

EQUITABLE GEOGRAPHIC REPRESENTATION IN THE UNITED NATIONS: AN ASSESSMENT OF THE STATE OF THE INTERNATIONAL CHARACTER OF THE UNITED NATIONS' WORKFORCE

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“The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.” (Article 101 of the Charter of the United Nations)

INTRODUCTION

On 4 December 2017, barely a year after assuming the post of the 9th Secretary-General (SG) of the United Nations, Mr. Antonio Guterres unveiled his vision to shift the United Nations (UN) into a new management paradigm. In front of the Administrative and Budgetary (Fifth) Committee of the UN General Assembly (GA), he enumerated his intention to reform how the UN conducts its work on peace and security, development, and internal management activities.¹ Mr. Guterres envisaged these reform proposals would best position the UN to “do the work that Member States asked.”²

Equitable geographic representation is an important component in keeping the international character of the UN. Framers of the UN stated that “If it is to enjoy the full confidence of all Members of the United Nations, the Secretariat must be truly international in character.”³ Aside from serving the purpose of assuring Member States that no culture, language, or practice unduly dominates the discharge of the UN’s mandates by officials under its employ, the UN benefits from having the level of diversity in cultures, practices, and perspectives in catering to the demands of the peoples of the world. Moreover, as how former British Prime Minister and then British Representative to the League of Nations Mr. Albert Balfour ably described what international” entailed in the League’s civil service, “members of the Secretariat once appointed are not longer the servants of

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the country of which they are citizens, but become for the time being servants only to the League of Nations.”⁴

Regrettably, equitable geographic representation of the UN has been, and remains to be, an unfulfilled aspiration. Since the emergency appointments provided by Mr. Trygve Lie, the first UNSG and former head of the Norwegian Delegation to the San Francisco Conference that created the Organization, to expeditiously recruit the pioneering cadre of 400 secretariat staff members to facilitate the successful conduct of the First UNGA at its makeshift headquarters in Hunter College at the Bronx, the issue remains contemporary 74 UNGAs later.⁵

The Secretary-General reported that as of 31 December 2018, UN Staff Members from the African Group accounted for 39.3 percent versus 41.4 percent of the total number of UN Staff in 30 June 2015. Moreover, staff members from developed countries continue to outnumber staff members from developing countries at the Director level and above for the past three reporting years.⁶

In the context of the current reform initiatives, Mr. Guterres stated his aspiration in having a “diverse, geographically balanced and gender-balanced, international and multitalented workforce that is truly representative.”⁷ On 15 November 2018, he unveiled the Global Human Resources Strategy for 2019-2021 which aspired to “increase regional diversity of the workforce” through sweeping reforms in the staff recruitment and retainment at the UN.⁸ The 134 Member States of the Group of 77 and China, a block of developing countries that coordinates common positions at the UN including administrative and budgetary issues, highlighted its concern that there has been “slow progress in achieving balanced geographic representation at all levels.”⁹

The current paper will try to provide a linear narrative of the recruitment and appointment activities of the UN Secretariat and the ideological themes surrounding the debates of the General Assembly on the issue of staff recruitment on as wide a geographic basis as possible. From there, the author will attempt to provide the current state of affairs on the aforementioned issue and suggest recommendations on how the aspiration could be reinvented and made relevant to the twenty-first century demands of the United Nations Membership.

THE LEAGUE OF NATIONS: THE UNITED NATIONS PRECURSOR

Although the League of Nations (the League) would not hold the title of the oldest intergovernmental organization,¹⁰ scholars agree that it was the first intergovernmental organization that was entrusted with the aspiration to keep international peace and security.¹¹ It was also during the time of the League when the concept and the need to establish an international civil service arose. Likened to a traditional civil servant of the nation-state of the League’s period, where

one swears his loyalty to the flag of his employer, an international civil servant is expected to serve the sole interests of his organization without fear or particular favor to any of its Member States.

Recruiting staff members of great competence was also emphasized by the framers of the League. Among the principles that were conceptualized by the League, the one that was eventually carried over to the United Nations was the Noblemaire Principle. Named after the Chair of the 1921 Committee and French Diplomat Georges Noblemaire, the Noblemaire Principle implied that for the League to be able to recruit the most qualified civil servants across its Membership, the League's salaries should be comparable to the salaries of the highest-paid civil service amongst its members.¹² That is, a British civil servant, the highest paid civil servant of that time, should not be dissuaded to work for the League due to discrepancies in pay between one's civil service and that of the League.

The principle holds that an international organization must remunerate its staff members for the same level of work performed, regardless of the varying pay levels in the various countries to which they were drawn. Moreover, since the salary is comparable to the highest paid civil service, the principle provides a level of remuneration to attract the best candidates.

BIRTH PAINS AT THE UNITED NATIONS

To operationalize the successor of the League, the UN relied on emergency appointments to recruit its initial staff members to serve as its backbone at its temporary Headquarters at Hunter College at the Bronx. During the Second UNGA, Member States expressed the importance of upholding Article 101 of the UN Charter in order to "avoid undue predominance of national practices" in keeping with the international nature of the UN.¹³ After a number of representatives expressed concern that the UN Secretariat had not been representative of the different "cultures and nationalities" of the Membership, the GA also requested the SG to examine the Secretariat's hiring policy with a view of improving the geographic distribution of posts.¹⁴

THE SYSTEM OF DESIRABLE RANGES

It was during the Second UNGA that ideas started to float on using a Member State's financial contributions to the UN as a yardstick for measuring the progress towards achieving Article 101 of the UN Charter.¹⁵ Financial contributions to the UN were considered by some Delegates as more stable indicator as it would primarily be informed by the UN scale of assessments, a formula used to determine a Member State's financial obligation to the organization that is predominantly influenced by one's capacity to pay determined by its economic size relative to

the rest of the UN Membership. The SG also weighed in on the use of financial contributions to inform geographic representation. He stated to wit:

“The whole problem, therefore, is that establishing acceptable criteria which are administratively workable. Any rigid mathematical formula to whatever yardstick it may be related, whether national income, literacy, financial contribution to the budget of the United Nations, or any other criterion, would restrict in an impracticable fashion the flexibility on which the success of any good administration must depend, and is therefore unacceptable.”¹⁶

This ‘yardstick’ was called the System of Desirable Ranges. Using financial contribution as the basis for measuring the application of the principle of geographical distribution in the absence of a more satisfactory formula enjoyed support from the Membership.¹⁷ On the other hand, critics stated that financial contributions would set an undue emphasis on the “wealth and poverty of Member States.”¹⁸ War had just ravaged numerous UN Member States and with the principle-of-capacity-to-pay guiding the level of financial contributions at the UN, the financial contributions of these war-ravaged States were set at a relatively low figure which could adversely affect their ability to be accurately represented using the proposed metric.¹⁹

Following the adoption of GA Resolution 153 (II) of 15 November 1947, the SG conceptualized “desirable ranges” in an SG bulletin 77.²⁰ It classified Member States as being *unrepresented*, *underrepresented*, *within range*, and *overrepresented*. Priority for extending staff appointments was to be given to *unrepresented* and *underrepresented* over *overrepresented* Member States with nationals from *overrepresented* States only being granted appointments should there be no suitably qualified candidates available from *unrepresented* and *underrepresented* States.²¹

The UN was aware of the inherent mathematical rigidity of using financial contributions to measure equitable geographic distribution. At the outset, the UN argued that a degree of deviation and administrative flexibility was required to implement Article 101. The SG argued that “...without some measure of deviation the criterion of budgetary contribution would be as restrictive as any other.”²²

During the Third UNGA, the SG expressed the following opinion:

“Rightly understood, the cardinal principle of geographical distribution is not that nationals of a particular nation should have a specified number of posts at a particular grade or grades, or that they should receive in salary as a group a particular percentage of the total outlay in salaries, but that, in the first place, the administration should be satisfied that the Secretariat

*is enriched by the experience and culture which each Member nation can furnish and that each Member nation should, in its turn, be satisfied that its own culture and philosophy make a full contribution to the Secretariat.*²²³

It was only until 1962 that the System of Desirable Ranges added membership and population factors to the sole factor used to determine the desirable range: the financial contribution of Member States to the regular budget of the UN.²⁴ The System continued to evolve, the latest of which was contained in GA resolution 42/220 A that enumerated the following criteria for determining the ranges effective 1 January 1988:

- “(a) The base figure for the calculations would initially be 2,700 posts;*
- (b) The weight of the membership factor would be 40 per cent of the base figure;*
- (c) The population factor, which would be allotted a weight of 5 per cent, would be directly related to the population of Member States, and posts subject to that factor would be distributed among Member States in proportion to their population;*
- (d) The contribution factor would be based on the distribution of the remaining posts among Member States in proportion to the scale of assessments;*
- (e) The upper and lower limits of each range would be based on flexibility of 15 per cent upward and downward from the midpoint of the desirable range, but not less than 4.8 posts up and down, the upper limit of the range being not less than 14 posts;*
- (f) The base figure would be adjusted whenever the actual number of posts subject to geographical distribution increased or decreased by 100, the weights of the three factors being maintained.”*²²⁵

GEOGRAPHIC DISTRIBUTION AND REPRESENTATION

From the original 51 founding members of the United Nations in 1945, the UN grew its membership to 99 members in 1960, 154 members in 1980, 189 members in the year 2000, and 193 Member States to date.²⁶ Moreover, the way Member States have funded the UN has dramatically changed through the years. From initially relying solely on the Regular Budget in 1947, the UN at present relies on a mix of assessed (or mandatory contributions paid by Member States using a predetermined formula) and voluntary contributions.

Consequently, the System of Desirable Ranges, being only applicable to posts funded by the UN Regular Budget, not only became mathematically rigid in ensuring equitable geographic distribution of posts vis-à-vis the current realities of the UN membership but also in the overall scope of posts it is applicable to. As of August 1948, there were 979 posts subject to the System of Desirable Ranges.²⁷ By 31 December 2017, there were a mere 3,600 posts out of the total of 15,000 international positions, excluding language positions.²⁸ Since the System of Desirable Ranges remained unchanged since 1988, the distortion not only persisted but was also magnified with the increased mandates and posts at the UN. As of 31 December 2018, there are 76,590 UN staff members serving the UN Secretariat and its related entities.²⁹

Having the references to geographic distribution traditionally refers to the System of Desirable Ranges, Member States notably from the Group of 77 and China shifted their call, from equitable geographic distribution to representation, to also capture the spirit of applying Article 101 of the UN Charter to posts not subject to the current System. Moreover, with the UN also trying to push for gender parity and enhanced performance management, Member States are emphasizing that all such initiatives should not be pursued in a mutually exclusive manner.³⁰

THE WAY FORWARD

The Fifth Committee of the 73rd UNGA was unable to decide on the SG's proposals to reform the Human Resources Management architecture of the UN. Partly caused by the time constraint the Committee had when it met alongside other equally important items such as negotiating the Scale of Assessments for the Apportionment of UN Expenses for 2019-2021 and Management Reform proposals, the lack of immediate budgetary implications to the Organization allowed the Committee to defer the issue. At present, the item also faces a very high likelihood of being deferred consideration until the Resumed Session of the 74th UNGA. Without a clear pronouncement from the GA, Article 101 of the UN Charter will remain a continuing aspiration.

It is important for the current UN Membership to recall the views exchanged on using financial contributions as a component for measuring progress in achieving Article 101, notably, its 'mathematical rigidity.' Moreover, the expansion of the applicability of the System of Desirable Ranges to posts not paid for by the UN regular budget should be favorably explored. After all, a UN staff member, no matter where his salary is sourced from, serves the same membership and is expected to uphold the same values in his conduct.

It does not help that the issues under consideration of the UN General Assembly has dramatically increased over time. In the Fifth Committee, the move

to consider the regular budget of the United Nations from a biannual to an annual basis necessitated to continuously defer consideration of these pressing issues and proposals from the Main Part of the 73rd Session – where the Committee had to decide on the applicable scale of assessments for the apportionment of expenses of the United Nations for 2019 to 2021 – to the First Resumed Part of the 74th Session – where in the Main Part (October to December) the Fifth Committee decided to again defer the item due to the time constraint faced by it and lack of time to even thoroughly consider the first annual budget of the UN regular budget for 2020.

Admittedly, the issue is also tied with the need to harmonize the UN's funding sources. The trend of the UN's increasing proportion of activities funded by voluntary funding versus its assessed funding creates a situation where the activities overseen by the whole Membership through the Fifth Committee of the General Assembly is getting smaller in scale relative to the activities performed by the UN through its voluntary funding sources. It consequently makes the organization more “donor-driven” than “Member State-driven” on the inherent level of control a donor expects to have over UN activities it funds.

Although the UN membership let alone its Secretariat might have little recourse on how the voluntary funding it receives could be spent as virtually all of it is earmarked to the donor's indicated initiative, it might be high time for the General Assembly to require that voluntary funding that entails recruiting UN staff members should be subject to the principle of equitable geographic representation that is, should it be possible, based on a system of desirable ranges that further refines its methodology that puts less emphasis on financial contributions of Member States and more on population and language factors. After all, if voluntary funds the UN receives is already subject to the organization's financial rules and regulations, recruitment of staff based on a revised system of desirable ranges methodology harmonizes rules for both UN jobs and funds to make the organization truly representative of its membership.

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NOTES

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4 Balfour Report, League of Nations Official Journal, June 1920, Page 136-139 (offline copy provided by UNOG Archives in Geneva).

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6 A/74/82 Composition of the Secretariat, Report of the Secretary-General accessible online at <https://undocs.org/A/74/82>.

7 Paragraph 20 of A/72/492 on Shifting the Management Paradigm of the United Nations.

8 A/73/372 15th Formal Meeting of the Fifth Committee of the 73rd UNGA, 15 October 2019.

9 After Azerbaijan joined the Group of 77 and China in 2019, the Membership increased to 135 Member States

[https://www.un.org/en/ga/fifth/73/statements/135.%20Rev.of.Eff_HR%20placement/C5_73_0m_ST_2018_10_15_Item_135_Rev_of_Eff_HR%20placement_Egypt%20\(G77andChina\).pdf](https://www.un.org/en/ga/fifth/73/statements/135.%20Rev.of.Eff_HR%20placement/C5_73_0m_ST_2018_10_15_Item_135_Rev_of_Eff_HR%20placement_Egypt%20(G77andChina).pdf).

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