making personal requests; equal consideration for the time, intelligence and initiative of co-workers; the need to avoid inconsiderate types of office behaviour towards secretarial and clerical staff members; the prohibition on sexual harassment; the need for bias-free language; the need to avoid reference to staff members in general terms (e.g., the need to avoid the pronouns "he" and "him" alone when staff of both genders were intended); the preferential use of neutral terms to titles that appeared to exclude women (e.g., the use of "chairperson" over "chairman"); the use of "Ms." in reference to married women; and speech habits that demeaned women and accorded them less dignity than men.<sup>29</sup>

### 3. DISCUSSIONS CONCERNING THE APPOINTMENT AND PROMOTION OF WOMEN AND CONDITIONS OF EQUALITY

13. In response to the request of the General Assembly in resolution 33/143 that JIU should continue to study and report on the provisions of the resolution dealing with, inter alia, the improvement of the representation of women in the Professional category and above in the United Nations system, JIU prepared an overview<sup>30</sup> in 1980 of the action taken since 1977 in the various organs of the United Nations system to give effect to the recommendations contained in JIU/REP/77/7.<sup>31</sup> JIU specifically reviewed progress system-wide with respect to action taken on setting of targets,<sup>32</sup> revision of policy statements and directives, equality of opportunity for promotion and career development, measures

<sup>25</sup>A/35/528, para. 24.

<sup>26</sup>ST/SGB/154; see *Repertory*, vol. I, *Suppl. No. 5* under Article 8, para. 27.

<sup>27</sup>ST/IC/79/17 (8 March 1979), reissued as ST/IC/79/17/Rev.1 (8 March 1982) with one editorial revision in the first paragraph. The need for guidelines was also pointed out by the Ad Hoc Group of Equal Rights for Women of Secretariat Staff at Headquarters.

<sup>28</sup>A/35/182, para. 22.

<sup>29</sup>See generally ST/IC/79/17.

<sup>30</sup>A/35/182.

<sup>31</sup>See *Repertory*, vol. I, *Suppl. No. 5*, under Article 8, para. 34.

<sup>32</sup>In section III, paragraph 1, of resolution 33/143, the General Assembly had called on the Secretary-General "to take the necessary measures to increase the number of women in posts subject to geographical distribution to 25 per cent of the total over a 4-year period in accordance with the principle of equitable geographical distribution".

to improve recruitment and career development procedures, and cooperation of Member States.

14. The report concluded that despite the expressed commitment of the great majority of executive heads, legislative and/or executive bodies of the United Nations system, there had been little change, except for the United Nations and a few other organizations, towards increasing the proportion of women in the Professional category of the secretariats.<sup>33</sup> Where targets had been established, those goals appeared to have inspired those organizations to take action to increase the percentage of women.<sup>34</sup> JIU noted that comments from organizations within the United Nations system revealed that one of the main obstacles to recruiting more women from underrepresented countries was a "dearth of suitably qualified women candidates, particularly for higher and technically specialized posts".<sup>35</sup>

15. Most organizations had issued useful policy statements concerning equality of opportunity and employment, especially with regard to women. Practically all organizations had reviewed their staff rules and regulations to eliminate any discriminatory provisions.<sup>36</sup> JIU reported that some organizations had instituted special arrangements for monitoring the implementation of the policy statements and directives issued by their executive heads concerning the status of women in their secretariats. It noted, however, that representation of women in the Professional staff, especially in the higher grades, was still far from satisfactory and should be followed closely.<sup>37</sup>

16. ACC, commenting on the JIU report, was receptive generally to the recommendations contained in the report, while expressing several reservations. It noted that organizations had already accepted the premise of the proposal to set targets. The Committee continued to believe, however, that the target figure should bear a reasonable relationship to actual needs and that some organizations, in particular the smaller ones, would have less scope for the use of targets. Some organizations continued to face obstacles because of contracted activities and freezes on recruitment.<sup>38</sup> With regard to the participation of women in personnel advisory and administrative boards to review promotion procedures to ensure equal opportunity for women, the organizations continued to feel that "procedures alone, however refined and responsive, are not sufficient in themselves to remove all barriers to a substantial and rapid increase in the number of women in Professional positions in the organizations".<sup>39</sup>

17. ACC suggested that the General Assembly should take note of the JIU report, as well as the efforts made by the organizations within the United Nations common system towards achieving greater participation of women on equal terms in the work of the secretariats, and reiterate its invitation to Member States to extend their cooperation in

<sup>33</sup>A/35/182, paras. 42-43.

<sup>34</sup>*Ibid.*, para. 44.

<sup>35</sup>*Ibid.*, para. 18.

<sup>36</sup>*Ibid.*, paras. 47 and 49.

<sup>37</sup>*Ibid.*, paras. 24, 43 and 46.

<sup>38</sup>A/35/182/Add.1, para. 8.

<sup>39</sup>*Ibid.*, para. 12.

the recruitment of women for positions in the Professional and higher categories of the organizations.<sup>40</sup>

18. During the thirty-fifth session of the General Assembly, support was expressed generally in the Fifth Committee for measures regarding recruitment and promotion policies, in particular those affecting women.<sup>41</sup> However, some delegations expressed concern at the lack of progress in increasing the proportion of women in the Secretariat.<sup>42</sup> One delegation remarked that the steps taken in reaching the desired goal of a more equitable representation of women in the Professional category and above had consisted largely in eliminating recruitment restrictions, pointing out that passive action was not enough. The delegation was of the opinion that the absence of realistic targets was one of the main causes of the lack of progress over the previous three years.<sup>43</sup> Another delegation expressed the opinion that every effort must be made to provide guidelines and establish procedures to increase the employment of women in the Secretariat on an equal footing with men. The delegation hoped that ACC would not limit its attention to monitoring the implementation of resolution 33/143, but would also seek to generate constructive ideas to improve the situation of women. Moreover, the delegation considered that the Secretariat units should, as an exceptional measure, earmark posts for women in order to attain the target of 25 per cent of Professional posts for women.<sup>44</sup>

19. Another delegation considered that the attainment of the 25 per cent target for the employment of women in the Secretariat was likewise important, but only on condition that it did not lead to the violation of the principle of equitable geographical distribution of posts and of established desirable ranges. In implementing recruitment procedures, the cardinal principle of ensuring that all Member States were represented in the Organization should be upheld.<sup>45</sup>

20. At the 55th meeting of the Fifth Committee, one delegation, on behalf of the Formal Working Group on Personnel Questions, introduced a draft resolution<sup>46</sup> with an annex spelling out recruitment procedures and accompanying ranges for posts subject to geographical distribution in the United Nations Secretariat. In reaffirming the principles enunciated in Article 101 of the Charter and recalling Article 8 of the Charter, part V of the draft resolution sought to balance personnel policy within the Organization, reflecting the need for increased recruitment and participation of women in the Organization, for high standards of integrity, efficiency and competence, and for equitable geographical distribution. In the ensuing discussion concerning the draft, delegations gave their views on the relative weight of each principle in the balance. One delegation viewed the draft resolution on personnel questions as one of the fundamental documents guiding

United Nations personnel policy in the long term. The strength of the draft resolution lay in the fact that it pivoted on the provisions of Article 101 of the Charter. The task of putting it into practice, which now faced the Secretariat, would be a painstaking and difficult one.<sup>47</sup>

21. It was generally felt that Article 101 (3) should serve as a paradigm on issues of recruitment of women and men into the Organization. It was noted that the recruitment of women should be subject to the principles of the highest standards of efficiency, competence and integrity, as well as the principle of equitable geographical distribution.<sup>48</sup> One delegation pointed out that women, like all staff members, must have all the necessary qualifications.<sup>49</sup> Another delegation expressed the view that the "paramount consideration" in the employment of staff should be given to the need for securing the highest standards of efficiency, competence and integrity. The concept of a wide geographical representation should also be duly taken into account.<sup>50</sup>

22. Another delegation expressed the concern that, while everyone agreed in principle that the role of women in the United Nations should be increased, the practical measures provided did not specify how vacant posts for women would be found. The draft resolution seemed to imply that the main source of posts for women was to be newly created posts. Thus, in solving one problem, the General Assembly would be creating others in terms of increased bureaucracy and additional expense.<sup>51</sup>

23. With regard to the possibility of appointing a coordinator to oversee the interests of women in the Organization, one delegation expressed reservations concerning the possibility of designating a senior official, stating that a special post was not necessary for that purpose.<sup>52</sup> Conversely, another delegation indicated its preference for a stronger formulation on the question of designating a coordinator to oversee the interests of women.<sup>53</sup>

24. With regard to cooperation by Member States, it was generally acknowledged within the Committee that Governments, particularly Governments of underrepresented countries, should put forth more female candidates for vacancies in the United Nations.<sup>54</sup> One delegation noted that the United Nations mirrored policies pursued in Member States, where employment opportunities for women in responsible positions at the national level had been slow to develop. Nevertheless, the United Nations had a special responsibility to set an example in such an important area.<sup>55</sup> Another delegation suggested that Governments should provide rosters of qualified women.<sup>56</sup>

<sup>40</sup>Ibid., para. 16.

<sup>41</sup>See G A (35), 5th Comm., paras. 91, 137 and 146.

<sup>42</sup>Ibid., 62nd mtg., paras. 85 and 129.

<sup>43</sup>Ibid., 35th mtg., paras. 60-61.

<sup>44</sup>Ibid., 58th mtg., para. 25.

<sup>45</sup>Ibid., 59th mtg., para. 19.

<sup>46</sup>See A/C.5/35/L.37.

<sup>47</sup>G A (35), 5th Comm., 58th mtg., para. 7.

<sup>48</sup>Ibid., para. 17.

<sup>49</sup>Ibid., 62nd mtg., para. 121. See also A/C.5/35/SR.57, para. 52.

<sup>50</sup>Ibid., 57th mtg., para. 67. See also A/C.5/35/SR.60, para. 7.

<sup>51</sup>Ibid., 59th mtg., para. 26.

<sup>52</sup>Ibid., 62nd mtg., para. 121.

<sup>53</sup>Ibid., para. 146.

<sup>54</sup>See, e.g., *ibid.*, 58th mtg., para. 25.

<sup>55</sup>Ibid., 57th mtg., para. 47.

<sup>56</sup>Ibid., 62nd mtg., para. 137.

25. On the recommendation of the Fifth Committee,<sup>57</sup> the General Assembly adopted resolution 35/210 by which, recalling Article 8 of the Charter on the equality of opportunity for men and women to participate in the work of the Organization, it expressed deep concern at the lack of progress in increasing the proportion of women in the Secretariat. The Assembly requested the Secretary-General to continue to take the necessary measures to implement fully the provisions of section III of General Assembly resolution 33/143. In addition, the Assembly requested, *inter alia*, the Secretary-General:

“(a) To increase the proportion of women, particularly at the senior levels, in accordance with the principle of equitable geographical distribution, and on personnel advisory and administrative boards, so as to meet the target set in General Assembly resolution 33/143 and in resolution 24 of the World Conference of the United Nations Decade for Women;<sup>58</sup>

“(b) To amend staff rules which inhibit the employment of spouses in the same organization or duty station and to extend the practice of part-time employment and flexible working hours as soon as possible;

“(c) To ensure that staff members employed in organizations of the United Nations system are not subject to sexual harassment in their place of work or in connection with their work;

“(d) To ensure further that women employed in the organizations of the United Nations system are not discriminated against because of their sex;

“(e) To intensify efforts to eliminate prejudices and other factors which work against the recognition of women’s capabilities and the improvement of their status within organizations of the United Nations system”.<sup>59</sup>

The Assembly also requested the Secretary-General and the executive heads to examine additional measures, including the possibility of designating a senior official to coordinate these functions.

26. In 1982, in its second progress report on the status of women in the Professional category and above,<sup>60</sup> JIU reviewed the implementation of General Assembly resolution 35/210. It noted that the role of Member States in increasing the candidatures of women for posts in the Professional category had been disappointing, but noted some progress.<sup>61</sup> Regarding measures to accelerate the implementation of policy directives, including the designation of a focal point, JIU found that some measures had been taken by the other organizations, but not as much as desired.<sup>62</sup>

27. ACC, commenting on the second JIU progress report, noted that the report generally indicated that there had been progress. The executive heads, while continuing to

provide direction and establish procedures to increase the participation of women on equal terms with men in the work of the secretariats, were obliged to bear in mind at all times the aggregate of policy considerations relating to the administration of the organizations, as dictated by decisions of legislative bodies or by the prevailing conditions in the international community. The ability of the organizations to achieve results in respect of any one factor, such as the status of women, was to a great extent conditioned on their being in a position to reconcile often competing requirements.<sup>63</sup> ACC also indicated that the two major policy objectives of better geographical distribution and more women, in particular in high-level posts, were not always complementary.<sup>64</sup>

28. In the course of the discussion in the Fifth Committee during the thirty-seventh session of the General Assembly, the Assistant Secretary-General for Personnel Services stated that the 25 per cent target for the representation of women in posts subject to geographical distribution by the end of 1982 had not been reached: the current proportion was 22.2 per cent, with 31 per cent at Headquarters and 17 per cent away from Headquarters. One of the difficulties in attaining the recruitment goals was the number of posts that would be available for recruitment in the next three years. She recalled that the Secretary-General had already indicated that the plan’s success depended not only on the concerted efforts of all the Secretariat departments and offices, but also on the cooperation and support of all Member States.<sup>65</sup> She also indicated that, in view of the fact that the Panel to Investigate Allegations of Discriminatory Treatment in the United Nations Secretariat had developed into an effective machinery for dealing with many types of staff grievances on an informal basis, the Secretary-General intended to broaden the Panel’s terms of reference to cover staff grievances in general and to change its title accordingly.<sup>66</sup>

29. A number of delegations expressed regret that the Secretariat had fallen short of the target established by the General Assembly, but noted that some progress had been achieved.<sup>67</sup> One delegation noted with regard to the target goals that, under the terms of the Charter, no restriction should be placed on the eligibility of men and women to participate in any capacity and under conditions of equality, provided that they met the highest standards of efficiency, competence and integrity and were recruited on as wide a geographical basis as possible. Posts subject to geographical distribution should not therefore be the property of any State or group of States.<sup>68</sup> Another delegation stated the view that measures being considered to increase the percentage, such as the introduction of part-time employment and recruitment missions to selected countries, seemed inadequate: the root cause of the problem was surely the inadequate advertising of the positions available. While there was no serious

<sup>57</sup> A/35/777, para. 24.

<sup>58</sup> A/CONF.94/35, chap. I, sect. B, p. 86. See para. 7 above.

<sup>59</sup> G A resolution 35/210, sect. V.

<sup>60</sup> A/37/469.

<sup>61</sup> *Ibid.*, para. 31.

<sup>62</sup> *Ibid.*, para. 30.

<sup>63</sup> A/37/469/Add.1, para. 5.

<sup>64</sup> *Ibid.*, para. 8.

<sup>65</sup> G A (37), 5th Comm., 23rd mtg., para. 7.

<sup>66</sup> *Ibid.*, 47th mtg., para. 36.

<sup>67</sup> See generally *ibid.*, 26th mtg., para. 36; 30th mtg., para. 53; 32nd mtg., para. 30; and 40th mtg., para. 40.

<sup>68</sup> *Ibid.*

objection to the introduction of part-time employment, the delegation stated that such employment might compound the difficulties in promoting equitable geographical distribution, since it would be limited to women residing in the vicinity of the organization in question. Where possible, the spouses of United Nations employees should be considered for appointment.<sup>69</sup> Another delegation stated that new procedures were required for the recruitment of women which would make it possible to increase the number of women in the Secretariat without the establishment of predetermined percentages, since numerical targets were incompatible with the only valid criterion, namely competence and suitability for a post.<sup>70</sup>

30. A number of delegations expressed support for the designation within the Secretariat, in accordance with the provisions of section V, paragraph 5, of resolution 35/210, of a senior official to coordinate action with respect to the appointment and promotion of women.<sup>71</sup> They stated that it was not enough to adopt general policies; even more important was the monitoring of policy directives concerning the appointment, promotion and assignment of women so as to ensure that they were applied effectively, and to assist individual women in the Professional category to solve any problems they encountered in that respect.<sup>72</sup>

31. At its 65th meeting, the Fifth Committee discussed a draft resolution<sup>73</sup> sponsored by a number of Member States. One delegation urged the sponsors to delete from operative paragraph 1 of draft resolution B the following language: "keeping in mind that the 25 per cent target set should not be viewed as a limit on the number of women employed, and paying particular attention to those areas of the United Nations where compliance with the resolution has lagged behind, as indicated in a lower than average percentage of women". The delegation considered that the language in question went further than what had been contemplated in section III of resolutions 33/143 and section V of resolution 35/210 and might prevent the recruitment of male candidates for departments in which the percentage of women was below average. It was also noted that most male employees of the Secretariat were nationals of countries which were sponsoring the draft resolution.<sup>74</sup> There was little support for the proposal to delete the paragraph.<sup>75</sup> One representative felt that unless it was specifically stated that the 25 per cent target should not be seen as a limit on the number of women employed, the Secretariat might refuse to employ women after that target had been achieved on the grounds that the General Assembly had decided that 75 per cent of the staff employed should be men, which was surely not what the Committee wanted.<sup>76</sup> A number of delegations considered that reference should be made to Article 101, paragraph 3, of the Charter of the United Nations.<sup>77</sup> The Committee adopted the draft resolution, deleting from paragraph 1 only the

phrase "as indicated in a lower than average percentage of women", and adding a reference to Article 101, paragraph 3, in paragraph 7 of the draft.<sup>78</sup>

32. The General Assembly adopted the draft resolution submitted by the Fifth Committee<sup>79</sup> as resolution 37/235 B. In the resolution the Assembly cited Article 8 of the Charter of the United Nations, called upon the Secretary-General to intensify his efforts to implement fully section III of General Assembly resolution 33/143 and section V of General Assembly resolution 35/210, paying particular attention to those areas of the United Nations where compliance with the resolution had lagged behind, and keeping in mind that the 25 per cent target set was not to be viewed as a limit on the number of women employed. The Assembly also called upon the Secretary-General, inter alia, to include in his annual report on the composition of the Secretariat statistical analyses on the number and percentage of women by nationality on all promotion registers and appointment lists, identifying both ad hoc and accelerated promotions as well as normal promotions, and specifying what percentage of those eligible for promotion, actually promoted and appointed from outside, within each grade, were women.

33. The General Assembly also called upon the Secretary-General and the executive heads of all the other organizations in the United Nations system to examine additional measures that would advance the attainment of the policy directives of the appropriate legislative bodies concerning the appointment, promotion and assignment of women in the organizations of the United Nations system, bearing in mind paragraph 3 of Article 101 of the Charter of the United Nations and the principle of equitable geographical distribution. The Assembly requested the International Civil Service Commission, in its ongoing work programme, to keep those questions under continuing review and to report thereon, as appropriate, to the General Assembly. It also requested the Member States to continue to support the efforts of the United Nations to increase the proportion of women in the Professional category and above by nominating more women candidates and by assisting in recruitment efforts by the Secretary-General and the executive heads of the agencies.

34. During the period under review, in 1984, the Commission on the Status of Women adopted draft resolutions on the questions of equal opportunity for women employed in the United Nations system and of the concerns of women within the United Nations system at its thirtieth session.<sup>80</sup> On the recommendation of the Second Committee,<sup>81</sup> the Economic and Social Council adopted these drafts as its resolutions 1984/11 and 1984/12. By its resolution 1984/11, the Council requested the Secretary-General to implement the relevant recommendations of the General Assembly and JIU and, in particular, to promote the recruitment and hiring of women in Secretariat Professional posts at middle and high levels. Affirming General Assembly resolution 37/235, the Council stated that the

<sup>69</sup>Ibid., 30th mtg., para. 53.

<sup>70</sup>Ibid., 38th mtg., para. 24.

<sup>71</sup>Ibid., 36th mtg., paras. 31 and 39.

<sup>72</sup>Ibid., para. 39.

<sup>73</sup>A/C.5/37/L.39.

<sup>74</sup>G A (37), 5th Comm., 65th mtg., para. 25.

<sup>75</sup>Ibid., paras. 29, 32, 34 and 35.

<sup>76</sup>Ibid., para. 27.

<sup>77</sup>Ibid., paras. 28, 29, 33 and 36.

<sup>78</sup>A/37/764, paras. 34 and 35.

<sup>79</sup>A/37/764, sect. III.

<sup>80</sup>E S C (1984), *Suppl. No. 5*, chap. I, sect. A, draft resolutions II and III, and paras. 33-34 and 128-129.

<sup>81</sup>E/1984/93, paras. 12 and 13.

25 per cent target for the total number of women in posts subject to geographical distribution should not be viewed as a limit on the number of women employed.<sup>82</sup> The Council also requested Member States to include the names of qualified women in lists of candidates nominated for appointment to advertised United Nations posts. The Commission on the Status of Women was requested to consider at its thirty-first session strategies for the achievement of equal employment opportunities for women in the United Nations system based on, *inter alia*, the reports of JIU and the information provided by ACC.

35. In its resolution 1984/12,<sup>83</sup> the Economic and Social Council requested the Secretary-General, *inter alia*, to examine ways in which the needs and concerns of women could be integrated into all planning and programme activities of the United Nations system and the implications of doing so, and to report the findings to the Commission on the Status of Women at its thirty-first session.

36. At the thirty-ninth session of the General Assembly, the Fifth Committee had before it the report of the Secretary-General on personnel questions<sup>84</sup> and on the composition of the Secretariat.<sup>85</sup> The Assistant Secretary-General for Personnel Services stated that the efforts to improve distribution of staff in the Professional category by sex had been rather disappointing, with the proportion of women in such posts remaining virtually static at 22.6 per cent. Among the measures taken by the Secretary-General to address the problem, she pointed to the proposal broadly outlined in the report on personnel questions which defined the guiding principles, objectives, and action to be taken to implement an effective system of career development for Secretariat staff.<sup>86</sup> She indicated that the plan aimed in part to offer more equitable promotion opportunities for all the staff.<sup>87</sup>

37. During the ensuing discussion, a number of delegations expressed their concern at the lack of success in this area and reaffirmed the need to recruit more women to achieve a balanced composition in the Secretariat.<sup>88</sup> One delegation pointed out that inadequate representation of women was clearly an administrative, cultural and social problem and that appropriate solutions must be found. However, in calling for a principal adviser on women, the staff was addressing only part of the organizational aspect of the problem. Additional administrative action seemed to be needed to deal, for instance, with a situation in which many departments simply refused to implement promotions of women who were on the promotion register. The delegation stated that an adequate solution to the social dimension of the problem should include, as a minimum, full implementation of paragraphs 2, 3 (a) and 3 (c) of section III of General Assembly resolution 33/143 and paragraph 4 (b),

(d) and (e) of section V of General Assembly resolution 35/210, particularly with regard to the institution of flexible working hours, which had been proved to increase efficiency by reducing stress on employees who desired to attend to equally important commitments outside the workplace.<sup>89</sup> Another delegation noted the importance and usefulness of steps taken to recruit women to Professional posts, improve their working conditions, promotion opportunities and professional training, but added that due account must be taken of the desirable range of each Member State, since otherwise the idea of offering greater opportunities to women could become yet another means of impeding equitable geographical distribution.<sup>90</sup>

38. In December 1984, the Secretary-General informed the Fifth Committee of the details concerning the appointment, at the Assistant Secretary-General level, on an experimental basis for 1985, of a Coordinator for the Improvement of the Status of Women.<sup>91</sup> The Coordinator would review the situation of women in the Secretariat and propose improvements in accordance with the directives of the General Assembly.<sup>92</sup> The Coordinator would prepare a plan of action with specific strategies to, *inter alia*: analyse the situation in each department and office, including the secretariats of the regional commissions and other organizational entities of the United Nations, particularly with respect to the appointment, placement and promotion of women; identify, review and evaluate legislative or other steps taken by national or other international authorities to improve the equality of women in employment which might be applicable in the Secretariat; and consult with Member States on ways of increasing the numbers of women candidates for Secretariat posts.<sup>93</sup>

39. During the discussion in the Fifth Committee, some delegations expressed concern about the lack of clarity in the relationship between the Coordinator and the Office of Personnel Services and the potential for conflicts of interest therein.<sup>94</sup> One delegation questioned the soundness of the Secretary-General's proposal to create an office parallel to the Office of Personnel Services, where two different offices might recommend two candidates, possibly a man and a woman, for the same post. Another delegation expressed doubts about the desirability of appointing a coordinator who would act independently of the Office of Personnel Services, since the latter would have primary responsibility for all aspects of personnel policy. That delegation considered that the functions of the coordinator should be assigned to a senior female official at the Office of Personnel Services who would make recommendations to the Secretary-General through the Assistant Secretary-General for Personnel Services.<sup>95</sup> Some delegations stated the opinion that the role and authority of the Office of Personnel Services should be maintained.<sup>96</sup> One delegation expressed the view that, while

<sup>82</sup>E S C resolution 1984/11.

<sup>83</sup>E S C resolution 1984/12.

<sup>84</sup>A/C.5/39/9.

<sup>85</sup>A/39/453.

<sup>86</sup>G A (39), 5th Comm., 14th mtg., paras. 29 and 33. See also A/C.5/39/9, chap. II.

<sup>87</sup>*Ibid.*, para. 34.

<sup>88</sup>*Ibid.*, 17th mtg., para. 8; 18th mtg., paras. 3, 5 and 7; 19th mtg., paras. 43 and 48; 21st mtg., paras. 10, 43 and 50; and 22nd mtg., paras. 7, 13, 25, 38 and 45.

<sup>89</sup>*Ibid.*, 26th mtg., para. 5.

<sup>90</sup>*Ibid.*, 29th mtg., para. 13.

<sup>91</sup>A/C.5/39/CRP.4.

<sup>92</sup>*Ibid.*, para. 2.

<sup>93</sup>*Ibid.*, para. 6.

<sup>94</sup>G A (39), 5th Comm., 40th mtg., paras. 39, 43 and 44; and 44th mtg., para. 52.

<sup>95</sup>*Ibid.*, 40th mtg., para. 25.

<sup>96</sup>*Ibid.*, 38th mtg., para. 16, 40th mtg., para. 31.

an official responsible for women's interests was well intended, making that official an Assistant Secretary-General independent of the Office of Personnel Services might not be the best way of achieving success. The authority of the Assistant Secretary-General for Personnel Services should be strengthened, since everyone agreed that the failure to achieve the desired results with respect to the geographical distribution and gender was attributable to his lack of sufficient authority.<sup>97</sup> Another delegation stated that, while there was an obvious need to promote the advancement of women, a strong case could be made for a coordinator to consider the position of unrepresented and underrepresented Member States. Such an approach would eventually lead to a plethora of coordinators in the Organization.<sup>98</sup>

40. Responding to the concerns expressed in the Committee, the Under-Secretary-General for Administration and Management stated that the Secretary-General had decided to appoint a coordinator because the considerable effort made by the Secretariat to enhance the status of women had not brought results and because all countries, including unrepresented and underrepresented States, and all levels of the Secretariat were affected. There would be no duplication of existing functions. The coordinator's recommendations, endorsed by the Assistant Secretary-

General for Personnel Services, would be implemented by the Office of Personnel Services.<sup>99</sup>

41. By its resolution 39/245, the General Assembly once again expressed its concern at the lack of progress towards meeting the goals and objectives established with respect to, *inter alia*, the recruitment, career development and promotion of women. It took note of the decision of the Secretary-General to designate, on a temporary basis, a senior official with the title of Coordinator for Improvement of the Status of Women in the Secretariat of the United Nations, requested that the Coordinator function within the Office of Personnel Services, and that the Office of Personnel Services ensure that the Coordinator was provided with all necessary assistance. The Assembly also noted that the Office of Personnel Services would continue to be responsible for the implementation of General Assembly directives and the Secretary-General's policies in personnel matters, for the formulation and application of personnel policy and for the recruitment and administration of all staff.<sup>100</sup>

#### **\*\*B. Participation in other United Nations organs**

<sup>97</sup>*Ibid.*, 42nd mtg., para. 10.

<sup>98</sup>*Ibid.*, 40th mtg., para. 25; see also 42nd mtg., para. 20.

<sup>99</sup>*Ibid.*, 40th mtg., para. 34.

<sup>100</sup>G A resolution 39/245.