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## Fifth Committee

### Summary record of the 6th meeting

Held at Headquarters, New York, on Thursday, 18 October 2018, at 10 a.m.

*Chair:* Ms. Bird ..... (Australia)  
*Chair of the Advisory Committee on Administrative  
and Budgetary Questions:* Mr. Ruiz Massieu

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*The meeting was called to order at 10.05 a.m.*

**Agenda item 136: Programme budget for the biennium 2018–2019 (continued)**

*Construction and property management*  
([A/73/327](#), [A/73/344](#), [A/73/425](#) and [A/73/426](#))

1. **Mr. Carey** (Office for Central Support Services), introducing the Secretary-General's report on the seismic mitigation retrofit and life-cycle replacements project at the Economic and Social Commission for Asia and the Pacific (ESCAP) premises in Bangkok ([A/73/327](#)), said that the report had been prepared pursuant to section XIII of General Assembly resolution [72/262 A](#). The project team had completed the planning phase towards the end of 2017 and was now working on the final design with the lead consultancy firm. The governance structure had been strengthened through the establishment of a network of focal points, known as change champions, to ensure business continuity and engage end users in the design of a modernized, fit-for-purpose office space. The seismic retrofit design and the life-cycle replacement scope would be refined to address health and safety issues, including fire and life safety. The construction and swing space strategies had been optimized and the recommendations of oversight bodies were being implemented.

2. During the reporting period, the Executive Secretary of ESCAP and her senior management team had been engaged in the change management aspects of the project. With regard to the General Assembly decisions on the Secretary-General's report on repositioning the United Nations development system to deliver on the 2030 Agenda ([A/72/684-E/2018/7](#)), ESCAP had positioned the project as a strategic initiative that would help realize the Secretary-General's vision of a new generation of United Nations country teams supported by strengthened inter-agency planning mechanisms, more creative models of physical presence and common services. Inter-agency planning would be promoted in the new office space through the proximity of United Nations development teams and shared collaborative areas. The project was now a regular item on the agenda of ESCAP senior management team meetings, with the focus currently on managing the change from enclosed offices to open office space.

3. The host country played an active role in the project, and the ESCAP team engaged with the technical advisory committee established with the support of the Ministry of Foreign Affairs and the Thai Council of Engineers to ensure that lessons learned were taken into account and that local knowledge and best practices

were incorporated. In May 2018, a meeting of the Inter-Agency Network of Facilities Managers, at which the project team had discussed with their professional counterparts common issues and lessons learned from capital projects at other duty stations, had been held at ESCAP. During the design phase, the construction methodology had been revised to enable all swing space to be provided on site, a cost-effective solution that minimized disruption to business continuity. The Commission had conducted an accessibility survey in which 400 of its staff had participated online or through focus groups. The findings had been outlined in the ESCAP accessibility road map, which would inform the design of the office environment and improve current operations.

4. The Project Coordinator post at Headquarters, jointly funded by ESCAP and the Economic Commission for Africa (ECA), had been filled, and an independent risk management firm had been contracted. The Office of Central Support Services had held a risk management workshop in Bangkok in early 2018; among the outcomes had been a Monte Carlo risk analysis that measured the Organization's confidence that the project would be completed within budget. The Office had also held a value engineering workshop involving the Project Executive and her team, to identify ways of avoiding cost overruns and, when needed, find alternative design solutions to remain within budget without affecting the scope of the project or the quality of the work. The Office held monthly meetings with the ESCAP team to monitor progress on the project. The General Assembly was requested to take note of the progress made since the issuance of the Secretary-General's previous report, take note of the revised cost plan, approve the establishment of two temporary positions and appropriate an amount of \$4,484,500 for the project for 2019. Those costs, which related mainly to the construction of swing space and to design and project management, were in line with the projected amount indicated in the Secretary-General's previous report.

5. **Ms. Tetteh** (Director-General, United Nations Office at Nairobi), speaking by video link from Nairobi, introduced the Secretary-General's report on progress on the replacement of office blocks A–J at the United Nations Office at Nairobi ([A/73/344](#)). She said that the report highlighted the steps taken since the issuance of the Secretary-General's report on the proposal for the replacement of the blocks ([A/72/375](#)) and the General Assembly's approval of that proposal in its resolution [72/262 A](#). The replacement of the blocks was one of the major construction projects identified in the Secretary-General's reports on the strategic capital review at the

Assembly's sixty-ninth and seventieth sessions ([A/69/760](#) and [A/70/697](#)). The current report on the replacement on the blocks provided an update on progress in 2018 and information regarding a refinement of the proposal. The estimated total cost of \$69.88 million, indicated in the Secretary-General's previous report on the matter, had been reduced by 5.2 per cent to a revised maximum overall cost of \$66.26 million through the proposed repurposing of the existing publishing services building instead of the construction of a separate service block as proposed in the previous report. The refinement also avoided the use of temporary swing space and, by accelerating the construction schedule, reduced overall escalation costs.

6. Following the donation of the Gigiri compound to the United Nations by the Government of Kenya in 1975, the original blocks had been built as temporary office accommodation and, following subsequent reinforcement, continued to be used as offices for United Nations agencies, funds and programmes. In 2014, the United Nations Office at Nairobi had assessed the condition of the Gigiri buildings and infrastructure. The findings had been included in the Secretary-General's report on the strategic capital review at the General Assembly's seventieth session ([A/70/697](#)), in which campus-wide upgrades, including improvements to the conference facilities and the replacement of the blocks, had been proposed. The blocks currently comprised office space, medical and security facilities, warehousing, contractors' workshops, a canteen and other operational facilities. They were approaching the end of their service life and, despite interior upgrades over the years, did not comply with prevailing codes, were not safe and did not meet United Nations security requirements. Through the strategic capital review, it had been determined that investment in major maintenance of the buildings would ultimately cost more than their full replacement.

7. Because the business transformation initiatives being implemented at the United Nations could affect space requirements at the Gigiri complex, the project had been designed to provide maximum functional flexibility. The ability to right-size any new construction — to modify the total built area of that construction and make more efficient, flexible use of the existing buildings — was essential in addressing future requirements. The current life-safety deficiencies in blocks A–J, however, must be addressed, irrespective of future developments at the complex.

8. Although the Secretary-General's reforms, one of the objectives of which was decentralization, were likely to make the complex an ideal location for increased operational activity, the report did not attempt

to take into account or predetermine the outcome of the General Assembly's consideration of the Secretary-General's forthcoming proposal on the global service delivery model. The refined proposal for the replacement of the blocks, however, was flexible enough to accommodate future changes in the demand for space at the Office; it was based on the construction of two new office blocks, but the design was modular and could be adjusted to allow for the construction of one, two, three or four blocks. Flexible workplace strategies and upgrades would be implemented to ensure maximum utilization of the existing office space at the complex, in line with the experience and best practices applied to other flexible workspace projects, including in the Secretariat Building in New York. Under the refined proposal, office space in the publishing services building would be increased through the reuse of printing space and the construction of a mezzanine floor. No new service building or temporary swing space would be needed, as the renovation would provide new office space earlier than previously expected and the publishing services building could therefore be used as swing space while blocks M–X and the new office facility were converted to flexible workspace and after blocks A–J were vacated. The use of flexible workspace strategies in the two new office blocks would consolidate the footprint of the Secretariat tenants.

9. The Office was the only duty station in the South at which United Nations organizations had their global headquarters. In addition, many agencies, funds and programmes had their regional, country and project offices there. United Nations system organizations did more work in Africa than anywhere else, including in peace and security and humanitarian assistance. Nairobi was part of a vast, dynamic and rapidly changing continent, and the Secretary-General had emphasized that he gave high priority to strengthening Africa's place in the United Nations and the Organization's place in Africa. The Office, the Organization's only global service provider in Africa, managed annual extrabudgetary revenue of \$1 billion, expenses of \$800 million and more than 8,000 individual grants; provided related support to more than 100 field, country and regional offices of the United Nations Environment Programme and the United Nations Human Settlements Programme; prepared those offices' annual financial statements and numerous reports to donors, Member States and auditors; and provided common services to more than 70 agencies, funds and programmes. Over half the Office's budget was financed through service charges, and its rates and budgets were approved by client service boards. To support United Nations operations, the Government of Kenya had donated 140 acres of prime real estate, in which the General

Assembly had made substantial infrastructure investments. To support United Nations entities, the Government had also upgraded the roads in the Gigiri area by introducing traffic lights, slip lanes, and cycling and pedestrian lanes.

10. The proposal would be extremely good value for money; the total revised cost would allow office accommodation and service buildings to be provided to United Nations entities that required secure space in Nairobi, with no further need for major office upgrades at the complex for twenty years. The Office had a track record of success in large projects, including the construction of the new office facility, one of the most environmentally advanced office blocks in the region when it was completed in 2010, within the approved budget and on schedule. The General Assembly was requested to approve the proposed scope and revised maximum cost of the project and the implementation strategy for replacing office blocks A–J; approve the establishment of one P-5, two P-3, two National Officer and two Local-level positions for project management, support and coordination; appropriate an amount of \$6,595,000 for 2019; and approve the establishment of a multi-year construction-in-progress account for the project.

11. **Mr. Ruiz Massieu** (Chair of the Advisory Committee on Administrative and Budgetary Questions), introducing the report of the Advisory Committee on Administrative and Budgetary Questions on the seismic mitigation retrofit and life-cycle replacements project at the Economic and Social Commission for Asia and the Pacific premises in Bangkok ([A/73/425](#)), said that the project was in its design and tender phase, and the Secretary-General in his report proposed modifications to the seismic mitigation retrofit design and the swing space strategy. To enable all swing space to be provided on site, 1,200 m<sup>2</sup> of additional space would be constructed. The Advisory Committee trusted that the Secretary-General would provide the General Assembly with information regarding the proposed modifications and the future use of the swing space at the time of the Assembly's consideration of the Secretary-General's report. The Advisory Committee noted the results of the Monte Carlo risk simulation and expected the Secretary-General to take all necessary measures to ensure the delivery of the project within the scope, budget and timeline approved by the Assembly. Subject to the recommendations and observations made in its report, the Advisory Committee recommended that the Assembly take note of the progress made since the issuance of the Secretary-General's previous report; take note of the revised project cost plan; approve the

establishment of the two temporary positions requested by the Secretary-General; and appropriate a net amount of \$4,484,500 for project activities in 2019.

12. Introducing the Advisory Committee's report on progress in replacing office blocks A–J at the United Nations Office at Nairobi ([A/73/426](#)), he said that the Advisory Committee welcomed the refinements in the scope of, implementation strategy for and future activities related to the project, and the cost savings of 5.2 per cent of the overall budget. It would be good practice for the Secretary-General to provide the comparative information and explanations relating to both the original and the revised cost plans in his report. The Advisory Committee recommended that comparative information and a visual representation of the sequencing of the proposed work be provided in all reports on construction projects. The Advisory Committee trusted that the estimates for escalation and contingency would be refined as the project progressed and that risks relating to construction costs, change orders, timelines of activities and procurement activities would be managed to minimize the risk of delayed project completion and cost overruns. Given the costs associated with the flexible workspace requirements, the Advisory Committee trusted that the pilot project would incorporate an updated cost-benefit analysis and address the identified challenges, best practices and implementation requirements of a flexible workplace environment.

13. Subject to the recommendations and observations in its report, the Advisory Committee recommended that the Assembly approve the proposed project scope and maximum overall cost of \$66,260,100, and the implementation strategy for the replacement of the office blocks; approve the establishment of the six positions requested by the Secretary-General; appropriate an amount of \$6.595 million for the biennium 2018–2019; and approve the establishment of a multi-year construction-in-progress account for the project.

14. **Mr. Ahmed** (Egypt), speaking on behalf of the Group of 77 and China, said that the Group appreciated the facilitation of the work of ESCAP by the Government of Thailand and encouraged the Commission to engage with the host country and local authorities throughout the implementation of the project. The regional commissions were essential to the advancement of multilateralism and to regional knowledge-sharing and dialogue. Over the years, Member States in the Asia-Pacific region had intensified their demands on ESCAP as they addressed domestic economic, social and environmental challenges in pursuit of internationally agreed development goals.

The Organization must ensure that the seismic mitigation retrofit and life-cycle replacements project was completed on time and within budget so that ESCAP could perform its functions efficiently and serve those Member States optimally. To that end, the project management must be held to the highest standards of governance, oversight, transparency and accountability. The Office of Internal Oversight Services (OIOS) had highlighted, in its second audit report on the project, the progress made in the implementation, and the Group trusted that the Commission would follow the eight recommendations in the report.

15. Through extensive outreach, the Organization had succeeded in attracting qualified female candidates to the project team. It should take similar measures in its future endeavours, in line with Member States' commitment to improving gender parity and equitable geographical representation at all levels of the United Nations workforce. The Group supported the Secretary-General's recommendation that one Information Technology Assistant (Local level) and one Logistics and Coordination Officer (National Officer) be hired on a temporary basis for the on-site swing space. To improve building performance and energy conservation and make best use of space, local knowledge, technology and capacity must be utilized throughout the implementation. The Group welcomed the planned on-site swing space and the refinement of the construction methodology, which would delay the start but not the duration of the construction and would not affect the project completion date. Despite the Secretary-General's assurances that the budget of \$40.02 million would not be affected by the construction delay, the Group was concerned about the relatively low level of confidence that the project would be completed within that budget. The Secretary-General should finalize the design promptly, take risk mitigation measures in a timely fashion and seek voluntary contributions and other forms of support from Member States.

16. With regard to the Secretary-General's report on progress in replacing office blocks A–J at the United Nations Office at Nairobi, the Group appreciated the facilitation by the Government of Kenya of the work of the Office, which should engage with the Government throughout the project. The Group welcomed the reduction in the total project cost, achieved by refining the implementation plan to repurpose the existing publishing services building rather than construct a separate service block. The use of flexible working strategies in the repurposed building and the new office building would consolidate the current footprint of the Secretariat tenants, making extra office space available to other United Nations tenants. The Group welcomed

the progress made in the preliminary activities and noted that compliance with codes related to seismic mitigation, life-cycle replacements, industrial health and safety, accessibility, space utilization and efficiency would be addressed in the implementation of the project. Recruitment for the project should take into account the scheduled life-cycle activities, and the duration of the positions should correspond to the needs identified in the various phases of implementation.

17. The Group welcomed the recruitment of an independent risk management expert to support the Office of Central Support Services. A risk management strategy had been established to help manage a risk-based contingency provision. The Secretary-General should reflect on lessons learned and best practices in project governance, and should establish a collaborative environment to engage host-country authorities. In line with previous General Assembly resolutions related to construction projects, the Secretary-General should make every effort to use local materials, knowledge and technology. Given the need to ensure health and safety at United Nations premises, Member States should support the timely implementation of other projects related to the strategic capital review, including at the United Nations Office at Nairobi, ECA and the Economic Commission for Latin America and the Caribbean (ECLAC).

18. **Ms. Tang** (Singapore), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that the regional commissions, of which ESCAP, with 53 member States and 9 associate members, was the largest, must have a safe, suitable and accessible workplace. She was grateful to the Government of Thailand, the host country, for facilitating the work of the Commission, whose technical assistance and capacity-building in economic and social development were essential to the implementation of the 2030 Agenda; however, much remained to be done. ASEAN reaffirmed its support for the Commission and looked forward to working closely with the recently appointed Executive Secretary.

19. Good governance, effective oversight, transparency and accountability were essential to the timely completion of the project within budget. The dedicated Project Coordination Officer should ensure close coordination between the Secretariat and ESCAP. OIOS had highlighted in its second audit report that the Commission had made significant progress in the implementation of the project. ESCAP had implemented or was implementing the Office's eight recommendations, including by finalizing plans for the new on-site swing space strategy, which should include a cost-benefit analysis and an operational feasibility



study. ASEAN supported the Secretary-General's recommendation that one Information Technology Assistant (Local level) and one Logistics and Coordination Officer (National Officer) be hired on a temporary basis for the on-site swing space. The project team should explore innovative ways of optimizing the use of space, conserving energy, making cost savings and reducing business disruption, while giving due consideration to the most cost-effective approach.

20. She commended ESCAP and the Office of Central Support Services on attracting qualified female candidates to the project team, on which four of the five Professional posts were encumbered by women. The United Nations must achieve gender parity and equitable geographical representation in its workforce at all levels. Local knowledge, materials and technology and in-house capacity should be used in the project, and ASEAN therefore welcomed the establishment of the advisory committee of local technical experts, which underscored the importance of close collaboration between the United Nations and the host country.

21. The General Assembly should support the timely and full implementation of the project. Despite the delay in the commencement of construction, the overall construction duration and project completion date remained the end of 2023 and the budget remained \$40.019 million, including contingency funding. ASEAN was concerned, however, regarding the Monte Carlo analysis, which had shown that the project was at significant risk of going over budget; the Secretary-General must mitigate the risk in a timely manner. The project team should take into account lessons learned and best practices from other capital projects. The implementation of such projects at the regional commissions was important to the effectiveness and efficiency of the Organization; ASEAN supported the replacement of office blocks A–J at the United Nations Office at Nairobi, the construction of new office facilities at ECA and the renovation of ECLAC.

22. **Ms. Nalwanga** (Uganda), speaking on behalf of the Group of African States, said that the Group was grateful to the Government of Kenya for supporting the United Nations Office at Nairobi and trusted that the Secretary-General would engage with the Government to ensure that the replacement of office blocks A–J was successful. The Government had demonstrated its commitment to hosting the United Nations Environment Programme and the United Nations Human Settlements Programme in Nairobi by donating the land on which the Office stood. The Group welcomed the Secretary-General's commitment to the provision of sufficient staff accommodation and facilities at United Nations

duty stations and to the replacement of the blocks, pursuant to General Assembly resolution [72/262 A](#).

23. The blocks, which had been constructed in the late 1970s as semi-permanent buildings, did not comply with the prevailing codes relating to industrial health and safety, seismic mitigation, hazardous materials, accessibility, energy efficiency and sustainability, and space utilization. Through the strategic capital review, the Secretary-General had determined that further investment in major maintenance of the buildings would ultimately cost more than their full replacement. The Group welcomed the revised maximum cost of \$66,260,100 for the replacement of the blocks, and the establishment of a multi-year construction-in-progress account for the project. The Secretary-General should avoid delays and the resulting escalation of costs in current and future construction projects. The Group welcomed the refined scope of, implementation strategy for and future activities related to the project. The repurposing of the publishing services building and the application of flexible workplace strategies in the remaining office blocks would reduce the cost by 5.2 per cent. Recruitment for the project should take into account the scheduled life-cycle activities and be based on need. In line with previous construction-related General Assembly resolutions, the Secretary-General should use local capacity in implementing the project. The Group would monitor the ways in which health and safety were addressed at United Nations premises, particularly at the United Nations Office at Nairobi, ECA and ECLAC.

24. **Mr. Srivihok** (Thailand) said that Thailand had hosted ESCAP, the largest regional development arm of the United Nations, for almost seven decades, during which time the Commission had fulfilled its mandate by promoting sustainable, inclusive development, particularly the implementation of the Sustainable Development Goals and the 2030 Agenda, in the Asia-Pacific region, home to 60 per cent of the world's population. His Government fully supported the Commission's work and looked forward to working closely with the new Executive Secretary. Health and safety issues on the ESCAP premises must be addressed through the seismic mitigation retrofit and life-cycle replacements project so that the Commission could fulfil its mandate and serve its members optimally. Thailand would work closely with ESCAP throughout the project, as coordination between the Organization and the host country were essential to success.

25. Since the Committee's previous consideration of the matter, Thailand had made in-kind contributions to the project. The Ministry of Foreign Affairs had facilitated discussions between ESCAP, the Council of

Engineers of Thailand and the Bangkok Metropolitan Administration regarding the provision of local expertise and best practices and the establishment of procedures necessary to success. His delegation welcomed the decisions to construct on-site swing space and refine the construction methodology, and hoped that due regard had been paid to cost-benefit analysis and operational feasibility so that the project was completed in a timely manner within the approved cost. His delegation commended the Commission on giving due consideration to building performance, energy conservation and space utilization. In particular, it would be possible to accommodate more United Nations entities in the complex through space efficiency. His Government would welcome a greater United Nations presence in Thailand, given its policy of promoting Bangkok as a hub for international organizations and conferences. The Privileges and Immunities for International Organizations and International Conferences in Thailand Act would, after its entry into force, facilitate the establishment of offices of international organizations in the country. Governance, oversight, cost-effectiveness, transparency and accountability were essential to the project, and ESCAP should coordinate closely with the Secretariat to ensure smooth implementation.

26. **Mr. Andanje** (Kenya) said that Kenya greatly valued the presence on its soil of the United Nations Office at Nairobi, the only duty station in the South at which United Nations organizations had their global headquarters. Nairobi also hosted peacekeeping operations and the country, regional and project offices of other United Nations entities. Given the significance of the United Nations' involvement in peace, security and humanitarian activities in Africa, where the Organization did over 60 per cent of its work, Kenya had invested heavily in the Office to help the United Nations fulfil its mandate. His Government was committed to honouring its obligations and responsibilities in conformity with the headquarters agreement.

27. To accommodate all United Nations funds, programmes and agencies at the Office, new facilities had been constructed in 2010. Blocks A–J no longer complied with important standards and codes, but the gravest concern was that they did not meet security requirements because of their proximity to the main avenue. The roofs needed to be replaced, the window frames were beyond repair and the wiring presented a fire risk; further investment in the buildings would be very costly. Over the years, roads had been expanded and signalling at intersections improved in the Gigiri area. Congestion at secondary entrances to and exits from the complex had been reduced, and the expansion

of utility services to support the area was under consideration. His delegation therefore welcomed the initiation of the project by the Secretary-General following the General Assembly's approval in resolution [72/262 A](#).

28. The Secretary-General had taken into account the Organization's future space requirements, given the increasing number of requests for the Office to provide additional space to current tenants that wanted to expand their operations, and to specialized agencies, funds and programmes that wished to move their operations to the complex. His delegation welcomed the proposed repurposing of the publishing services building and construction of an annex to support the Office's secretariat functions. The General Assembly should request the Secretary-General to provide updates on the flexible workspace pilot project in his future reports on the construction project. Kenya welcomed the reduction of the project cost and the accelerated construction schedule. It would facilitate the importation of construction material and equipment for the project, but strongly encouraged local sourcing.

29. As the proposed investment addressed the Organization's future requirements, approving it would be a prudent financial decision. The Office's expenditure did not compare to the expenditure of other duty stations away from Headquarters, some of which received support of \$1 billion, and the United Nations should allocate the Office the funds it deserved as the Organization's African headquarters, through which the continent had shown its potential through 43 years of commitment and service. That legacy should be consolidated, and more opportunities to support the needs of the Organization from such a strategic location should be found.

#### **Agenda item 147: Administration of justice at the United Nations** ([A/73/167](#), [A/73/217](#), [A/73/217/Add.1](#), [A/73/218](#) and [A/73/428](#))

30. **Ms. Frankson-Wallace** (Executive Director, Office of Administration of Justice), introducing the Secretary-General's report on the administration of justice at the United Nations ([A/73/217](#) and [A/73/217/Add.1](#)), said that the report, which was the result of coordination between the Office of Administration of Justice and all relevant stakeholders, focused on the functioning of the formal system of administration of justice in 2017. Concerted efforts had been made to streamline the presentation of information and to confine to an annex information that was not subject to change, such as the overview of the roles of the various offices within the system. The report

indicated that, nearly 10 years since its establishment, the system was functioning effectively.

31. The General Assembly had established the internal justice system in order to provide a mechanism for resolving work-related grievances and disputes within the Organization, with a view to supporting efficient and effective mandate fulfilment. To enable the system to function as intended, the Assembly was requested to take four specific actions. First, it was requested to approve the establishment of three permanent judicial positions within the United Nations Dispute Tribunal to replace the ad litem judicial positions. That measure, which had been consistently supported by the Secretary-General, the Interim Independent Assessment Panel, the Dispute Tribunal and the Internal Justice Council, was fully justified by the Dispute Tribunal's caseload and by the need to avoid undermining judicial independence by repeatedly extending the ad litem positions, a practice that was not provided for in the Dispute Tribunal's statute. The resource requirements for the new permanent judges and their supporting staff would be the same as the requirements for the current ad litem judges and their supporting staff, given that their respective remuneration levels would remain the same.

32. Replacing the ad litem positions with permanent positions would provide necessary stability to the internal justice system without undermining its flexibility. Should there be a consistent decline in the Dispute Tribunal's caseload in the next several years, the General Assembly might consider deferring appointments to vacant judicial positions or abolishing one of the two half-time judicial positions. With regard to the Dispute Tribunal's caseload, a distinction should be made between the number of incoming applications, which determined the number of judges needed, and the number of applications disposed of, which was a separate matter related to the productivity and efficiency of the Dispute Tribunal.

33. Second, given the recent decrease in the Dispute Tribunal's productivity, the General Assembly was requested to consider the need for further monitoring by the Assembly or the Internal Justice Council of the Tribunal's management and adjudication of cases, in addition to the monitoring already conducted by the President of the Tribunal. Reporting by the Internal Justice Council in that regard would be consistent with its mandate to provide its views on the implementation of the system of administration of justice to the General Assembly.

34. Third, the General Assembly was requested to extend on an indefinite basis the voluntary supplemental funding mechanism for the Office of Staff Legal

Assistance, without prejudice to a final determination by the Assembly as to whether expenditures for the Office constituted expenses of the Organization to be borne by Member States, in accordance with Article 17 of the Charter of the United Nations. Established in 2014 on an experimental basis and approved annually by the Assembly, the voluntary supplemental funding mechanism had proven its usefulness in enabling the Office to hire much-needed additional lawyers.

35. Fourth, the General Assembly was requested to reaffirm the important role of the independent Office of Administration of Justice in order to promote efficiencies within the internal justice system by enabling its various components to channel their efforts and resources towards fulfilling their mandates.

36. By its resolution [61/261](#), the General Assembly established the Office of Administration of Justice as an entity with operational and budgetary autonomy, in order to ensure the independence of the internal justice system and to provide, inter alia, substantive, technical and administrative support to the United Nations Dispute Tribunal and the United Nations Appeals Tribunal. As an office within the Secretariat that had operational and budgetary autonomy, the Office of Administration of Justice was in a unique position to provide such support to the Tribunals, while ensuring their independence and guaranteeing compliance with the framework governing the Organization's financial and human resources. The Office supervised the staff of the Registries of the Tribunals and was responsible for managing the budget, as well as the financial and human resources, of the Registries.

37. Section II of the report ([A/73/217](#) and [A/73/217/Add.1](#)) contained key observations regarding trends in the operation of the formal system of administration of justice, as well as information on the activities and caseload of the entities comprising the system. Section III provided responses to specific requests by the General Assembly, including information on extensive outreach efforts by the Office of Administration of Justice; on the Organization's regulatory framework, including its policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations; on mechanisms for ensuring accountability of managers; on self-representation before the Dispute Tribunal; and on remedies available to non-staff personnel, including a proposal to officially extend to such personnel the informal dispute-resolution services of the Office of the United Nations Ombudsman and Mediation Services and a proposal to simplify the arbitration procedure for formal dispute resolution.



38. The Secretary-General also requested the General Assembly to approve amendments to the statute of the Appeals Tribunal concerning jurisdiction of the Tribunal over decisions of the Standing Committee of the United Nations Joint Staff Pension Board, as set out in the addendum to his report ([A/73/217/Add.1](#)); and to approve an amendment to the rules of procedure of the Appeals Tribunal. In addition, he proposed that all reports under the agenda item on the administration of justice be submitted biennially, once the General Assembly had decided on the status of the *ad litem* judges.

39. Lastly, she drew the Committee's attention to the report of the Internal Justice Council on the administration of justice at the United Nations ([A/73/218](#)), which included the Council's views and recommendations on the justice system, pursuant to General Assembly resolution [62/228](#). In accordance with General Assembly resolution [72/256](#), the Council's report also included the views of the judges of the Dispute Tribunal and of the Appeals Tribunal, which were provided in the annexes to the report.

40. **Ms. Dodson** (United Nations Ombudsman), introducing the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/73/167](#)), said that previous experience as an ombudsman had taught her that workplace conflict hampered staff productivity. She thanked Member States for supporting the informal and peaceful resolution of workplace disputes and emphasized that early action was the most effective means of resolving conflict.

41. The report contained a summary of the activities carried out by the Office in 2017. Its work had been guided by an integrated approach, combining three interdependent areas of focus: providing confidential and impartial assistance for resolving workplace disputes; identifying the root causes of conflict and providing feedback to the Organization on systemic issues to enable it to take remedial action; and raising awareness and fostering conflict competence skills to help manage conflict in the workplace and prevent it from escalating.

42. The Office had received 3,247 cases across all entities it served, namely, the Secretariat, the United Nations funds and programmes, and the Office of the United Nations High Commissioner for Refugees, representing an increase of 23 per cent from 2016 and reflecting a continued upward trend in its caseload. Of the total number of cases received, 2,579, or 80 per cent, had emanated from the Secretariat, and, of all locations served, the highest proportion of cases, approximately

82 per cent, had emanated from field operations, field offices and offices away from Headquarters.

43. While conflict was a natural part of human interaction, the way in which the Organization responded to it was of critical importance. When resolved successfully, conflicts resulted in minimal interruption in the work of staff, enabling them to concentrate on fulfilling the mandates entrusted to them by Member States. The Office had conducted approximately 440 outreach activities within the Secretariat worldwide, which had enabled it to promote awareness of its services and to provide staff and managers with the tools necessary to engage in meaningful conversations and to address conflict. Outreach to field staff working under difficult conditions nevertheless remained a challenge.

44. In its resolution [72/256](#), the General Assembly had welcomed with appreciation the high resolution rate of cases mediated by the Office and had encouraged it to continue its efforts to promote informal dispute resolution. The resolution rate remained high: of all cases mediated and closed, 84.9 per cent had been resolved, and 89.7 per cent of mediated cases emanating from the Secretariat had resulted in a successful outcome. That trend supported the Office's understanding that, when parties to a dispute willingly engaged in informal, confidential and facilitated dialogue, they gained insight into each other's interests and could achieve mutually acceptable solutions.

45. Although non-staff personnel fell outside the scope of its mandate, the Office continued to provide services to such personnel within existing resources, in demonstration of its commitment to supporting all staff, as they were the Organization's greatest asset. The Office had received 225 cases brought by non-staff personnel, an increase of approximately 48 per cent from 2016. Should that caseload reach or exceed 350 cases per year, the Office might need to request additional resources to sustain the increased workload. The Committee's understanding and support would be essential in that regard.

46. The feedback and analysis of systemic trends provided by the Office guided the Organization in its policy- and decision-making. The highest proportion of cases received by the Office had focused on concerns related to job and career; compensation and benefits; and evaluative relationships. In addition, there had been an upward trend in the number of cases focusing on issues related to service delivery, organizational values and restructuring. She looked forward to collaborating with relevant stakeholders to ensure that the Office's work in identifying systemic issues helped to inform the

implementation of ongoing reform and change management initiatives.

47. Fostering a supportive, respectful and well-managed workplace was essential to mandate fulfilment, particularly given the challenging conditions under which some staff served. She and her team stood ready to continue their efforts to contribute to a harmonious workplace and would give priority to supporting resilience and change management, in line with the Secretary-General's reform initiatives.

48. **The Chair** drew attention to the report of the Internal Justice Council on the administration of justice at the United Nations (A/73/218).

49. **Mr. Ruiz Massieu** (Chair of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/73/428), said that the Advisory Committee commended the Secretary-General for streamlining and improving the presentation of his report on the administration of justice (A/73/217 and A/73/217/Add.1). While the number of judgments issued by the Dispute Tribunal had decreased in 2017, resulting in a reduction in the number of appeals of such judgments brought before the Appeals Tribunal, the Advisory Committee noted that additional backlog reduction measures might be necessary, including the establishment of a backlog reduction plan with a real-time case-tracking dashboard and performance indicators on the disposal of cases.

50. With regard to the resource requirements for the Dispute Tribunal for 2019, the Advisory Committee recommended that the General Assembly approve the establishment of two permanent full-time judicial positions in Geneva and Nairobi to replace the ad litem judicial positions in those locations as at 1 January 2020. It also recommended that, pending the nomination of candidates by the Internal Justice Council and the election of the two permanent full-time judges by the Assembly, the two ad litem judicial positions in those locations be extended until 31 December 2019. Moreover, in view of the lower overall caseload and level of activity in New York, as well as the availability of two half-time Dispute Tribunal judges, the Advisory Committee recommended against the extension of the ad litem judicial position in New York beyond 2018, a measure that would result in a reduction of \$277,400 to the proposed resource requirements for 2019.

51. To support the new permanent full-time judges, the Advisory Committee recommended approval of the establishment of one Legal Officer post and one Legal Assistant post in Geneva and in Nairobi to replace the positions currently financed under general temporary

assistance. However, it recommended that the positions in New York continue to be funded under general temporary assistance. Furthermore, the Advisory Committee recommended the regularization of the voluntary supplemental funding mechanism for the Office of Staff Legal Assistance, which had provided additional funding to supplement the resources of the Office since its establishment.

52. The Advisory Committee recommended approval of the Secretary-General's proposal to initiate a pilot project to enable access by non-staff personnel to the informal dispute-resolution services of the Office of the United Nations Ombudsman and Mediation Services and requested the Secretary-General to ensure that the project was implemented within existing resources. The Advisory Committee further recommended that the General Assembly request the Office to carry out not only quantitative but also qualitative analysis in assessing the workload arising from services provided to non-staff personnel.

53. **Mr. Alsayed** (Egypt), speaking on behalf of the Group of 77 and China, said that the Group attached great importance to the internal justice system of the United Nations as an independent and transparent system that guaranteed respect for the rights and obligations of staff members and ensured the accountability of managers and staff members alike. The internal justice system must be decentralized and provided with adequate resources in order to ensure effective management of the Organization's human resources, its most valuable asset. In that regard, the Secretary-General, as the Organization's chief administrative officer, had a responsibility to ensure the proper functioning of the system and to keep the General Assembly fully informed with regard to its operations. The Group reaffirmed the independence of the Office of Administration of Justice, its operational and budgetary autonomy, and its mandate to ensure the institutional independence of the formal system of internal justice.

54. The workload of several of the entities comprising the internal justice system had increased steadily in recent years and had grown exponentially in 2017 in particular, a trend that was likely to continue in the light of a number of downsizing exercises and the ongoing large-scale reforms within the Organization. The system must therefore be adequately staffed and funded to meet its increasing obligations. The Group therefore welcomed the Secretary-General's proposal to establish three permanent full-time judicial positions within the Dispute Tribunal to replace the ad litem positions, and to convert to posts the general temporary assistance-funded positions of supporting staff. The Group also noted with interest the proposal to establish a roster of

qualified candidates for judicial positions within the Dispute Tribunal and the Appeals Tribunal that would take into account the need for equitable geographical representation, especially of candidates from developing countries.

55. The Group would give due consideration to the Secretary-General's proposal to extend on an indefinite basis the voluntary supplemental funding mechanism for the Office of Staff Legal Assistance, while stressing that Member States had an obligation to bear the Organization's expenses, pursuant to Article 17 of the Charter. The Group further recalled the conclusion of the Interim Independent Assessment Panel that the Office lacked sufficient resources and that its budget was inadequate, even if supplemented by the voluntary supplemental funding mechanism.

56. The Group encouraged the informal resolution of disputes whenever appropriate, as it remained essential to avoiding unnecessary litigation. The Group also welcomed the Secretary-General's proposal to initiate a pilot project to enable access by non-staff personnel to the informal dispute-resolution services of the Office of the United Nations Ombudsman and Mediation Services as part of the Office's mandate. In addition, as the majority of cases received by the Office in 2017 had been brought by staff away from Headquarters, the Group would seek updated information on the work and mandates of the Office's seven regional branches. Lastly, the Group welcomed and looked forward to thorough consideration of the report of the Internal Justice Council ([A/73/218](#)).

57. **Mr. Zeqiri** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that the European Union attached great importance to the efficient and effective functioning of the system of administration of justice, which must embody the principles of independence, impartiality, transparency and confidentiality. Individuals and the United Nations as a whole must be held accountable for their actions in accordance with the relevant rules of the Organization.

58. Informal dispute resolution was an essential element of the internal justice system, as it improved access to justice while reducing the need for expensive, time-consuming litigation. The European Union therefore welcomed the increase in the number of cases in the formal system that had been resolved by informal means, as well as the outreach activities that had been

conducted to raise awareness of the informal system, particularly those focusing on mediation and the development of capacities to strengthen prevention and resolution of workplace conflict. Noting the constructive development of the internal justice system since its establishment, the European Union welcomed recommendations to improve its internal operations and efficiency, and encouraged continued efforts to promote informal dispute resolution. Initiatives to improve the justice system should take into account broader human and financial resource requirements. The General Assembly should moreover ensure that changes corresponded to actual needs and clear, qualitative outputs that were cost-effective and consistent with the system's objectives.

59. **Ms. Verones** (Switzerland), speaking also on behalf of Liechtenstein, said that the delegations of the two countries looked forward to reviewing the letter from the Chair of the Sixth Committee on the legal aspects of the administration of justice. A fair, effective and efficient internal justice system for all categories of United Nations personnel was essential to ensuring high levels of motivation and morale and to enabling the Organization to achieve its ambitious objectives. Investing in such a system would benefit personnel and the Organization alike by reducing the number of cases and expediting processing.

60. More than half of United Nations personnel were not staff and did not have access to the internal justice system, which was a matter of concern. While welcoming the proposed pilot project to enable access by non-staff personnel to informal dispute-resolution services as part of the mandate of the Office of the United Nations Ombudsman and Mediation Services, the two delegations noted that the project would not ensure that such personnel were given access to effective legal remedies. The Secretary-General should therefore propose, in his next report, cost-effective options for granting non-staff personnel access to a legal dispute-resolution mechanism.

61. Ensuring the safety of staff and non-staff reporting misconduct was critical to upholding the Organization's standards of professionalism and integrity. The two delegations therefore welcomed the efforts made to strengthen the Secretary-General's policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations.

62. The Office of Staff Legal Assistance, which was essential in levelling the playing field between staff and non-staff personnel, on the one hand, and management, on the other, in the event of work-related disputes, must

be supported. Lastly, the two delegations commended the work of the Office of the United Nations Ombudsman and Mediation Services during the reporting period.

63. **Ms. DiGiacomo** (United States of America) said that the United States was in favour of an effective system of administration of justice that provided an independent mechanism for resolving disputes in a variety of cases. The system's effectiveness largely depended on the informal and formal mechanisms for resolving disputes involving staff and non-staff. In that regard, the United States commended the efforts of the Office of Administration of Justice to increase its outreach activities at Headquarters and in the field in order to improve awareness of available dispute resolution mechanisms. Her delegation shared the Advisory Committee's view regarding the importance of the informal system, noting that early action to resolve disputes was the most effective and efficient way of ensuring a harmonious work environment.

64. Although the Dispute Tribunal's incoming caseload had remained stable in 2017, the Tribunal had issued the lowest number of judgments that year since the establishment of the system of administration of justice in 2009, a situation that the Advisory Committee attributed to the Tribunal's decreased agility. Her delegation looked forward to further information on that trend. It also welcomed the Secretary-General's leadership in establishing a pilot programme to enable access by non-staff personnel to some of the dispute resolution mechanisms provided by the system.

65. The current session presented an opportunity to strengthen the system of administration of justice and to enhance its independence, including by ensuring that judgments were consistent with General Assembly decisions. A well-functioning system was critical in enabling the Organization to employ and retain high-performing staff.

66. **Mr. Wakabayashi** (Japan) said the system of administration of justice was essential in promoting a fair workplace and a good relationship between staff and management. By ensuring fairness in the workplace, the system had a positive impact on the performance of staff and management alike. As the system must be stable in order to guarantee fairness, the voluntary supplemental funding mechanism for the Office of Staff Legal Assistance should be regularized and all staff should be made aware of the importance of their financial contributions to the mechanism so that they could receive equal access to the services provided by the system.

67. The justice system had enhanced the accountability and credibility of the United Nations, and must operate efficiently in order to continue to do so. Japan noted the number of applications received by the Dispute Tribunal and emphasized that its structure should be commensurate with its caseload. His delegation would further examine the Secretary-General's request to establish permanent judicial positions within the Dispute Tribunal, as well as the alternative request to extend the positions of the ad litem judges.

*The meeting rose at 11.50 a.m.*