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Chairman: Mr. Sharma (Nepal)
*Chairman of the Advisory Committee on Administrative
and Budgetary Questions:* Mr. Mselle

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The meeting was called to order at 10.15 a.m.

Agenda item 123: Administration of justice at the United Nations (A/56/800, A/57/441 and Add.1 and A/57/736; A/C.5/57/25)

1. **Ms. Axenidou** (Senior Legal Adviser, Office of the Under-Secretary-General for Management) introduced the report of the Secretary-General on the administration of justice in the Secretariat (A/56/800), submitted pursuant to General Assembly resolution 55/258. In that resolution, the Assembly had welcomed the Secretary-General's proposals for establishing a function of ombudsman and had requested him to review other aspects of the internal system of justice, including the role of the Joint Appeals Board (JAB) and the difference between the statutes of the United Nations Administrative Tribunal (UNAT) and the Administrative Tribunal of the International Labour Organization (ILOAT) with regard to specific performance of an obligation and compensation limits.

2. The terms of reference of the Ombudsman, who had recently assumed her functions, were contained in the Secretary-General's bulletin ST/SGB/2002/12 and derived, to a large extent, from the proposed terms of reference of the Ombudsman set out in annex II to the report before the Committee.

3. Concerning the role of JAB, the report concluded that peer review by an advisory body surpassed the alternatives and that it would be desirable to maintain the Board in its current form, while strengthening it in order to make it more effective. The Secretary-General was pleased to note that the Advisory Committee on Administrative and Budgetary Questions (ACABQ) had reached a similar conclusion. The report also recognized the need to strengthen the legal representation of staff and to provide legal backstopping to the Panel of Counsel.

4. As to the differences between the statutes of the Administrative Tribunals of the United Nations and ILO with regard to specific performance and compensation limits and the possibility of closing the gap between them, the Secretary-General maintained that, owing to the other important differences between the statutes and practices of the two Tribunals, the aforementioned issues should not be viewed in isolation.

5. **Mr. Münch** (Joint Inspection Unit), speaking via videoconference, introduced the report of the Joint Inspection Unit on reform of the administration of justice in the United Nations system: options for higher recourse instances (A/57/441). The Inspectors' approach to the issue examined in the report had been shaped by their belief that the Organization should be a model employer. In their previous report on the subject (A/55/57), they had noted the need to strengthen the independence of all bodies concerned with the administration of justice. In that connection, they had expressed concern that the secretariat of the United Nations Administrative Tribunal was under the aegis of the Office of Legal Affairs. In such circumstances, the possibility that pressure might be brought to bear on the secretariat could not be excluded. In order to address that problem, the Inspectors suggested, in recommendation 1, that organizations might wish to consider establishing independent offices grouping all bodies and institutions dealing with the administration of justice.

6. There was also a need to strengthen the organizations' capacity for informal conciliation, mediation and negotiation. Accordingly, the Inspectors proposed, in recommendation 2, that every organization that had not yet done so should be encouraged to establish an independent, central ombudsman function performed by a senior official appointed by the executive head, in consultation with the staff representatives, for a single, non-renewable 5-year term. In that connection, he welcomed the establishment by the Secretary-General of the Office of the United Nations Ombudsman. The Inspectors also believed that the Administrative Tribunals of the United Nations and ILO should be enabled to mediate between parties.

7. In recommendation 3, the Inspectors suggested that the competent legislative organs of the United Nations and ILO might wish to require the harmonization of the statutes of the two Tribunals, particularly the procedures for selecting their members, their competencies and jurisdictions, and their case laws.

8. The important role played by internal advisory bodies such as joint appeals boards and joint disciplinary committees should be more widely recognized. To that end, the Inspectors proposed, in recommendation 4, that the executive heads should adopt as a general operating principle the practice of

accepting the unanimous recommendations of those bodies, publish annual reports on the number and nature of the cases heard before them, and give appropriate consideration to the holding of oral hearings before all appellate bodies when those hearings could contribute to the settlement of disputes and expedite the disposition of cases.

9. The elimination of the recourse against decisions of the United Nations Administrative Tribunal before the International Court of Justice had left a gap in the internal system of justice that must be filled. In recommendation 5, the Inspectors suggested that the General Assembly might wish to request the Sixth Committee to study the desirability of establishing an ad hoc panel that would be responsible for reviewing the judgements of the two existing Tribunals; the panel's determinations and conclusions would be binding on the executive heads of the organizations and on the Tribunals.

10. Lastly, the Inspectors believed that the organizations should ensure the widest possible access of staff to the administration of justice and guarantee equality between the parties in adversarial procedures before internal advisory and judicial bodies. To that end, they suggested, in recommendation 6, that the executive heads should collaborate with the staff associations in the development of comprehensive legal insurance schemes covering legal advice and representation for staff in such procedures.

11. **Mr. Fareed** (United Nations System Chief Executives Board for Coordination), introducing the note by the Secretary-General on the report of the Joint Inspection Unit on reform of the administration of justice in the United Nations system: options for higher recourse instances (A/57/441/Add.1), said that justice was a vital element of good administration. The Board therefore welcomed the Inspectors' decision to revisit the issue and had studied their report with due diligence. Many of the recommendations made in the report were similar to those contained in the previous report of the Joint Inspection Unit (JIU) on the matter (A/55/57), and the Board therefore considered that the two documents should be read in conjunction with one another, together with the note by the Secretary-General on the earlier report of JIU (A/55/57/Add.1) and General Assembly resolution 55/258, part XI.

12. While appreciating the useful analysis contained in the report before the Committee, the Board was

unable, for a number of reasons, to support some of the recommendations made therein. First, the report did not fully reflect the impact of many initiatives already taken by the organizations of the United Nations system. Second, the report would have benefited from a more detailed analysis of the specific legal framework within each organization, the nature and number of cases organizations were dealing with, and how that varied from one organization to another. Third, there was a need to strike a balance between the ideal and the practical. He noted that, in commenting on specific recommendations, the Board members had taken into account the likely impact of the recommendations' application on their organizations, the views of their legal advisers, and practical experience across the system of the administration of justice.

13. Recommendation 2 called for the Administrative Tribunals of the United Nations and ILO to be enabled to mediate between parties. For reasons of law, practice and practicability, the Board members had reservations in that regard. They were unanimous in their view that disputes should be resolved wherever possible through mediation and arbitration but that, when recourse to formal means of resolution was necessary, the Tribunals should be swift and decisive.

14. With regard to recommendation 3, the Board members were not persuaded that harmonizing the statutes and procedures of the two Tribunals would necessarily improve the administration of justice in the United Nations system. They also remained to be convinced of the arguments for accepting automatically the unanimous recommendations of advisory bodies and giving executive heads the right to request the Tribunals to conduct oral hearings (recommendation 4). They saw those proposals as impinging on the independence and prerogatives of the Tribunals. The General Assembly had already considered the introduction of a second-tier appellate mechanism (recommendation 5). The Board had decided in 2001 not to pursue the matter further.

15. The Board would seek clarification on the issues just outlined before taking any decisions on the recommendations made by the Inspectors. While many of those recommendations might not be practical at the current stage, they did nevertheless help the executive heads to take appropriate steps to ensure that the system of justice operated swiftly and fairly, served to protect the welfare of the staff and met the special needs of their own organizations.

16. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of ACABQ (A/57/736), said that the Advisory Committee's comments and recommendations on the Joint Appeals Board were contained in paragraphs 3 to 8. The Advisory Committee agreed with the Secretary-General that there was no need to change the nature of the Board. It recommended acceptance of the proposal contained in paragraph 21 of his report (A/56/800) that the positive elements of the current system should be maintained and that the problems currently experienced by that system should be rectified. In addition, the Advisory Committee agreed that staff rule 111.1 (b) (i) should be amended to provide for joint selection of the chairpersons of the Joint Appeals Board, thus formalizing the current practice.

17. The handling of appeals to the Board was currently fraught with unacceptable delays. The Advisory Committee therefore welcomed the Secretary-General's intention to request the Office of Internal Oversight Services (OIOS) to conduct a management review of the entire appeals process in order to identify the causes of the delays and to make proposals to remedy the situation. In paragraph 7 of its report, the Advisory Committee suggested a number of topics that OIOS should take into account in its review.

18. The Advisory Committee's comments and recommendations on the role of the United Nations Administrative Tribunal in the appeals process were contained in paragraphs 9 to 16. The differences between the statute of the Tribunal and that of the Administrative Tribunal of ILO were described in paragraph 9. In its previous report on the issue (A/55/514), the Advisory Committee had stated that the inability of the United Nations Administrative Tribunal to order specific performance seriously limited the staff's rights to redress. As indicated in paragraph 12 of the report before the Committee, the Tribunal strongly recommended that the General Assembly should amend article 9 of its statute with a view to closing the gap between the statutes of the two Tribunals and removing the restrictions on its authority. That recommendation was now before the General Assembly.

19. In paragraph 13, the Advisory Committee recommended that the statute of the United Nations Administrative Tribunal should be amended to require that candidates for the Tribunal possess judicial

experience in the field of administrative law or its equivalent in the candidate's national jurisdiction. The Advisory Committee was fully aware of the provision of General Assembly resolution 55/159, which stated that members of the Tribunal should possess the requisite qualifications and experience, including, as appropriate, legal qualifications and experience. It had given detailed consideration to the recommendation made in paragraph 13, and the outcome was a carefully worded text. It strongly believed that acceptance of the recommendation would strengthen the Tribunal and obviate the need for the introduction of a second-tier appellate mechanism, which had been recommended by JIU. Lastly, he drew attention to paragraphs 15 and 16 of the report.

20. **Mr. Zevelakis** (Greece), speaking on behalf of the European Union, the acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey, and, in addition, Iceland and Liechtenstein, said that, at a time when far-reaching reforms of the Organization were under way and bearing in mind the need to protect the rights of both staff and management, it would be remiss of the Committee to fail to address issues related to the functioning of the United Nations Administrative Tribunal.

21. With regard to the Joint Appeals Board, his delegation had taken note of the view expressed by both the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions (ACABQ) that there was no need to change its nature. However, it was essential to accelerate the appeals process, for instance through the fixing of clear deadlines for the handling of cases, and in that connection the European Union attached particular importance to receiving at the fifty-eighth session of the General Assembly the outcome of the OIOS management review of the entire appeals process in order to identify the causes of the delays and to make proposals to remedy the situation. The European Union also hoped that the appointment of the Ombudsman would have a positive effect on the workload of the Joint Appeals Board.

22. With reference to the United Nations Administrative Tribunal, he took the view that adding a third tier to its structure to review its judgements would serve only to prolong the already excessively lengthy procedure and increase its cost.

23. In conclusion, he said that strengthening administrative procedures in the context of the reform of human resources management would contribute to an improved system of administration of justice in the United Nations Secretariat.

24. **Ms. Afifi** (Morocco), speaking on behalf of the Group of 77 and China, stressed the need to strengthen the system of administration of justice as an integral part of an effective reform of human resources management. That system influenced the relationship between staff and management and consequently the efficient functioning of the Organization as a whole. In view of the importance of the issue, she lamented the fact that the late issue of relevant documentation had prevented it from being considered at the fifty-sixth session of the General Assembly, as had been originally requested by General Assembly resolution 55/258.

25. Any reform of the system of administration of justice should be carried out in accordance with the Charter of the United Nations and the relevant General Assembly resolutions. Moreover, any proposals pertaining to that reform should be considered by the Fifth Committee as an administrative and human resources management issue.

26. The present system of administration of justice was slow and cumbersome. She noted that the report of the Secretary-General presented possible amendments to the Staff Rules and Regulations with a view to reviewing the role of the Joint Appeals Board according to the options contained in paragraph 4 of section XI of resolution 55/258 and welcomed the proposals of the working group of the Staff-Management Coordinating Committee contained in paragraph 22 (a) and (b). She also welcomed the establishment of a full-time Ombudsman in order to strengthen the informal mediation process and reduce the backlog of administrative cases within the Secretariat.

27. All staff members were entitled to a transparent, just and impartial legal system which was based on multiple levels of legal consideration. In that connection, she welcomed the recommendations of the Joint Inspection Unit and expressed the hope that they would be given due consideration by the Secretary-General and the General Assembly.

28. **Ms. Udo** (Nigeria), speaking on behalf of the African Group, said that she wished to associate the

Group with the statement made by the representative of Morocco on behalf of the Group of 77 and China.

29. Reform of the system of administration of justice which was, at present, slow and cumbersome, was an integral part of the reform of human resources management proposed by the Secretary-General. The African Group welcomed the recommendations in the report of the Joint Inspection Unit and reiterated the need for the Secretariat to review carefully the merits of those recommendations with a view to presenting viable alternatives which would lead to a speedy reform of the situation. Maintenance of the status quo was not an option.

30. She regretted that, almost two years after the adoption of resolution 55/258, no significant progress towards a decision on the reform of the system of administration of justice had been made. She hoped that informal consultations would yield additional information and clarification with regard to the implementation of the planned reform.

31. **Mr. Kendall** (Argentina) said that he wished to associate himself with the statement made by the representative of Morocco on behalf of the Group of 77 and China.

32. His delegation had carefully studied the reports of the Joint Inspection Unit, the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions and endorsed many of the recommendations contained therein. The objective of the reform of the system of administration of justice should be to ensure that staff-management disputes were handled transparently and speedily with sufficient legal guarantees and that all interested parties were satisfied with the handling of the case.

33. Before the possibility of creating a higher recourse instance was examined, a more detailed study of the first stage of the dispute process, namely the mediation and conciliation phase, should be conducted. If that preliminary stage were strengthened, the backlog of cases pending consideration by the Tribunal would be reduced, thereby reducing delays. In that connection, his delegation would like to hear the opinion of the President of the Tribunal.

34. He stressed that the independence of the Administrative Tribunal must be guaranteed, in particular with regard to its secretariat. He would be grateful for further information about the functioning

of that secretariat and wished to know whether the President of the Tribunal believed that there were sufficient guarantees regarding the separation of judges of and parties to current disputes.

35. Any reform of the system of administration of justice must be comprehensive and deal with every stage of the process. In that context, due consideration should be given to the possibility of strengthening the role of the Joint Appeals Board. He would be interested to hear the opinion of the President of the Administrative Tribunal in that regard.

36. Lastly, the process of closing the gap between the functions and procedures of the United Nations Administrative Tribunal and the Administrative Tribunal of the International Labour Organization should continue, since the current disparities provided certain international civil servants with more options than others as regards access to administrative tribunals.

37. **Mr. Elji** (Syrian Arab Republic) said that his delegation associated itself with the statement by the representative of Morocco on behalf of the Group of 77 and China and hoped that the reform of human resources management would seek to establish transparent relations between staff and management through the introduction of a just and comprehensive system for the appointment, transfer and promotion of staff. That reform could not be completed without an effective review of the administration of justice.

38. Because of the importance attached by his delegation to the administration of justice in the United Nations, it had agreed to discussion of that matter on an annual basis under an agenda item separate from the item on human resources management. It was therefore regrettable that the late issue of the documents on the item had frustrated the intention of discussing the issues every year.

39. The system of justice had to be associated with a comprehensive system of accountability and administrative transparency and it was to be hoped that the establishment of an ombudsman function would make a positive contribution to that process. The system of justice, however, was still hampered by basic structural problems.

40. His delegation considered that the qualifications for membership of the United Nations Administrative Tribunal should be reviewed in order to require

members of the Tribunal to possess judicial experience in the field of administrative law. It regretted the abolition of the role of the International Court of Justice as a court of appeal from judgements of the United Nations Administrative Tribunal. Most national systems of justice provided for a multi-tiered judiciary, thus making possible the judicial review of the judgements of lower-level courts and ensuring the transparency of the judicial system. The Member States owed it to the staff of the United Nations, who were a valuable asset of the Organization, to ensure the fairness and transparency of the justice system. In that context, his delegation emphasized the need to apply in the United Nations the standards applied in the International Labour Organization in defining the rights and duties of international civil servants; the rights of international civil servants should be respected by national Governments and international officials should be protected from internal arbitrariness and administrative error.

41. In conclusion, his delegation welcomed the proposals to increase the independence of the Joint Appeals Board and also the ongoing discussions on the establishment of a higher-level tribunal or the restoration of the role of the International Court of Justice which would bring the justice system of the United Nations closer to the standards considered acceptable in judicial systems throughout the world.

42. **Mr. Pimentel Pacheco** (Dominican Republic) said that he wished to associate himself with the statement made by the representative of Morocco on behalf of the Group of 77 and China. He endorsed the report of ACABQ because, like the comments of the United Nations System Chief Executives Board for Coordination, it drew attention to the irregularities inherent in the current system of administration of justice.

43. His delegation supported the ACABQ recommendations, in particular the need to improve the functioning of the Joint Appeals Board and strengthen the Administrative Tribunal through the requirement that candidates must possess judicial experience in the field of administrative law or its equivalent.

44. **Mr. Mustafa** (Sudan) said that he wished to associate himself with the statements made by the representative of Morocco on behalf of the Group of 77 and China and the representative of Nigeria on behalf of the African Group.

45. He would like some clarification as to the criteria for determining the rates of honorariums payable to members of the various administrative tribunals, since he had received information alleging that those rates had remained unchanged since the 1980s. He wished to know whether annual reviews were conducted to guarantee the fairness of the rates of honorariums and whether those same rates applied to members of all the tribunals. That issue directly affected the smooth and speedy operation of the administrative tribunals.

46. **Ms. Afifi** (Morocco) said the human resources of any organization were its greatest asset, therefore any reform of the system of administration of justice must give rise to procedures that were as transparent and fair as possible. In that connection, she wished to know how the President of the Administrative Tribunal envisaged that reform and requested further information about its guiding principles.

47. **Mr. Barboza** (President, United Nations Administrative Tribunal (UNAT)) said that he could best answer the questions posed by making some introductory remarks.

48. Administration of justice was a two-phase process consisting of adjudication of personnel cases by an internal administrative body, followed by a judicial review of disputed decisions. That provided guarantees against arbitrariness and lack of due process.

49. There were other more informal methods of dispute resolution. In the United Nations, the Staff Rules contained provisions for a conciliation procedure (Rule 111.2 (b)), which had been rarely used. An Ombudsman had been appointed recently.

50. The internal bodies which made decisions on cases in the Organization were the Joint Appeals Board and the Joint Disciplinary Committee; their importance had been acknowledged by the Joint Inspection Unit. He agreed with the view in the reports of the Secretary-General (A/56/800) and of ACABQ (A/57/736) that there was no need to change the nature of the Joint Appeals Board. The best approach was to retain it as a joint body of peers, but to address its procedural problems. The Office of Internal Oversight Services should examine the joint appeals process to reduce delays. Taking such steps to improve the functioning of the system, while keeping in mind the Organization's critical financial situation, would fulfil much of the

purpose of the reform plans for the administration of justice.

51. The average time taken for a case to reach UNAT was three years. That was a serious problem, because after so long some remedies were impossible to implement. Most often, the remedy was reinstatement of a staff member, involving retroactive payment of salary and benefits at substantial expense. Because compensation was limited to two years' net base salary, staff members were rarely reinstated.

52. The most obvious way to improve the operation of the Joint Appeals Board was simply to give it more staff. That would enable it to clear its backlog of cases and to cope more effectively with future cases. Another way was to ensure that members of the Joint Appeals Board were available for its meetings, as they attended such meetings in addition to performing their usual jobs, and postponements were frequent.

53. For its part, the administration should actually respond to requests for judicial review, as it currently often failed to do. The Tribunal was an instance of last resort rather than a body to resolve shortcomings at lower levels of the system. Moreover, it was rarely itself the cause of procedural delays: cases were scheduled for the first available session and usually settled at that session unless the parties involved in the dispute themselves provoked delays.

54. He agreed with the recommendation made by ACABQ in its report on the administration of justice in the Secretariat that the Office of Internal Oversight Services should examine the extent to which limits could be placed on the frequency of written pleadings and counterclaims by the parties, subject to the need to protect the rights of the appellant and the respondent (A/57/736, para. 7).

55. The independence of UNAT was a vital issue. It operated under the auspices and budget of the Office of Legal Affairs, which ironically itself represented the Organization and the Secretary-General in cases before UNAT. While he did not wish to complain about relations between UNAT and the Office of Legal Affairs, which were in fact cordial, he agreed with the Inspectors that objectively the current structure could not remain.

56. The Joint Inspection Unit had proposed a separate office for the settlement of disputes and the administration of justice; that was an important step,

though it would be costly and should not be seen as urgent. Together with the establishment of an independent budget and free choice of personnel, such a structure would improve the image of UNAT as an independent body: appearances were important, especially in the eyes of the public. It would also narrow the differences with the International Labour Organization Administrative Tribunal (ILOAT), whose Registry was not attached to the International Labour Organization's legal and administrative services.

57. The perceived gap between the statutes of UNAT and ILOAT had also been the subject of a letter from his predecessor to the Chairman of the Fifth Committee (A/C.5/57/25). One manifestation of that gap was that ILOAT had the power to order specific performance of an obligation or the annulling of a decision being appealed, whereas the United Nations Administrative Tribunal could not: the head of the administration could decide to replace those courses of action with an award of compensation. The same gap was apparent in the 11 international organizations whose administrative tribunals he had researched, but it was not right for UNAT and ILOAT to have different powers. It should be open to the administration to take the view that a staff member should not be reinstated, but in one case the final decision lay with a tribunal (ILOAT), and in the other case, it lay with the administration (UNAT could not reinstate a staff member by its own order). That placed staff falling within the jurisdiction of ILOAT in a better position than those falling within the jurisdiction of UNAT: they were not equal before the law.

58. The same letter set out the arguments of UNAT against the proposal to add a tier of appeal to the existing structure for the administration of justice. Firstly, there was an existing option to request a revision of UNAT judgements if, for example, new facts came to light. Secondly, UNAT was already in effect an appellate body for the quasi-judicial decisions of the Joint Appeals Board and the Joint Disciplinary Committee. Thirdly, increased use of the office of the Ombudsman and enhanced unofficial conciliation and mediation opportunities provided adequate consideration of complaints before they were submitted to UNAT. Fourthly, although UNAT usually operated through panels of judges, significant questions of law could be considered by UNAT as a plenary body. That too constituted a variety of appeal. By contrast, the statutes of the 11 international organizations whose

administrative tribunals he had researched did not provide for appeals against the decisions of those tribunals. The same was true of international justice, except in the case of the recently established International Criminal Tribunals.

59. **Ms. Nakian** (United States of America), referring to recommendation 6 in the report of the Joint Inspection Unit (A/57/441), which proposed exploring the development of comprehensive insurance covering legal advice and representation for staff, asked for further details from the Joint Inspection Unit on the implications of that proposal in terms of cost and implementation.

60. **Mr. Zevelakis** (Greece) asked whether there would be further opportunities to put questions to the Secretariat and UNAT during the Committee's informal consultations.

61. **Mr. Farid** (Saudi Arabia) said that the administration of justice in the United Nations system was not functioning properly. Staff members usually lost their cases. In his view, there were two options open to the Organization. The first was to establish an independent legal body, affiliated with the Secretariat, whose decisions would be considered binding. The second was to refer cases to a law firm whose recommendations would also be considered binding. The gains would be a guarantee of fair examination of the case, and a saving of time.

62. **Mr. Elji** (Syrian Arab Republic) noted that the system of administrative justice involved two tiers: the first consisted of a decision by the Ombudsman or the Joint Appeals Board; the second consisted of a judicial appeal, used in cases where all administrative remedies had been exhausted or where a result was challenged, and producing a binding decision. The delays in the system arose at the first tier, the administrative phase, which regularly took six or more years; the judicial body, UNAT, took less time to adjudicate cases.

63. Moreover, there was no higher body to oversee the findings of UNAT, and it was possible for the tribunals of other organizations to reach different conclusions in identical circumstances. As a result, the outcome of an identical case could be favourable to one staff member and unfavourable to another, depending on the employer and the tribunal adjudicating the case. In contrast, most universal systems had two or three tiers, and Europe had four, the highest being the

European Court of Human Rights. His delegation would like further clarification of the system.

64. **Mr. Münch** (Joint Inspection Unit) said that, with regard to the recommendation concerning an insurance scheme, the JIU report had not entered into detail. However, the Inspectors had clearly been motivated by what they saw as unequal conditions of battle in which an unarmed international civil servant was pitted against an administration with an army of lawyers. The report was an attempt to influence the discussion in general terms, and the suggested insurance scheme was a natural solution inspired by arrangements in the private sector. The scheme should become self-financing after a start-up period. The Inspectors had taken the view that the Secretariat could examine the possibility of such a scheme and estimate the level of monthly or quarterly contributions needed to guarantee long-term viability.

Agenda item 118: Human resources management
(continued) (A/57/726)

Report of the Office of Internal Oversight Services on the implementation of all provisions of General Assembly resolution 55/258 on human resources management by the Department of Management
(continued)

65. **Ms. Afifi** (Morocco), speaking on behalf of the Group of 77 and China, said that she appreciated the efforts and progress made by the Secretary-General in the area of the reform of human resources management and reaffirmed the central role of the Office of Human Resources Management (OHRM) in that regard. She also stressed the need to conduct the reform process in accordance with the relevant General Assembly resolutions, inter alia resolutions 53/221 and 55/258.

66. As OIOS had stated in its report, it was too early to assess the full impact of the reform. Before proceeding to an in-depth consideration of the matter, she would like to receive sufficient information on the implementation of the reform initiatives undertaken by OHRM.

67. With regard to human resources planning, she took note of the establishment of a new Planning, Administration and Monitoring Service within OHRM and observed that OIOS was encouraging OHRM in its ongoing efforts to include more indicators in the action plans in order to enhance planning at the departmental

level. In that connection, she endorsed the view of OIOS contained in paragraph 13 of the report.

68. The Group of 77 and China welcomed the introduction of the Galaxy system which, provided that it contributed to enhancing the transparency, efficiency and effectiveness of the United Nations recruitment process, was a means of implementing certain aspects of the human resources reform. However, despite the significant advantages of the Galaxy system, it should be noted that, inter alia, its accessibility posed a risk to the achievement of the objectives of the new staff selection system. Appropriate mechanisms to cope with the growing numbers of applications through the Galaxy system were urgently needed and, although the system should serve to rectify the imbalance in terms of geographical distribution of staff, some developing countries might lack the technology to access it.

69. With regard to staff mobility, she took note of the experimental mechanisms introduced by OHRM and observed that, according to OIOS, offering incentives to promote mobility was the most effective way to ensure a smooth implementation of the new policy. Voluntary mobility should also be supported through streamlined administrative procedures and processes that facilitated staff transfers and integration into new duty stations.

70. She also took note of the comments made by OIOS in paragraph 33 of the report concerning the need to build knowledge transfer mechanisms into the mobility policy in order to preserve institutional memory. To prove its value, staff mobility must enhance the productivity of the Organization and, in that regard, meaningful criteria and respective measures to capture the impact of increased mobility would be advantageous to OHRM in its efforts to assess programme success.

71. Well-trained staff in possession of a set of clearly defined competencies and core values who strove constantly for career development were the foundation of a high-performing organization. She pointed out that, over a relatively short period, OHRM had implemented a number of programmes designed to promote such characteristics within the United Nations.

72. With reference to the online performance appraisal system (e-PAS), she said that its application still faced major obstacles that required organization-wide solutions. The streamlining of rules and procedures was one of the most visible initiatives

undertaken by OHRM. However, in that connection, the Group of 77 and China took note of the opinion of OIOS contained in the first sentence of paragraph 52 of its report. With reference to the annexes to the OIOS report, the Group of 77 and China noted that there were serious discrepancies between the results sought by resolution 55/258 and those actually achieved.

73. Lastly, she endorsed the view of OIOS that further advancing the human resources management reform would necessitate the continuous commitment of both OHRM and the Organization as a whole. She reiterated her delegation's previous request that the OIOS report should be considered in the context of the agenda item on human resources management.

74. **Mr. Kramer** (Canada) asked how OIOS rated the usefulness of a performance appraisal system that was not directly linked to staff members' contributions or results, and which had no effect on their prospects for salary increases or promotion.

75. With reference to the low level of investment in training, he wondered whether there were benchmarks for practices in other organizations. He was also interested to know whether there was a need only for more in-house training or whether additional external training was required.

76. **Mr. Kelapile** (Botswana), speaking on behalf of the African Group, agreed with the statement made by the Moroccan delegate on behalf of the Group of 77 and China. He also supported both questions asked by the United States representative the previous day. The first concerned the number of officials who had reached retirement age in the past three years and who had received extensions. The second related to the number of positions in the Professional category and above that had been advertised and offered to external candidates. Those were important issues for countries that were underrepresented or unrepresented at high levels, and which did therefore not benefit from the policy to give preference to internal candidates. He also asked how the projected separation of staff through mass retirement would affect Member States collectively and individually over the next four or five years.

77. **Mr. Nair** (Under-Secretary-General for Internal Oversight Services), in response to the concern expressed by the Canadian representative, said that OIOS itself had observed that the PAS was a stand-alone system that was not integrated into personnel

management. One illustration of that was the lack of connection between individual and departmental work plans, despite the fact that the former were ideally based on the latter.

78. The PAS 1-5 ratings needed to have more credibility before they could be used as criteria for promotion. The current system was skewed because results implied that the performance of all officials was either average or above.

79. The money spent on training was not commensurate with the importance attached to it, with only 0.8 and 0.9 per cent of the budget allocated to training (compared with 4 to 5 per cent in other organizations).

80. **Mr. Bouheddou** (Algeria), referring to the follow-up to the implementation of General Assembly resolution 55/258, noted that the Secretary-General planned to set up a new administrative structure in response to section VII, paragraph 8, on managerial irregularities. With regard to the administrative instruction being prepared for the implementation of section XI, paragraph 9, on the recovery of financial losses, he asked whether it was usual for an administrative instruction to take two years to draft. That was an important question, given that such an instruction was the only means to increase accountability within the Secretariat.

81. **Ms. Udo** (Nigeria) asked how many people had been promoted since the introduction of the new system. She also wished to know the categories to which they had been promoted.

82. She echoed the request made by the Venezuelan representative for information on the Galaxy system, including statistics or a comparative study concerning the number of people accessing Galaxy.

83. **Mr. Nair** (Under-Secretary-General for Internal Oversight Services) said that OHRM would be in a better position to answer certain questions, particularly during informal consultations. OHRM would also be able to provide statistics. The number of people applying for positions had dramatically increased with the introduction of online applications, and an electronic system was needed to sift the applications.

84. In connection with the question from the Algerian representative, the reason given in response to OIOS enquiries about the delay relating to the administrative instruction had been the extensive consultations

between the Office of Legal Affairs and the Department of Management.

Organization of work

85. **Ms. Afifi** (Morocco), speaking on behalf of the Group of 77 and China, expressed surprise that the report of the Secretary-General on the clarification of his proposal in action 22 for a single-stage intergovernmental review of the programme budget and medium-term plan, as requested by General Assembly resolution 57/300, would be submitted directly to the plenary session of the General Assembly. She proposed sending a letter to the President of the General Assembly to request that the report be examined by the Fifth Committee.

86. **Mr. Zevelakis** (Greece), speaking on behalf of the European Union, **Mr. Repasch** (United States of America) and **Mr. Kramer** (Canada) said that they needed to consult their capitals and reserved their positions on the proposal made by the representative of Morocco on behalf of the Group of 77 and China.

87. **Mr. Dutton** (Australia) asked what had been the intention behind the decision of the President of the General Assembly.

88. **Ms. Pulido** (Venezuela) wondered why the report in question had originally appeared in the draft programme of work, and asked what the Bureau's position had been when the President of the General Assembly had requested that the report be submitted directly to its plenary session.

89. **Mr. Bouheddou** (Algeria) supported the proposal of the Group of 77 and China, and asked whether the Bureau had been informed of the decision of the President of the General Assembly orally or in writing.

90. **The Chairman** said that the President of the General Assembly had informed him of his decision orally. Delegations that wished to make comments should submit them to the Bureau so that it could engage in an earnest consideration of their concerns. The Bureau would determine exactly how the decision had been taken and communicated to the Secretariat, would consider the issue based on all views expressed and would share its conclusions.

The meeting rose at 1 p.m.