United Nations staff

During 2005, the General Assembly, through the International Civil Service Commission (ICSC), continued to review the conditions of service of staff of the UN common system. ICSC made recommendations to the Assembly on matters related to the conditions of service of the UN staff, including base/floor salary scale, mobility and hardship allowances and the scale of staff assessment. The Commission also conducted a study of the grade equivalencies between the United Nations and the United States federal civil service, as well as reviews of the pay and benefits system, hazard pay levels and best prevailing conditions of employment in Paris and Montreal.

The Secretary-General reported on: after-service health insurance; measures to strengthen accountability in the United Nations; staff composition; equitable geographic distribution; availability of skills in local labour markets; suspension of recruitment for staff in the General Service and related categories; staff rules and regulations; gratis personnel; financial accountability of staff; redeployment of posts; the UN System Staff College; headquarters agreements; protection from sexual abuse and exploitation; safety and security of UN personnel; conditions of travel; the Administrative Law Unit; the Office of the Ombudsman; criminal behaviour and disciplinary matters; the management review of the appeals process; and the work of the Joint Appeals Board (JAB). The Joint Inspection Unit issued reports on a common payroll and the harmonization of the conditions of travel for the UN system.

In continuing efforts to strengthen accountability in the United Nations, the Secretary-General proposed the establishment of an Oversight Committee to act as an independent advisory body. In April, the Assembly strengthened the investigation function of the Office of Internal Oversight services.

Functioning of ICSC

The Commission had before it information submitted by its secretariat on the implementation or follow-up by common system organizations to its 2003-2004 decisions and/or recommendations. The Commission noted the high number of responses to its request for informa-
tion and their clarity and hoped that the trend would continue. Expressing an interest in initiatives introduced by some organizations to encourage mobility and noting that the number of staff in the National Professional Officer category had increased, the Commission requested an update of mobility policies in organizations in 2007; a secretariat review of the status of National Professional Officers; and a report on the use of that category of staff to be presented at the Commission’s (2006) session.

The Commission also considered a report on General Assembly actions taken at its fifty-ninth (2004) session concerning the UN common system, as well as details on resolutions and decisions adopted by the governing bodies of common system organizations. Commission members indicated that, while the information was useful, the report should have included a complete reference to specific decisions reflected in the text of the resolution. Emphasis was also placed on the need for quick and easy access to the Fifth (Administrative and Budgetary) Committee news briefs via the UN intranet.

**Strengthening of ICSC**

**CEB consideration.** At its ninth session (Geneva, 4–5 April) [CEB/2005/3], the High-level Committee on Management (HLCM) heard statements by the United Nations Chief Executives Board for Coordination (CEB) secretariat and the spokesperson of the Human Resources (HR) Network on the status of the Fifth Committee’s consideration of the report of the High-level Panel on the Strengthening of ICSC [YUN 2004, p. 110]. The Committee reaffirmed the view that the strengthening of ICSC and its functioning, pursuant to the Panel’s recommendations, was of critical importance to the organizations and staff of the UN common system. It requested executive heads to convey that importance to Member States and to urge them to support a constructive review of the Panel’s recommendations. On 13 April, the General Assembly deferred consideration of the High-level Panel’s report and the related comments by the Secretary-General and CEB [ibid., p. 111] (decision 59/551 B). It also decided to consider, as a matter of priority, the question of the strengthening of the ICSC during its sixtieth (2005) session (decision 59/561).

On 23 December, the Assembly further deferred consideration of the High-level Panel’s report and the related comments on the report by the Secretary-General and CEB (decision 60/551).

**Remuneration issues**

Pursuant to the standing mandate in General Assembly resolutions 47/216 (YUN 1992, p. 1055) and 55/223 (YUN 2000, p. 1331), ICSC continued to review the relationship between the net remuneration of UN staff in the Professional and higher categories (grades P-1 to D-2) in New York, and that of the current comparator, the United States federal civil service employees in comparable positions in Washington, D.C. (referred to as the margin). In its 2005 report to the Assembly [A/60/30 & Corr.1], ICSC noted that a net remuneration margin of 11.1% was forecast for 2005, based on existing grade equivalencies between United Nations and United States officials in comparable positions, as shown in annex V to its report. The actual year-to-year (2004 to 2005) gross increase for Washington, D.C., taking into account both the employment cost index and locality pay adjustment, was 3.71% per cent, effective 1 January 2005. In view of the rise in the comparator’s civil service salaries as from 1 January 2005, the Commission found that an adjustment of the UN common system’s scale of 2.49% per cent would be necessary in 2006 in order to maintain the base/floor scale in line with the comparator. ICSC, therefore, recommended that the base/floor salary scale for the Professional and higher categories be increased by 2.49% per cent through the standard consolidation procedures, on a no-loss/no-gain basis, with effect from 1 January 2006. The proposed staff assessment rates and associated base/floor salary scale were shown in annexes VI and VII of the report.

It further noted that the imbalances in the Tax Equalization Fund would require a reduction in staff assessment to lower the Fund by 20 per cent. While net salaries would not be impacted, gross salaries of the scale would be lower by 20 per cent.

On the basis of the 2003 revised methodology for surveys of best prevailing conditions of employment at Headquarters and non-Headquarters duty stations [YUN 2006, p. 1455], ICSC conducted two surveys of best prevailing conditions of service for the General Service category of staff: one in Paris, France, and the other in Montreal, Canada, with reference dates of October 2004 and April 2005, respectively. The surveys resulted in the recommendation of a new salary scale for each location, as reproduced in annexes IX and X of the ICSC report, and revised rates for dependency allowances. The financial implications associated with the revised salary scales and rates of dependency allowances in Paris were estimated at $750,000 per annum and in Montreal $1.17 million per annum.
The Commission also reviewed dependency allowances, including spouse benefits and the level of children's and secondary dependant's allowances (see p. 1500).

Statement by Secretary-General. In a 10 October statement [A/60/421 & Corr.1] on the administrative and financial implications of ICSC decisions and recommendations for the 2006-2007 programme budget, the Secretary-General indicated that the adjustment of the base/floor salary scale, implemented by standard method on a no-loss/no-gain basis, had been calculated by ICSC on an annual basis in the amount of $2,811,900, which included $2,380,000 for the mobility/hardship allowance and $431,900 for the scale of separation payments. Duty stations with low post adjustment that would otherwise fall below the level of the new base/floor would not be impacted. The financial implications of the ICSC recommendation for the proposed 2006-2007 programme budget would amount to $5,669,300 in additional requirements, net of staff assessment and would be reflected in the recosting of the proposed programme budget estimates, as well as the reduction of $48,890,000 in requirements for staff assessment.

ACABQ report. On 18 October [A/60/7/Add.3], ACABQ stated that it had no objection to the Secretary-General’s approach. However, it concluded that the term “no-loss/no-gain” used in the Secretary-General’s statement to substantiate a 2.49 per cent increase in the base/floor salary scale, needed further explanation to demonstrate whether or not an upward adjustment of the base/floor salary scale, when implemented through the method of consolidating post adjustment multiplier points, would actually result in no additional cost to United Nations. Questioning the cost neutrality beyond the date of implementation, particularly with regard to the management of the post adjustment system, ACABQ indicated that an explanation should be provided to the Fifth Committee and included in all future statements on ICSC recommendations. It also recommended that if necessary, the term “no-loss/no-gain” should be replaced with another term that would better describe the consolidation of post adjustment multiplier points into the base/floor salary scales.

On 23 December, the General Assembly, in section XI of resolution 60/248 (see p. 1495), approved the new scale of staff assessment recommended by ICSC, with effect from 1 January 2006.

Post adjustment

ICSC continued to keep under review the operation of the post adjustment system, designed to measure cost-of-living discrepancies. It considered the report of its Advisory Committee on Post Adjustment Questions on the work of its twenty-seventh session (New York, 17-25 January). The report included recommendations on methodological issues of the post adjustment index calculations; preparatory activities for the next round of place-to-place surveys scheduled for 2005 at headquarters duty stations and Washington, D.C., and the practical aspects of conducting those surveys; guidelines on further studies to be carried out by the ICSC secretariat with respect to product comparability; and analyses of rent data from staff and external sources. The Commission endorsed the Advisory Committee’s recommendations and agreed that it should review the survey results at its next (2006) meeting and submit a recommendation to the Commission in 2006.

Noblemaire principle

In 2005, following its 2004 in-depth review of the Noblemaire principle and its application [YUN 2004, p. H12], ICSC commenced its study to determine the highest-paid national civil service, utilizing the two-phase methodology it had recommended in 1991 [YUN 1991, p. 905]. At its sixtieth session [A/60/30 & Corr.1], ICSC reviewed the data collected in phase I of the study, which had identified four national civil services for consideration in the phase II analysis, namely those of Belgium, Germany, Singapore and Switzerland. It decided to proceed with the analysis of those civil services and to collect information on remuneration levels of the World Bank and the Organisation for Economic Cooperation and Development (OECD) as a reference check only. At its sixty-first session, the secretariat presented the additional information on Germany, Singapore and Switzerland, but had yet to collect information from Belgium and the organizations earmarked for the reference check. In its discussion, the Commission recalled that both the German and Swiss civil services were included in its previous (1994-1995) Noblemaire study [YUN 1995, p. H104] and that neither civil service had been deemed appropriate as the Noblemaire comparator. On the basis of current data collected from Germany, the Commission noted that benefit, leave and work-hour provisions had generally deteriorated, or at best had remained the same in a few cases, while salary levels had been subject to constraints since the 1995 exercise. As for Switzerland, the salary system had been revised—suggesting lower salary levels than those of the comparator—and the benefit structure had not indicated any significant improvement since 1995. With regard to Singapore, its confidential-
ity requirements had restricted the collection of all relevant salary data by the Commission, other than base salary, which made it difficult to adequately apply the Noblemaire principle. Furthermore, on the basis of a total compensation approach, ICSC did not find the Singaporean civil service better paid than the current comparator.

In the case of all three civil services, the Commission concluded that the resources required to conduct a full phase II study, particularly for the actuarial comparisons of the relevant benefit structure, would not be available. It took note of the progress made in the study and decided to discontinue any further study of Germany, Singapore and Switzerland. It would continue the study of Belgium and conduct the reference check with regard to the World Bank and OECD. The Commission requested its secretariat to provide a progress report on the item at its sixty-second (2006) session.

Grade equivalencies

In 2005, keeping with its practice to periodically review grade equivalencies every five years and pursuant to its 2004 decision to conduct a grade-equivalency study for the revised structure of the comparator’s Senior Executive Service (SES) [YUN 2004, p. 1412], ICSC considered the item at its sixtieth and sixty-first sessions [A/60/30 & Corr.1]. The study involved the use of two comparison methods: one that assigned a midpoint or average salary to all members of the United States SES positions, and the other that linked the common system grades with the comparator’s performance based SES salaries. However, as a result of ongoing changes in the structure of the United States federal civil service, and the consequential difficulties experienced by the secretariat in obtaining relevant data for the SES positions, the Commission deferred consideration of the issue to its sixty-first session.

A July update on progress indicated that during discussions held with the United States Office of Personnel Management, it had been noted that the application of performance pay was contingent on certification of a department’s performance management system. Furthermore, there was no uniform application of the broadbanded salary structure, as agencies used different criteria, ranging from performance to responsibility, in order to work criticality for movement through the band. From a random sample of 51 SES positions reviewed, interviews were conducted on 44 positions in 10 departments. An independent evaluation of each position was also carried out. It was found that, if a certified performance management system was in place, the SES pay range was set at $107,550 to $162,100 and where there was none in place, the range was $107,550 to $149,200. Departments were not allowed to utilize the full SES pay range, unless a certified performance system had been implemented. Inconsistencies and variances in banding configurations across departments were also indicated.

In the discussion, the Commission noted that, even though official certification of the performance management systems by the United States Office of Personnel Management was a requirement, decisions concerning the management of pay-for-performance systems, including the size of the payout, were the responsibility of the individual department and had resulted in variances. One member suggested the development of separate pay-for-performance systems for managers in the UN system. Other members questioned the validity of the United States Civil Service SES as an appropriate comparison, since the salaries were based on the person, whereas in the United Nations common system, it was based on the position.

The Commission took note of the progress made and looked forward to a report on the grade equivalency exercise from its secretariat in 2006.

Other remuneration issues

Conditions of service and compensation for non-Secretariat officials

Judges of ICJ and international tribunals

At its resumed fifty-ninth (2005) session, the General Assembly, pursuant to its decision 59/282 (see p. 1487), increased both the annual salary of the members of the Court and the judges and ad hoc judges of the Tribunals and the annual value of all pensions in payment, by 6.3 per cent, pending a decision, based on the comprehensive report of the Secretary-General, on the question of pensions to be submitted to its sixty-first (2006) session. It also decided, with retroactive effect from 1 January 2005, that Mem-
bers of the Court maintaining a bona fide primary residence at The Hague for up to nine continuous years during their Court service should be eligible, upon the completion of their appointment and resettlement outside the Netherlands, to receive a prorated lump sum.

Dependency allowances

Pursuant to a 2001 Commission decision [YUN 2001, p. 1341] to undertake a comprehensive review of allowances payable in the UN common system, ICSC conducted a review of dependency benefits in 2005 [A/60/30 & Corr.1], especially spouse benefits (including dependency and single rates, and salary structure) and children’s and secondary dependant’s allowances. The Commission re-examined the rationale and purpose of the spouse benefit for staff in the Professional and higher categories and identified the appropriate place of the spouse benefit in the overall pay and benefits package of common system staff. It noted that dependency benefits to staff in the Professional and higher categories were provided in the form of higher net salaries for staff with a primary dependant—as compared with those who had no primary dependant—and by flat-rate allowances for children and secondary dependants. While one salary scale was applied equally to staff with or without dependants, lower amounts of staff assessment were applied to gross salary for those staff with a dependent spouse or child, resulting in a higher net base salary than that for single staff members. Agreeing with the Human Resources Network that one of the principles underlying the current system was that of “equal pay for equal work”, the Commission emphasized that gross salary was the same for all UN staff, regardless of marital status or the number of children, and the system took into account the fact that additional expenditures were incurred by staff members with dependents. That principle was also recognized by the United States federal civil service (the current comparator) through its tax system, where single tax payers paid higher tax rates. Higher net salaries for dependency status were also the result of the tax system of most countries. It was noted that the system of base salary and allowances was developed nearly 30 years ago and as work realities and values had evolved, the Commission should examine how best to reflect that fact.

The Commission decided to maintain the distinction in remuneration between staff with and without primary dependants and the current ratios between the single and dependency rates of the base/floor salary scale. Pursuant to General Assembly resolution 59/268 [YUN 2004, p. 108], the Commission reported to the Assembly that the rationale for doing so was directly linked to the practices of Member States that maintained such a differentiation in their tax systems.

Education grant

Practices of other civil services and international organizations

In response to a General Assembly request in resolution 59/268 [YUN 2004, p. 108] that it be informed about the practices of other civil services and international organizations with regard to the provision of education grants, ICSC reviewed information that had been recently collected by OECD, which provided details of each education grant scheme for both international organizations and relevant national civil services. The data indicated that all international organizations and some national civil services provided for tertiary education under their schemes. However, as the OECD submission lacked details on UN comparator practices, separate information was provided by the ICSC secretariat, which compared comparator maximum education grant levels to UN common system maximum levels on a country-by-country basis. It also assessed the merits and disadvantages of adopting the comparator practices for UN common system purposes.

The Commission took note of the information provided and requested its secretariat to summarize the results for presentation to the Assembly.

Review of methodology

The Commission, under its ongoing review of the pay and benefits system continued to review the methodology for determining the level of the education grant. It considered its secretariat’s proposals relating to the lump-sum approach, including the general outline of that approach, and specific issues relating to the selection of representative schools; the proposed new currency zoning for education grant ceilings; the adjustment of the maxima and cost controls; individual certification requirements; and the periodicity of the review of education grant levels.

The Commission asked its secretariat to continue its work, in collaboration with organizations and staff representatives, on developing proposals on education grant methodologies on the basis of current principles of the scheme, and in particular, the lump-sum approach. It should also develop models illustrating the practicality of the various review proposals, with a view to ensuring fairness, simplification and cost control, and report to the Commission on the issue at its sixty-third (2006) session.
Mobility and hardship allowance

ICSC continued its review of the current mobility and hardship scheme approved in 1989 [YUN 1989, p. 886] to compensate staff for service at difficult duty stations and to encourage operational mobility. At its fifty-ninth (2004) session the Commission decided to separate the mobility element from the hardship element and to delink both allowances from the base/floor salary scale [YUN 2004, p. 1415]. It also established a working group to develop options for compensating staff for service at hardship duty stations and for encouraging mobility, estimate the cost of those options and submit its recommendations to the Commission in 2005. The working group, using cost neutrality as the guiding principle and taking constraint into account, proposed the transference of funds from one element to another as an option for attaining cost neutrality. Although each element was treated separately, the group considered the proposal as a single package because of the integrated manner of its design. For the mobility element, the proposed changes included flat amount payments to replace the percentages linked to the base/floor; the calculation of differentials for single and dependency rates; and clustering of the number of assignments for payment purposes; recognizing up to seven moves instead of the current five; no extension of payments for mobility after five years in the same location; and a review of payments every three years. A comparison between the current and proposed mobility scheme reflected a decrease of $22,392, which would be reallocated to support an increase to the hardship component.

Under the changes proposed for the hardship element, flat amount payments would replace the percentages linked to the base/floor; differentials for single and dependency rates would be calculated by reference to flat amounts; payments would be reviewed every three years; and higher payments would be made for assignments to more difficult duty stations. A comparison between the current and proposed hardship scheme reflected an increase of $4,385,069, which was accommodated through decreases in the mobility and the non-removal elements of the current scheme. Changes to the non-removal element were the same as for the hardship element, except that no distinction would be made between the amounts paid for the various duty stations and no extension of payment would be permitted beyond five years. Definitions for mobility and for hardship were also recommended. In determining the degree of hardship, consideration would be given to local conditions of safety and security, health care, education, housing, climate, isolation, or the availability of the basic amenities of life that resulted in less than acceptable standard of living for staff and their families. The concept of mobility would include movement within and across organizations, occupations and geographic locations. For the purpose of the scheme, mobility was defined as the geographic reassignment of a staff member for a period of one year or more from one duty station to another.

With regard to its consideration of assignment grant proposals, the Group recommended that two months' salary representing the assignment grant for the most dangerous duty stations should be paid in its entirety at the beginning of any assignment, which would be three or more years in duration.

The Commission approved the definitions proposed for mobility and hardship and endorsed the new arrangements for mobility, hardship, non-removal and assignment grant, as well as the modalities and review cycle proposed for updating allowances. It also recommended that the General Assembly approve the proposed arrangements and definitions and implement the new systems with effect from 1 July 2006.

CEB consideration. At its tenth session (New York, 10-11 October) [CEB/2005/5], HLCM adopted a statement on the new mobility and hardship scheme approved by ICSC, which would replace the current matrix format. It was projected that the new scheme would continue to provide incentives to staff to serve at hardship duty stations and to be geographically mobile, as well as be easier to administer and more transparent to staff. The statement also reflected the Organization’s disagreement with the decisions of ICSC [YUN 2004, p. 1415] and the General Assembly in resolution 59/268 [ibid. 1408] to decouple the adjustment of the mobility and hardship allowance from the base/floor salary scale.

The Committee approved the CEB statement for transmittal to the Assembly’s sixtieth (2005) session, and was later issued as a note by the Secretary-General [A/60/275].

Hazard pay

The Commission, in reviewing the principle for granting hazard pay—payment for employment under conditions where war or active hostilities prevailed and the evacuation of families and non-essential staff had taken place—considered proposals on the level of such pay for locally and internationally recruited staff, for revising the criteria for its payment and for applying the same adjustment mechanism and periodicity for review as that for mobility, hardship and non-removal allowances.
The Commission decided to establish the level of hazard pay for internationally recruited staff at $1,300 per month as of 1 January 2006; retain the current level of hazard pay for locally recruited staff (25 per cent of the midpoint of the local salary scale for General Service staff); and approved a three-year review cycle, to be done simultaneously with the review of the allowances for mobility, hardship and non-removal; and to apply the same indicators used in updating those allowances when reviewing the level of hazard pay. The financial implications for the revised level of hazards when reviewing the level of hazard pay. The Group recommended to ICSC that the definition of hazard pay be revised to include the risk of life-threatening diseases, such as the severe acute respiratory syndrome (SARS) and the Ebola virus, to which medical personnel were directly exposed in the performance of their duties. The Commission approved the definition of the criteria for hazard pay as proposed in annex III of the report.

**Definition of hazard pay.** The working group established to develop options for compensating staff for services at hardship duty stations and for encouraging mobility (see above) also considered proposals on hazard pay. The Group recommended to ICSC that the definition of hazard pay be revised to include the risk of life-threatening diseases, such as the severe acute respiratory syndrome (SARS) and the Ebola virus, to which medical personnel were directly exposed in the performance of their duties. The Commission approved the definition of the criteria for hazard pay as proposed in annex III of the report.

**Entitlements of staff serving in non-family duty stations**

In response to General Assembly resolution 59/266 [YUN 2004, p. 1418], ICSC considered the issue of harmonization of practices relating to the entitlements of staff serving at non-family duty stations. The Commission had before it detailed information on the practices of common system organizations on the subject, as well as a report by the organizations, which, inter alia, explained the rationale for the separate maintenance of the special operations approach and the mission subsistence approach. The special operations approach was used by the funds and programmes for staff assigned to longer but defined periods and with traditional entitlements, whereas mission subsistence allowance was used exclusively for those assigned to special peacekeeping operations and for political and peacebuilding missions. The rationale for maintaining two separate systems was primarily to address two situations, which differed with regard to the mandate of the organization or mission, the duration of assignment, the type and limitation of employment, the manner and purpose of deployment, the number of staff in a duty station or mission area, family considerations and eligibility to receive entitlements. An increasing number of field-oriented organizations had applied the special operations approach. Organizations had agreed on a revised procedure to calculate the special operations living allowance, which would be a monthly payment based exclusively on the daily subsistence allowance after 60 days. To help organizations make the adjustment, ICSC would have to update all non-capitality daily subsistence allowance rates.

The Commission noted that the financial implications relating to the move from mission subsistence allowance rates, where applicable, to the after-60-day daily subsistence allowance were estimated at $2.98 million system-wide. It agreed with the rationale for maintaining two separate approaches under the special operations and mission subsistence regimes and endorsed the proposed change from mission subsistence allowance to the after-60-day daily subsistence allowance rate as the basis for calculating the special operations living allowance under the special operations approach.

**After-service health insurance benefits**

In response to resolution 58/249 A [YUN 2003, p. 1428], the Secretary-General submitted an October report [A/60/450 & Corr.1] on liabilities and proposed funding for after-service health insurance benefits, which provided overviews on the extent and recognition of liability, UN funding measures, revisions to the after-service health insurance provisions and the valuation reports of the ICTY, ICTR and the UN Compensation Commission. It also included details pertaining to action by funds, programmes and other organizations, along with a historical perspective on the after-service health insurance programme.

Actuarial studies had estimated that the current value of the accrued after-service health insurance liability, as at 31 December 2003, for the United Nations and common system organizations covered in the report, ranged from $0.5 billion to $1.484.9 billion, with a combined total of $4.022.9 million. Seven organizations had taken steps to both recognize and fund the actuarial liability from several sources, while others had not yet made provisions and were awaiting action by the United Nations prior to finalizing their plans to fund the liabilities.

The Secretary-General indicated that the UN external auditors and those of its agencies had stressed the need for organizations to fund their after-service health benefit obligations. A wide range of funding mechanisms would need to be put into place by the respective organizations with the approval of the appropriate governing bodies. Possible sources of funding for UN liabilities included the surplus held in reserves and special funds. However, if the General Assembly approved to fund the liability from a 4 per cent charge on payroll costs and from General Fund surpluses, it would result in Member States being
required to pay more in assessed or pledged contributions.

The Secretary-General proposed changes in the after-service health insurance provisions, including increasing the eligibility requirements for subsidy from 10 to 15 years minimum participation with a "buy-in" provision after 10 years of participation; application of a theoretical pension of a minimum of 25 years of service as the basis for assessing retiree contributions, as opposed to using the actual number of years of service which is less than 25; and introducing a minimum participation requirement for eligibility of dependants of at least five years at the time of retirement.

The Secretary-General requested the Assembly to approve, for initial funding of after-service health insurance benefits, an amount of $350,000; for ongoing funding, a charge equivalent to 4 per cent of salary costs; the utilization of unspent budget appropriations and the transfer of any excess income and savings; the proposed changes to the after-service health insurance provisions. It should authorize full recognition of the after-service health-insurance liability on financial statements and approve finding of liabilities as at 1 January 2006 for ICTY and ICTR and the United Nations Compensation Commission.

ACABQ report. In November [A/60/7/Add.11], ACABQ stated that, while the Secretary-General had estimated that the present value as at 31 December 2003 of accrued after-service health insurance liability of future benefits was $1,484.9 million, the underlying methodology for arriving at that estimate had not been clearly explained. Observing that after-service health insurance liabilities had probably escalated since 2003, the Committee stressed that updated data should be made available to the General Assembly before any decision on the matter was taken. It requested detailed information on how other estimates were derived, including those on provisions for current retirees and active employees currently eligible to retire with after-service health insurance benefits. ACABQ agreed in principle with the proposal to charge a certain percentage of salary costs as a means of building a fund for after-service health insurance payments, but wanted more detailed analysis before it could recommend a percentage. Special attention should be paid to the relationship between an additional charge on salary costs and programme support costs applied to extrabudgetary activities. Moreover, the proposal to utilize savings did not appear to be in line with the best management practices, was not transparent, might encourage overbudgeting and was not in keeping with Assembly resolution 56/237 [YUN 2001, p. 810], by which savings achieved through efficiency gains were to be directed to the Development Account. It recommended approval of the changes to the provision of the after-service health insurance programme.

The Assembly deferred consideration of the Secretary-General’s report on after-service health insurance and the related ACABQ report until its resumed sixtieth (2006) session (decision 60/551).

Other staff matters

Managerial efficiency and strengthening accountability

Senior Management Network

CEB action. At its ninth regular session [CEB/2005/3] (Geneva, 4-5 April), HLCM considered a progress report on the establishment of a Senior Management Service in the United Nations, which had been approved by CEB in 2004 [YUN 2004, p. 1415] as a means of strengthening managerial and leadership capacity throughout the Organization. Following consultations with members of the Human Resources Network and in response to a request of the General Assembly in resolution 59/268 [ibid., p. 1408], it was proposed to rename the Service as the Senior Management Network, in order to better reflect the purpose of the creation of a system-wide managerial network. Other developments included collaboration between the UN System Staff College and an inter-agency committee in evaluating proposals from institutions interested in developing the leadership programme to underpin the Service.

HLCM endorsed the redesignation of the Senior Management Network as the Senior Management Network and supported the development and implementation of the leadership development programme.

Note of Secretary-General. In an August note [A/60/209], the Secretary-General stated that the Senior Management Network would bring together senior managers throughout the UN system and executive heads would designate staff for participation in the Network and guide its direction. He emphasized that the Network did not involve any change in the conditions of service, compensation or contractual arrangements. The objectives of the Network included strengthening managerial and leadership capacity; building a common corporate culture; facilitating the development of responsibility and accountability in relation to core managerial functions; enhancing
inter-agency cohesion and coordination and promoting mobility and learning across the system; and signalling a commitment to the professionalism of the management function. He also announced that a system-wide leadership programme being designed to support the Network was expected to be launched in 2006 for groups of senior managers from across the common system.

By decision 60/551 of 23 December, the General Assembly deferred consideration of the Secretariat-General's note until its resumed sixtieth (2006) session.

**Strengthening accountability at the United Nations**

**Report of Secretary-General.** Responding to General Assembly resolution 59/272 [YUN 2004, p. 1370], the Secretary-General submitted an August report [A/60/312] on measures taken to strengthen accountability at the United Nations, which outlined new measures developed, as well as those already initiated, under five thematic headings: measures for strengthening the accountability framework; strengthening oversight mechanisms; ensuring ethical conduct; enhancing transparency; and other measures. The report also provided information on the Secretariat's analysis of audit committees and the progress made on indicating time frames for the implementation of the recommendations of oversight bodies.

Among the measures adopted to strengthen the accountability framework was the replacement of the Accountability Panel with the Management Performance Board as of 13 May 2005 (ST/SGB/2005/15). The Board, whose terms of reference and responsibilities were clearer and better defined than those of the Panel, would review the recommendations of the proposed oversight committee (see below); ensure that managers acted on issues identified by oversight bodies; monitor the manner in which senior managers exercised authority delegated to them, including their performance in achieving the objectives of human resources action plans; and review the outcome of the administration of justice proceedings in the Secretariat. As the Senior Management Group established in 1997 [YUN 1997, p. 1390] had proved to be too large for effective and timely decision-making, two smaller senior-level committees, a Policy Committee and a Management Committee, were created in 2005 to improve executive-level decision-making efforts. Mandatory induction programmes for senior officials were introduced, as well as a new method of defining performance expectations for programme delivery and results-based budgeting. Performance indicators for all programmes, including peace-keeping missions were developed and performance measures—baselines and targets—were incorporated into the 2004-2005 and the proposed 2006-2007 programme budget.

A revised e-PAS, an electronic enhancement of the original Performance Appraisal System (PAS), was also launched with new features, such as organizational core values and competencies, self-assessment by staff members, managerial competencies for supervisory staff, strengthened links between performance management and career development, and enhanced accountability measures, including an optional section for the comments of staff on supervision received. Conditions under which staff members might be held accountable and/or financially liable to the Organization for their actions were also defined.

The terms of condition for a United Nations oversight committee were also issued. The committee, an independent advisory panel to the Secretary-General, would ensure the systematic implementation of recommendations of oversight bodies; share audit-related information and lessons learned; and ensure that significant risks to the Organization were identified and mitigating measures taken. Other activities highlighted focused on efforts to enhance fraud and corruption prevention mechanisms and to strengthen the Office of Internal Oversight Services (OIOS). In April, by resolution 59/287 (see p. 1474), the Assembly strengthened the OIOS investigation function and decided that the results of all preliminary investigations conducted by programme managers should be reported to the Office. OIOS was thereby delegated independent, residual and exclusive authority to investigate the most serious cases (all “category one” cases involving high-risk complex matters and serious criminal crimes) and designated as the mandatory gateway of all "category two" (lower risk to the Organization) cases.

Efforts to enhance ethical conduct focused on the establishment of a UN Ethics Office (see p. 1476), broadening the financial disclosure policy, protecting against retaliation for reporting alleged misconduct, enhancing the codes of conduct and conflict-of-interest rules, incorporating ethics into staff training programmes, protecting against harassment in the workplace and aggressive pursuit of allegations of sexual abuse and exploitation by field personnel. Dissemination of information on the Secretary-General’s decisions on disciplinary cases was emphasized to raise awareness and act as a deterrent, thereby enhancing ethical conduct.

In the area of enhancing transparency, the report summarized efforts to develop a new policy...
on access to UN information, implement the new process for the selection and appointment of senior officials, which utilized a Senior Appointment Group (SAG) for reviewing candidatures for appointment by the Secretary-General, constitute the Senior Review Group as a standing advisory body on the appointment and promotion to D-2 level posts and develop clear accounting standards.

In the light of issues raised by the Independent Inquiry Committee, which investigated the oil-for-food programme (see p. 1475), particularly the criticism of UN procurement practices, the Secretary-General commissioned a review, completed in June 2005, that compared existing procurement rules and regulations with the best global practices of outside organizations and companies to ensure that the improvements introduced since the mid to late 1990s met the highest global standards. The transparency achieved by the UN Procurement Service website was evaluated positively in the review. It indicated that the open approach of the Service to sourcing and vendor development was in line with that of leading public procurement agencies. In August 2005, the Secretary-General commissioned a full financial and internal control review of the current UN procurement system.

The Secretary-General also submitted a report on the efforts of the Department of Management to improve its practices, and a time-bound plan for the reduction of duplication, complexity and bureaucracy in UN administrative processes [A/60/342] (see p. 1470).

ACABQ report. In October [A/60/418], ACABQ, noting the Secretary-General’s bulletin [ST/SGB/2005/18] establishing the Oversight Committee as of 15 September and outlining its role and functions, indicated that it would be difficult for the three internal members of the Oversight Committee to act in an independent capacity while performing their advisory role on the Committee, as specified in the report. Moreover, given the Oversight Committee’s small membership, the absence of any one of its members could have a detrimental effect on its performance. ACABQ also expressed doubts over the appropriateness of the Oversight Committee’s role in providing advice and suggestions on the priorities, long-term strategy and annual audit work plans of oversight bodies, as it questioned the independence of those bodies. It concluded that the terms of reference, composition and working methods of the Committee would need to be revisited in the light of any decision the General Assembly might take on the follow-up to the World Summit Outcome document (see p. 48).

On 23 December, the Assembly deferred until its resumed sixtieth (2006) session (decision 60/551) consideration of the reports of the Secretary-General and ACABQ on measures to strengthen accountability.

Personnel policies

Human resources management

The General Assembly, at its resumed fifty-ninth session in 2005, had before it reports and/or notes of the Secretary-General, consideration of which had been deferred from previous sessions on: implementation of multilingualism in the UN system [YUN 2003, p. 1453]; multilingualism [ibid.]; the report of ICSC on its fifty-sixth and fifty-seventh (2004) sessions [YUN 2004, p. 1408]; measures to prevent discrimination on the basis of nationality, race, gender, religion or language in the United Nations [ibid., p. 1413]; human resources management reform [ibid., p. 1416]; contractual agreements [ibid., p. 1421]; improving gender distribution in the Secretariat [ibid., p. 1428]; the study on the availability in local labour markets of the skills for which international recruitment for the General Service category takes place [ibid., p. 1430]; and the review of the Headquarters Agreements concluded by organizations of the UN system on human resources issues affecting staff [ibid., p. 1431]; and the list of staff of the United Nations Secretariat in 2004 [A/C.5/39/L.54].

In addition to those reports, the Assembly, at its sixtieth (2005) session, had before it the Secretary-General’s reports on gratis personnel provided by Governments and other entities [A/59/716]; assessments of the system of geographical distribution and of the issues relating to possible changes in the number of posts subject to geographical distribution [A/59/724]; redeployment of posts [A/59/753]; special measures for protection from sexual exploitation and abuse [A/59/782]; amendments to staff rules [A/60/174]; safety and security of humanitarian personnel and protection of UN personnel [A/66/235 & Corr.1]; the study on the availability of skills in local labour markets for which international recruitment for the General Service category took place [A/60/282]; composition of the Secretariat [A/60/310]; coverage of staff by the malicious acts insurance policy on security spending by UN system organizations [A/60/37 & Corr.1]; report of the UN System Staff College on its work, activities and accomplishments [A/60/282]; suspension of recruitment for posts in the General Service and related categories [A/60/365]; amendments to the staff regulations [A/60/365]; and staffing of
field missions, including the use of the 300 and 100 series of appointments [A/59/762] (see p. 150).

**GENERAL ASSEMBLY ACTION**

On 23 December [meeting 69], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/60/603], adopted resolution 60/238 without vote [agenda item 129].

**Human resources management**

*The General Assembly,*

Recalling Articles 8, 97, 100 and 101 of the Charter of the United Nations,


*Having considered* the reports of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions, the report of the Office of Internal Oversight Services on the availability in local labour markets of the skills for which international recruitment for posts in the General Service category takes place and the report of the Joint Inspection Unit entitled “Review of headquarters agreements concluded by the organizations of the United Nations system: human resources issues affecting staff” and the comments of the Secretary-General and the United Nations System Chief Executives Board for Coordination thereon,

**I**

**Composition of the Secretariat**

1. **Requests** the Secretary-General to ensure that the highest standards of efficiency, competence and integrity serve as the paramount consideration in the employment of staff, with due regard for the principle of equitable geographical distribution, in accordance with Article 101, paragraph 3, of the Charter of the United Nations; [n]

2. **Notes** that key human resources management targets are not being met by many departments;

3. **Also notes** the establishment of the Management Performance Board to replace the Accountability Panel as well as the functions and composition of the Board;

4. **Requests** the Secretary-General to submit to the General Assembly for consideration at its sixty-first session a report on the activities of the Management Performance Board since its inception, including how it has met the request of the General Assembly, contained in section I, paragraph 10, of its resolution 59/266, that the internal system of accountability with respect to human resources policies and objectives be strengthened in order to hold programme managers accountable for their performance in achieving the objectives contained in human resources action plans;

5. **Notes** that, owing to projected retirements, many Member States may become unrepresented and underrepresented during the period 2005-2009, and requests the Secretary-General to urgently take steps to address this matter;

6. **Recalls** section IV, paragraph 8, of its resolution 59/266, and reiterates its request that the Secretary-General include an analysis of the level of underrepresentation in his report on the composition of the Secretariat;

7. **Requests** the Secretary-General to provide to the General Assembly at its sixty-first session an assessment of recruitment to P-2 and P-3 posts, including the effect of the national competitive examinations and, if relevant, recommendations on how to improve this method of recruitment;

**II**

**Amendments to the Staff Regulations and Rules**

1. **Approves** the amendments to the Staff Regulations of the United Nations contained in the annex to the present resolution;

2. **Take note** of the amendments to the Staff Rules;

**III**

**Other matters**

1. **Requests** the Secretary-General to report to the General Assembly at its sixty-first session on the practice of United Nations staff members having to renounce permanent residence status in a country outside the country of their nationality, including cases where staff members have been exceptionally authorized to retain permanent residence status in accordance with section 5.7 of the administrative instruction entitled “Visa status of non-United States staff members serving in the United States, members of their household and their household employees, and staff members seeking or holding permanent resident status in the United States”, and the criteria used in making such exceptions;

2. **Also requests** the Secretary-General to report to the General Assembly at its sixty-first session on the implementation of the regulations governing the status, basic rights and duties of officials other than Secretariat officials and experts on mission, adopted in its resolution 56/280.

**Annex**

**Amendments to the Staff Regulations**

**Regulation 1.2 Conflict of interest**

*For paragraph (n), substitute*

(n) All staff members at the D-1 or L-6 level and above shall be required to file financial disclosure statements on appointment and at intervals thereafter as prescribed by the Secretary-General, in respect of themselves, their spouses and their dependent children, and to assist the Secretary-General in verifying the accuracy of the information submitted when so requested. The financial disclosure statements shall include certification that the assets and economic activities of the staff members, their spouses and their dependent children do not pose a conflict of interest with their official duties or the interests of the United Nations. The financial disclosure statements will remain confidential and will only be used, as prescribed by the Secretary-General, in making determinations pursuant to staff regulation 1.2 (m). The Secretary-General may require other staff to file financial disclo-
sure statements as he deems necessary in the interest of the Organization.

**Regulation 10.2**

For the existing text, substitute

The Secretary-General may impose disciplinary measures on staff members whose conduct is unsatisfactory.

Sexual exploitation and sexual abuse constitute serious misconduct.

The Secretary-General may summarily dismiss a member of the staff for serious misconduct.

**Pay and benefits system**

In 2005, ICSC, continued its monitoring of the pilot study on pay-for-performance and banding, initiated in 2004 [YUN 2004, p. 142]. The Human Resources Network expressed concern on the need for flexibility in respect of the banding structure and the ability of organizations to set the bands to suit their individual needs, and on the participation of General Service together with Professional staff in the pilot studies, whereas the Commission’s position was restrictive to the Professional category. In its discussion, the Commission addressed a number of issues raised by the volunteer organizations and consultants involved in the study, including study participants, control groups, the broadbanded model, duration of the pilot study, the competency component of the pilot study, peer review, client feedback and legal considerations. The Commission found the discussion useful and was encouraged by the progress made. However, concerned by the direction some of the test modalities had taken, it reminded the volunteer organizations that those modalities were the basis on which the study should be conducted, and any deviation required the Commission’s prior approval.

**Job Evaluation Master Standard**

In 2005, ICSC continued its assessment of the implementation of the Job Evaluation Master Standard, a conceptual model of the new job evaluation system for the Professional and higher categories, presented at its fifty-seventh (2003) session [YUN 2003, p. 1445]. The system, designed to work from an automated platform, linked job design to the development of the competencies and supported performance management in an integrated manner. Having received an interim report in 2004 and a further update at its sixty-first session, the Commission indicated that of 18 organizations, twelve had implemented the new job evaluation system, resulting in the classification of approximately 1,400 posts, with the remaining six in the process of implementation. Organizations reported that, while the new system was simpler to use and allowed for faster classification action, there were concerns with regard to the clarity of language and interpretation of terminology. Actions discussed and agreed upon by a number of organizations included, a glossary to address interpretation difficulties; updated training materials; alternative security provisions for the web-based job evaluation system; system-wide access to organizational post illustrations; and a virtual network of advisers.

The Commission encouraged organizations to increase the rate of implementation and endorsed the enhancements proposed by its secretariat. The Commission requested its secretariat to ensure that a random sample of UN jobs was classified by reference to the new job evaluation standard in preparation for the grade equivalency study (see p. 1508) with the United States federal civil service and to report in 2006, including on the number of grade levels of posts classified and any changes to those grade levels as a result of classification action taken.

**Contractual arrangements**

In follow-up to its 2004 decision [YUN 2004, p. 1425], ICSC considered the revised model contract for three contractual categories: continuing appointments, fixed-term appointments and temporary appointments. The Human Resources Network agreed that the proposed text was acceptable as a framework for contractual agreements. The Commission confirmed two types of requirements under temporary appointments: one of a short-term nature for less than one year and the other for functions required up to four years to accommodate urgent operational requirements for defined periods, such as peacekeeping, humanitarian assistance or special projects. Agreeing that it had a consensus on a viable framework that could be implemented by the organizations, the Commission decided to adopt the framework as amended and set out in annex IV of its report and submit its final report to the General Assembly’s sixtieth (2005) session.

By decision 60/551 of 23 December, the Assembly deferred consideration of the ICSC report and the Secretary-General’s report on contractual arrangements [YUN 2004, p. 1424].

**Staff composition**

In an August annual report on the United Nations Secretariat’s staff composition [A/60/330], the Secretary-General updated information on demographic characteristics of the Secretariat’s staff and on the system of desirable ranges for geographical distribution. As at 30 June 2005, Secretariat staff numbered 15,989, some 1,166 more than at 30 June 2004. Of the total, 5,754
were in the Professional or higher categories, 9,226 were in the General Service and related categories, and 1,060 were project personnel; 7,753 were paid from the regular budget and 8,296 from extrabudgetary sources. Staff in posts subject to geographical distribution numbered 2,581, of whom 1,140 (43 per cent) were female. Seventeen Member States were unrepresented in all staff categories, while nine were underrepresented, compared to 15 and 10, respectively, in 2004. Appointments to posts subject to geographical distribution numbered 2,581, of whom 1,140 (43 per cent) were nationals of underrepresented Member States, 142 (68.9 per cent) of within-range Member States, and 39 (18.9 per cent) of overrepresented Member States.

The report also gave information on the demographic profile of Secretariat staff, staff movement between 1 July 2004 and 30 June 2005, and forecasts of anticipated retirements between 2005 and 2009.

Equitable geographical distribution assessment

In response to General Assembly resolution 57/305 [YUN 2003, p. 1440], the Secretary-General submitted a March report [A/59/724] on the comprehensive assessment of the system of geographical distribution and an assessment of the issues relating to possible changes in the number of posts subject to the system of geographical distribution. The report provided overviews on the origin and initial purpose of the concept of geographical distribution of the staff; current applicable definition of the concept; common factors in equitable geographic distribution in the UN common system; and modifications in the parameters of geographical status and their implications, which presented three scenarios for evaluation in terms of their impact on Member States’ representation status.

In the first scenario, weights of the existing factors (membership, population and contribution) were varied within the limits of the existing base figure, which constituted the most common method of adjusting geographical distribution posts. Five variants were considered, with a base figure of 2,700 and the number of staff posts subject to geographical distribution, which stood at 2,545 as at 31 December 2004, held constant. The second scenario involved changing the number of posts in the base figure through the inclusion of new personnel categories. Four variants, which included staff posts under regular budget and extrabudgetary resources, were considered. Scenario three weighted ranges and posts within the context of the system of desirable ranges.

The Secretary-General noted that the various simulations using the variants described in the report showed that changing the weights of the factors (membership, population and contribution) would result in important changes in the representation status of Member States. The same was true when the base figure was expanded to include staff currently not having geographic status, which would have financial implications. It was projected that the inclusion of staff in the General Service and related categories would cost the Organization approximately $55.3 million annually. He recommended that the Assembly take note of the report.

By decision 59/551 Cof 13 April, the Assembly deferred consideration of the Secretary-General’s report to its resumed sixtieth (2006) session.

Gratis personnel

Report of Secretary-General. The Secretary-General, in February, submitted to the General Assembly his annual report [A/59/716] on the use of gratis personnel between 1 January 2003 and 31 December 2004. Type I gratis personnel serving under an established regime included interns, associate experts and technical cooperation experts obtained on non-reimbursable loans, while type II gratis personnel comprised personnel provided by a Government or other entity pursuant to Assembly resolution 51/243 [YUN 1997, p. 1469]. The Secretary-General reported that during 2004, the number of type I gratis personnel increased by 12.3 per cent from 1,149 to 1,290. The increase was attributable to an increase in interns, which constituted the majority (93 per cent) of that group of personnel. The number of interns had increased from 142 in 2002 to 1,057 in 2003 and reached 1,291 in 2004. The change in methodology for the compilation and statistical analysis of data for the report, which had been expanded to meet the requirements of Assembly resolution 57/281 B [YUN 2003, p. 1448] also had an impact on the reported number of interns. Associate experts decreased from 78 to 77 and technical cooperation experts from 14 to 12 from 2003 to 2004. The number of type II gratis personnel totalled 53 in 2003, up from one in 2002. Of the 53 persons, 34 served with OCHA relief operations, 21 were under standby arrangements, and the remaining individual was a hydrology expert, hired for a two-year-period that ended 31 December 2003. The increase in type II gratis personnel was primarily due to the expansion of emergency and humanitarian relief operations during the reporting period.

For the first time, as part of change of methodology, details on the breakdown by department,
nationality and gender were included. Women comprised 63 per cent of type I gratis personnel in 2003 and 61 per cent in 2004; for type II gratis personnel, women comprised 19 per cent in 2003 and 26 per cent in 2004.

**ACABQ report.** In April [A/59/786], ACABQ noted that the Secretary-General’s report on gratis personnel (see p. 1/47) was the first such report presented on a biennial basis and that comparisons with the Committee’s earlier report [YUN 2003, p. 1/448] could not be drawn as a result of the change in methodology and new format of indicating information on the nationality, duration of service and functions performed of gratis personnel, as well as a breakdown by gender. It maintained that information concerning gratis personnel was a logical component of the Secretary-General’s report on the composition of the Secretariat and requested once again that, details on gratis personnel be integrated into that report on a biennial basis, in the first year of the biennium. The Committee recommended that the Assembly take note of the report.

By decision 59/551 of 13 April, the Assembly deferred until its resumed sixtieth (2006) session consideration of the Secretary-General’s report on gratis personnel and the related ACABQ report.

**Study of availability of skills in local labour markets**

In response to General Assembly resolution 59/266 [YUN 2004, p. 1/418], the Secretary-General submitted an August report [A/60/262] covering the study of the availability of skills in local labour markets, for which international recruitment for the General Service category took place. The study, conducted by OHRM in cooperation with the Department for General Assembly and Conference Management (DGACM), took into account recommendations by OIOS in its report on the subject [YUN 2004, p. 1/450]. The report provided background information, including a summary of skills required; described outreach efforts made to attract applications from labour markets; and analysed the results of the recruitment campaign.

For the practical purpose of identifying and testing candidates readily available in the local labour market, the recruitment campaign focused mainly on candidates residing in the New York metropolitan area, regardless of their legal status in the United States. The recruitment campaign, which was launched jointly by DGACM and OHRM in 2005, sought potential candidates by advertising vacancy announcements on the UN website and in English and foreign language newspapers, and by soliciting applications from the language departments of universities, language-training institutes, spouses of staff members and permanent missions to the United Nations.

The study presented projected requirements for editorial and desktop publishing assistants and for building a viable roster of qualified candidates. In response to the recruitment campaign, 1,303 applications were received as at 29 July, which included applicants seeking Arabic (166), Chinese (119), English (519), French (166), Russian (106) and Spanish (227) positions.

The Secretary-General concluded that the findings of the 2005 campaign reconfirmed the availability of a sufficient number of qualified candidates from the local labour market to meet the staffing needs of the English Text Processing Unit. For other languages, with the exception of Russian, the campaign indicated that it was possible to identify some qualified candidates locally, but not in sufficient numbers to meet the needs of DGACM. He invited the Assembly to provide guidance on whether a further study should be undertaken to conclusively determine if recruitment from outside the duty station area was necessary to meet the staffing needs of the Arabic, Chinese, French, Russian and Spanish text processing units. He also indicated that additional resources would be required for that study, as indicated in the OIOS report.

On 23 December, the Assembly deferred consideration of the Secretary-General’s report on the study of the availability of skills in local labour markets and the related OIOS report to its resumed sixtieth (2006) session (decision 60/551).

**Recruitment, promotion and placement**

By decision 59/560 of 13 April, the General Assembly decided that, in view of the fact that printed copies of vacancy announcements were not distributed to delegations, as required by resolutions 59/266 [YUN 2004, p. 1/418] and 59/276 [ibid., p. 1/450] on the establishment of the Department of Safety and Security, the D-2 posts of Deputy to the Under-Secretary-General, Director of the Division of Regional Operations, Director of the Division of Safety and Security Services and the D-1post of Executive Officer, should on an exceptional basis, be readvertised for 30 days, while the process continued with respect to recruitment actions already under way. It further decided that with regard to the fourteen P-3 to P-5 posts in the Department, for which vacancy announcements were issued from 3 to 31 March in the Galaxy staff recruitment system, but were not distributed in printed form, the deadline for
receipt of applications should be extended by 15 days, also on an exceptional basis.

Suspension of recruitment for posts in the General Service and related categories

Pursuant to General Assembly resolution 59/276 [YUN 2004, p. 1383], the Secretary-General submitted a September report [A/60/563] on the issue of lifting the suspension of recruitment for posts in the General Service and related categories for the remainder of the 2004-2005 biennium. The suspension, authorized by resolution 58/270 [YUN 2003, p. 1999] for the period 2004-2005, had resulted in high vacancy rates and staff turnover between offices and departments, as well as significant difficulties with programme implementation across the Secretariat. While the distribution of vacancies within and among programmes fluctuated over the course of the biennium, there had been a clear increase in the overall vacancy rate for posts subject to the suspension. Vacancies in areas requiring specialized skills had been difficult to fill and, as a short-term measure, increased reliance had been placed on individual contractors and overtime for existing staff. However, those interim measures were not sustainable in the long term. Moreover, the filling of vacant posts through the placement or promotion of existing staff members had created other vacancies.

The suspension had also adversely impacted succession planning, as no new entry-level staff were being recruited. Eligible candidates applying for a vacant post in one office were often selected by another office before the selection process was completed, which resulted in the vacancy being readvertised if no other candidate met the requirements of the position. An inordinate amount of time was spent on dealing with vacancies and training new staff.

The Secretary-General recommended that the Assembly lift the suspension of recruitment as from 1 December 2005, as it would not result in any additional costs for the 2004-2005 biennium or the upcoming one, as the normal General Service vacancy rate of 1.5 per cent had been used in the 2006-2007 proposed programme budget in anticipation of the lifting of the suspension.

ACABQ report. In October [A/60/7/Add.2], ACABQ indicated that it would be premature to approve the proposal to lift the suspension of recruitment as of 1 December 2005, while the comprehensive analysis of the functions performed by the General Service staff were still under way. The Committee recommended that the Secretary-General prepare a plan of action on the way forward, whether or not the freeze was continued past its scheduled termination date of 31 December 2005, and requested OHRM to establish a comprehensive list of specialized functions, based on those provided to the Committee. The Committee believed it was incumbent upon the Secretary-General to propose ways for selectively eliminating General Service posts whenever and wherever possible.

Review of General Service staffing

In view of the difficulties being experienced as a result of the suspension of recruitment posts in the General Service and related categories (see above), the Secretary-General submitted, in an August addendum [A/60/572/Add.4] to his second performance report for the 2004-2005 biennium (see p. 1483), a review of General Service staffing, which focused on determining whether the current ratios of General Service to Professional staff was too high; the factors that affected those ratios either positively or negatively; and the impact of technology on the work of General Service staff.

The Secretary-General stated that comparisons of UN staff ratios with other organizations were inherently problematic and not conclusive as to whether UN ratios were too high, as there was no standard or benchmark for determining what was too high. More importantly, the validity of the assumption that a high ratio of support staff to professional staff was a negative development, was questionable. Some organizations might view a high General Service-to-Professional ratio as effective staffing that resulted in a higher proportion of the work done by lower paid staff.

While internal comparisons indicated that nearly all departments had reduced their General Service-to-Professional ratios and that what was perceived as a positive development, the Secretary-General emphasized that a much deeper analysis by function and job category would be needed to know how the reductions were achieved, what impact it had on programmes and products and how support staff reductions affected the work and workloads of professional staff.

With regard to technology, services had improved, response times were faster, products were better and information was more accessible internally and externally. It was reasonable to assume that technology was one factor contributing to the ability to handle more work with fewer staff, but further analysis was required to determine what other factors had an impact. He recommended that priorities for technology investments should be defined with regard to improved services and faster response times, expansion and improvement of products, redeployment or reductions of
staff and that they be pursued in a rational order that maximized resources, minimized disruptions and maintained morale.

He concluded that it was tempting to seek standards and formulas to set staffing levels, but because of the dynamic nature of work, jobs, structures and staff programmes, the General Service-to-Professional staff ratio was difficult to apply. Each function would require a different standard that fluctuated with the impact of technology on the distribution of responsibilities and authorities and therefore it was not advisable to set rigid organizational standards or benchmarks for staffing ratios. The goal should be optimal staffing to meet the tasks assigned, irrespective of ratios and proportions. He emphasized that job descriptions and job titles would be updated to reflect the realities of General Service work and to conform to the generic job profiles. Attention would also be paid to the best practices and performance metrics of other UN organizations, non-UN organizations and professional associations for specific occupational categories. He indicated that CEB had already collected data on best practices and that ICSC might play a role in obtaining data from non-UN entities.

Redeployment of posts

In a March note (A/59/753), the Secretary-General presented, in accordance with General Assembly resolution 58/270 (YUN 2003, p. 1399), the guideline principles for the redeployment of posts, on an experimental basis, to meet the evolving needs of the Organization in attaining its mandated programmes and activities. He also reported that a total of 17 posts had been deployed during the 2004-2005 biennium. Of those, five posts were redeployed permanently and another 12 posts were redeployed between sections under temporary administrative arrangements to meet immediate needs. He indicated that no implications of the experiment for human resources had been noted thus far. The Secretariat intended to address the progress and lessons learned from the experiment in the comprehensive report to be considered at the General Assembly’s sixtieth (2005) session.

Report of Secretary-General. In a December report [A/60/72/Add.3] on the progress of and lessons learned from the redeployment of posts experiment, the Secretary-General indicated that, of the 17 posts redeployed in the 2004-2005 biennium, five that had been previously reported in March (see above) had been taken into account in preparing the proposed 2006-2007 programme budget. The General Assembly would need to authorize the continuation of the 12 posts redeployed since the preparation of the programme budget, where required, in the 2006-2007 biennium. Taking into account the experience thus far, it was proposed to account for five of the 12 redeployments in setting the initial staffing table for the 2006-2007 biennium. While the remaining seven would not be reflected in the initial staffing table for the biennium, provisions would be made for the continuation of those activities where required in the biennium, including the internal redeployment of authorized staffing for the programmes concerned. In addition to the 17 posts, 14 posts, consisting of six P-3 and eight P-2 posts, had been identified for possible redeployment, but were not redeployed during the 2004-2005 biennium and would remain in the respective budget process.

The Secretary-General noted the difficulties encountered in implementing the exercise, which included attempting to arrive at a definitive list of surplus staffing resources within a particular programme that might be available for redeployment. Measures were also taken to ensure that the redeployment policy did not target programmes with high vacancy rates. To ensure there were no resulting human resources implications, the internal reviews identified possible posts for outward redeployment and focused on current and forecasted vacancies and the rationalization of the staffing allocation. Concluding that the experience to date was quite limited, the Secretary-General indicated that, should the Assembly decide to extend the authorization for deployment of posts to the 2006-2007 biennium, it would continue to monitor and report in the context of the performance reports. He recommended that the Assembly approve the redeployment of the five posts detailed in section II of the annex to the report and extend the authorization to the 2006-2007 biennium.

ACABQ report. In a December report [A/60/597] on the second performance report on the programme budget for the biennium, ACABQ recommended approval of the Secretary-General’s proposal.

Common payroll

The Secretary-General, by a December note [A/60/582], transmitted the JIU report on a common payroll for the UN system organizations. The report addressed significant financial savings that would accrue to UN organizations and to Member States should they agree to establishing a common payroll. It examined payroll delivery in different organizations with a view to detecting major obstacles and developing recommendations for future improvement of payroll systems and processes, which would provide a starting point for a future cost-effective solution.
for payroll delivery across UN organizations system-wide.

Indicating that the UN system operated approximately 17 different payroll-processing systems, which were heavily influenced by organizational-unique interpretation of common rules and regulations that unduly complicated payroll administration and modernization, the report projected $100 million in savings from a common payroll system over ten years. Other benefits included the elimination of redundant systems and processes; internal efficiencies and effectiveness; cost reductions; enabling agencies to focus on their core mission; and enhancing standardization, an opportunity to streamline payroll policies and procedures.

JIU recommended that the General Assembly should endorse the development of a common payroll system as the first step toward a common enterprise resource planning system and request the Secretary-General, as Chairman of CEB, to seek the highest level of commitment from UN system organizations by setting up a governance structure to oversee its development and implementation. He should also establish “leader” organizations or common service entities that could provide payroll services on a fee or financial basis to those with old or antiquated systems; harmonize, simplify and standardize the application across the UN system of common rules and regulations related to payroll and allowances; and report back to the Assembly on the status of implementation at its sixty-second (2006) session.

Multilingualism

On 22 June [meeting 104], the General Assembly, having considered the JIU report on the implementation of multilingualism in the UN system and the Secretary-General’s report on multilingualism [YUN 2005, p. 143] adopted resolution 59/309 [draft: A/59/L.62, & Add.1] without vote [agenda item 156].

Multilingualism

The General Assembly,

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

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

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


1. Takes note of the report of the Secretary-General and the report of the Joint Inspection Unit;
2. Also takes note of the appointment of a new coordinator for multilingualism;
3. Underlines the need for full implementation of the resolutions establishing language arrangements for the official languages of the United Nations and the working languages of the Secretariat;
4. Emphasizes the paramount importance of the equality of the six official languages of the United Nations;
5. Requests the Secretary-General to continue to ensure, through the provision of documentation services and meeting and publishing services under unified service management, including high-quality translation and interpretation, effective multilingual communication among representatives of Member States in intergovernmental organs and members of expert bodies of the United Nations equally in all the official languages of the United Nations;
6. Notes with satisfaction the willingness of the Secretariat to encourage staff members, in formal meetings with interpretation services, to use any of the six official languages of which they have a command;
7. Recalls its resolution 59/266, in which it reaffirmed the need to respect the equality of each of the two working languages of the Secretariat, reaffirms the use of additional working languages in specific duty stations as mandated, and in this regard requests the Secretary-General to ensure that vacancy announcements specify the need for either of the working languages of the Secretariat, unless the functions of the post require a specific working language;
8. Also recalls that in its resolution 59/266 it requested the Secretary-General to continue to take the steps necessary to ensure that the Galaxy e-staffing system was available in both of the working languages of the Organization;
9. Encourages United Nations staff members to continue to use actively existing training facilities to acquire and enhance their proficiency in one or more of the official languages of the United Nations;
10. Recalls its resolution 59/265, in which it reaffirmed the provisions relating to conference services of its resolutions on multilingualism;
11. Also recalls its resolution 59/126 B, and emphasizes the importance of multilingualism in United Nations public relations and information activities;
12. Reaffirms the need to achieve full parity among the six official languages on the United Nations website;
13. Takes note with appreciation of the work done by the United Nations information centres, including the regional United Nations information centres, in favour of the publication of United Nations information materials and the translation of important documents into languages other than the official languages of the United Nations, with a view to reaching the widest possible spectrum of audiences and extending the United Nations message to all the corners of the world in
order to strengthen international support for the activities of the Organization;
14. Welcomes the decision by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 17 November 1999 that 21 February should be proclaimed “International Mother Language Day”, and calls upon Member States and the Secretariat to promote the preservation and protection of all languages used by peoples of the world;
15. Requests the Secretary-General to report to it at its sixty-first session on the measures that can be taken by international organizations within the United Nations system in order to strengthen the protection, promotion and preservation of all languages, in particular languages spoken by persons belonging to linguistic minorities and languages facing extinction;
16. Also requests the Secretary-General to submit to it at its sixty-first session a comprehensive report on the implementation of its resolutions on multilingualism, including the implications of the present resolution;
17. Decides to include in the provisional agenda of its sixty-first session the item entitled “Multilingualism”.

Staff rules and regulations

In accordance with staff regulation 12.3 stipulating that the full text of provisional staff rules and amendments should be reported annually to the General Assembly, the Secretary-General, in August [A/60/34], outlined amendments to the 100 and 200 series of Staff Rules, together with the rationale for the changes. Amendments to the 100 series related to annual and sick leave, appeals, the last day for pay purposes and maternity and paternity leave, while the amendments under the 200 series pertained to sick, maternity and paternity leave. The Secretary-General recommended that the Assembly take note of the amendments in the annex to the report, which he proposed to implement as from 1 January 2006.

In a September report [A/60/365], the Secretary-General also proposed amendments to the Staff regulations that were needed to enhance the accountability of UN staff with respect to both financial accountability of staff involved in the management of the Organization’s resources and disciplinary accountability of staff members who committed acts of sexual exploitation and sexual abuse. The amendment relating to financial accountability extended the requirement to file financial disclosure statements, currently applicable to staff at the Assistant Secretary-General level and above, to all staff at the D1/L-6 and D2/L-7 levels. The Secretary-General further recommended that the Assembly amend staff regulation 1.2 authorizing him to require disclosure statements from additional staff as he deemed necessary.

In order to implement the recommendation in the report [A/59/710] on eliminating future sexual exploitation and abuse in UN peacekeeping operations (see p. 119), to clarify in the Staff Regulations that sexual exploitation and sexual abuse constituted serious misconduct, the Secretary-General proposed the amendment of staff regulation 10.2.

The aforementioned amendments to the Staff Regulations were approved by the Assembly in resolution 60/238 of 23 December (see p. 1515).

Headquarters agreements

JIU report. In February [A/59/316/Add.1], the Secretary-General transmitted his comments and those of CEB on the JIU report entitled “Review of the Headquarters Agreements concluded by the organizations of the United Nations system: human resources issues affecting staff”, which had been submitted to the General Assembly in 2004 [YUN 2004, p. 1433].

Members of CEB welcomed the findings of the report and were broadly in agreement with its conclusions and recommendations. They strongly supported the recommendation that legislative bodies of organizations should bring to the attention of the host country the desirability of adopting more liberal policies with regard to work permits or similar arrangements for spouses of staff members and international organization officials, and that the issue of spousal employment remained one of the key factors still posing problems in attracting and retaining the right calibre of staff. The procedure whereby a spouse should have an offer of employment and then apply for a permit was not favoured by some employers. CEB members preferred either the automatic system, wherein the issuance of a visa to a staff accredits the staff member’s spouse with a work permit or employment permits were offered prior to seeking employment.

Members also supported the implementation of all measures that would facilitate the exercise of the privileges and immunities relating to the work permits for children and visas for domestic helpers; the acquisition and rental of real property; retirement in the host country and tax exemption benefits. However, the Secretary-General seriously opposed integration into the social security system on the ground that mandatory contributions for social security schemes under national legislation were considered a form of direct taxation on the United Nations and therefore, contrary to article II, section 7, subparagraph (a) of the Convention on Privileges and Immunities of the United Nations [YUN 1946-47, p. 100].

Members expressed reservations with the recommendation that the Secretary-General should request CEB to coordinate the formulation of a
model framework headquarters agreement, or standard articles ensuring uniformity for the approval of the Assembly. They noted that it would be difficult to implement system-wide, and unrealistic to expect that a model framework applicable to all organizations of the UN system would be able to capture all possible scenarios, including headquarters and field conditions and special circumstances. Moreover, various existing host country agreements covered fundamentally different activities and operations. Over time, different threats and risks evolved. In Afghanistan, the situation in Lebanon also remained fragile.

The report described the need for a more professional security management system that could respond flexibly, based on continuous analysis, with stronger staffing and a capacity to give to the Organization the technical guidance required to function safely in the face of a heightened global threat. It noted that the aim of the management system, under the leadership of the new Department of Safety and Security, was to ensure the safe delivery by the Secretariat, as well as by UN agencies, funds and programmes, of mandated activities in the field. However, concern remained over the ongoing difficulties encountered in a few countries in obtaining permission to import communications equipment. Some host Governments continued to be unwilling to provide timely information in the event of the arrest or detention of locally recruited UN personnel, and very few countries had fully investigated attacks or other threats against international and locally recruited United Nations and associated staff members, or held the perpetrators accountable under international and national law. The increase in hostage-taking and kidnappings during the reporting period was particularly disturbing.

The Secretary-General concluded that, while the number of security incidents involving UN personnel appeared to have risen, that was mostly due to the increased number of staff operating in the field and improved reporting capability within the UN security management system. He urged Member States, local authorities and leaders at all levels to take the necessary action to enable UN staff to safely meet the needs of the world.

GENERAL ASSEMBLY ACTION
On 15 December [meeting 63], the General Assembly adopted resolution 60/123 [draft: A/60/L.37] without vote [agenda item 75].

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

The General Assembly, 
Recalling its resolution 46/182 of 19 December 1991 on strengthening of the coordination of humanitarian emergency assistance of the United Nations,
Recalling all relevant resolutions on safety and security of humanitarian personnel and protection of United Nations personnel, including its resolution 59/211 of 20 December 2004, as well as Security Council resolutions 1502(2003) of 26 August 2005 and relevant statements by the President of the Council,
Recalling also all Security Council resolutions and presidential statements and reports of the Secretary-General to the Council on the protection of civilians in armed conflict,
Recalling further all relevant provisions of international law, including international humanitarian law and human rights law, as well as all relevant treaties,
Reaffirming the need to promote and ensure respect for the principles and rules of international law, including international humanitarian law,
Recalling that primary responsibility under international law for the security and protection of humanitarian personnel and United Nations and associated personnel lies with the Government hosting a United Nations operation conducted under the Charter of the United Nations or its agreements with relevant organizations,

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

Welcoming the fact that the number of States parties to the Convention on the Safety of United Nations and Associated Personnel, which entered into force on 15 January 1999, has continued to rise, the number now having reached seventy-nine, and mindful of the need to promote universality of the Convention,

Deeply concerned by the dangers and security risks faced by humanitarian personnel and United Nations and associated personnel at the field level, as they operate in increasingly complex contexts, as well as the continuous erosion, in many cases, of respect for the principles and rules of international law, in particular international humanitarian law,

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

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

Strongly condemning acts of murder and other forms of violence, rape and sexual assault and all forms of violence committed in particular against women, and intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convey and acts of destruction and looting of property,

Expressing concern that the occurrence of attacks and threats against humanitarian personnel and United Nations and associated personnel is a factor that increasingly restricts the provision of assistance and protection to populations in need,

Recalling the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter as a war crime in the Rome Statute of the International Criminal Court, and noting the role that the Court could play in appropriate cases in bringing to justice those responsible for serious violations of international humanitarian law,

Reaffirming the need to ensure adequate levels of safety and security for United Nations personnel and associated humanitarian personnel, which constitutes an underlying duty of the Organization, and mindful of the need to promote a security consciousness within the organizational culture of the United Nations and a culture of accountability at all levels,

1. Welcomes the report of the Secretary-General;

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

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

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

5. Calls upon all States to consider becoming parties to and to respect fully their obligations under the relevant international instruments;

6. Also calls upon all States to consider becoming parties to the Rome Statute of the International Criminal Court;

7. Takes note with appreciation of the adoption of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel, which expands the scope of legal protection under the Convention, and calls upon all States to consider signing and ratifying the Optional Protocol as soon as possible so as to ensure its rapid entry into force, and urges States parties to put in place appropriate national legislation, as necessary, to enable its effective implementation;

8. Expresses deep concern that, over the past decade, threats and attacks against the safety and security of humanitarian personnel and United Nations and associated personnel have escalated dramatically and that perpetrators of acts of violence seemingly operate with impunity;

9. Strongly condemns all threats and acts of violence against humanitarian personnel and United Nations and associated personnel, affirms the need to hold accountable those responsible for such acts, strongly urges all States to take stronger actions to ensure that any such acts committed on their territory are investigated fully and to ensure that the perpetrators of such acts are brought to justice in accordance with international law and national law, and urges States to end impunity for such acts;

10. Calls upon all States to provide adequate and prompt information in the event of the arrest or detention of humanitarian personnel or United Nations and associated personnel, so as to afford them the necessary medical assistance and to allow independent medical teams to visit and examine the health of those de-
11. Calls upon all other parties involved in armed conflicts to refrain from abducting humanitarian personnel or United Nations and associated personnel or detaining them in violation of the relevant conventions referred to in the present resolution and applicable international humanitarian law;

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

13. Stresses the importance of ensuring that humanitarian personnel and United Nations and associated personnel remain sensitive to national and local customs and traditions in their countries of assignment and communicate clearly their purpose and objectives to local populations;

14. Requests the Secretary-General to take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, and also requests the Secretary-General to seek the inclusion, in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

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

16. Welcomes ongoing efforts to promote and enhance the security consciousness within the organizational culture of the United Nations system, and requests the Secretary-General to continue to take the necessary measures in this regard, including by further developing and implementing a unified security management system, as well as by disseminating and ensuring the implementation of the security procedures and regulations and by ensuring accountability at all levels, and also welcomes the creation of the Department of Safety and Security of the Secretariat;

17. Emphasizes the importance of paying special attention to the safety and security of United Nations and associated personnel engaged in United Nations peacekeeping and peacebuilding operations;

18. Also emphasizes the need to pay particular attention to the safety and security of locally recruited humanitarian personnel, who are particularly vulnerable to attacks and who account for the majority of casualties;

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

20. Stresses the need to ensure that all United Nations staff members receive adequate security training, including physical and psychological training, as well as training to enhance cultural awareness, prior to their deployment to the field, as well as the need to attach a high priority to stress management training and related counselling services for United Nations staff throughout the system;

21. Takes note of the report of the Secretary-General on a strengthened and unified security management system for the United Nations;

22. Welcomes the ongoing efforts of the Secretary-General to further enhance the security management system of the United Nations, and in this regard invites the United Nations and other humanitarian organizations to strengthen the analysis of threats to their safety and security in order to minimize security risks and to facilitate informed decisions on the maintenance of an effective presence in the field, inter alia, to fulfil their humanitarian mandate;

23. Stresses that the effective functioning at the country level of security operations requires a unified capacity for policy, standards, coordination, communication, compliance and threat and risk assessment;

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

25. Requests the Secretary-General, inter alia, through the Inter-Agency Security Management Network, to continue to promote increased cooperation and collaboration among United Nations departments, organizations, funds and programmes and affiliated international organizations, including between their headquarters and field offices, in the planning and implementation of measures aimed at improving staff security, training and awareness, and calls upon all relevant United Nations departments, organizations, funds and programmes and affiliated international organizations to support these efforts;
26. Recognizes the need for continued efforts to enhance coordination and cooperation, both at the headquarters and the field levels, between the United Nations and other humanitarian and non-governmental organizations on matters relating to the safety and security of humanitarian personnel and United Nations personnel and associated personnel, with a view to addressing mutual security concerns in the field;

27. Underlines the need to allocate adequate and predictable resources to the safety and security of United Nations personnel, including through the consolidated appeals process, and encourages all States to contribute to the Trust Fund for Security of Staff Members of the United Nations System;

28. Recalls the essential role of telecommunication resources in facilitating the safety of humanitarian personnel and United Nations and associated personnel; calls upon States to consider acceding to or ratifying the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 18 June 1998, which entered into force on 8 January 2005, and urges them to facilitate and expedite, consistent with their national laws and international obligations applicable to them, the use of communications equipment in such operations, inter alia, through limiting and, whenever possible, lifting the restrictions placed on the use of communications equipment by United Nations and associated personnel;

29. Requests the Secretary-General to submit to the General Assembly at its sixty-first session a comprehensive and updated report on the safety and security of humanitarian personnel and protection of United Nations personnel and on the implementation of the present resolution.

Malicious acts insurance policy

Pursuant to General Assembly resolution 59/276 [YUN 2004, p. 1385], the Secretary-General submitted an August report [A/60/317 & Corr.1] on coverage of staff by the malicious acts insurance policy, which indicated that coverage of UN system staff under the malicious acts insurance policies was closely comparable system wide and most UN organizations maintained supplemental policies to provide coverage in 10 headquarters countries that were excluded under existing insurance policies. The Organization was looking into the possible expansion of the policy to those countries. Quotations were being sought from insurers and the financial implications for participating organizations of such expansion would be discussed by the CEB High-level Committee on Management.

ACABQ, in its November report [A/60/7/Add.9], recommended that the Assembly take note of the Secretary-General’s report as an interim report.

Protection from sexual exploitation and abuse

Report of Secretary-General. In response to General Assembly resolution 57/306 [YUN 2003, p. 1237], the Secretary-General submitted an April report [A/59/782] containing information on the responses by 47 UN entities to the Secretariat’s query regarding investigations into cases of sexual exploitation or sexual abuse. In 2004, 41 entities reported that they had received no reports of sexual exploitation or abuse, and 6 reported the opening of investigations into newly reported cases. A total of 121 allegations were reported, more than double the 53 allegations reported in 2003. As at 31 December 2004, the Department of Peacekeeping Operations reported 472 new allegations, of which 89 were against uniformed personnel and 467 were against civilian personnel. Fifteen allegations involved UN staff and one was related to a civilian. Seven of those allegations were sent to UN Headquarters for disciplinary action, seven were pending investigation and one was classified as unsubstantiated.

Of the two cases reported by UNICEF, one was dismissed due to insufficient evidence and the other was sent to UN Headquarters. WFP reported a case that was pending further investigation. OIOS reported a case, which was closed due to the staff member’s resignation. UNHCR reported 10 cases; 6 had been classified as unsubstantiated or closed, and 4 were pending further investigation. The United Nations Volunteers Programme (UNV) reported two cases, one of which was dismissed after a preliminary investigation and the other was pending further investigation. It was reported that of all the allegations, 45 per cent involved sex with minors; 15 per cent, rape or sexual assault; 31 per cent, prostitution with women; and 6 per cent, exploitation and abuse of other forms.

The Secretary-General indicated that, while allegations had doubled since 2003, the Secretariat was aware that the data might still not reflect the true extent of those deplorable incidents. Complaints mechanisms needed to be developed in many remote field locations. Although some UN personnel were currently more willing to come forward with complaints as a result of newly implemented measures to prevent and respond to sexual exploitation and abuse, others were still inhibited by a lack of trust. Furthermore, in cases involving exchange of money or employment for sex, there was little incentive, economic or otherwise, for victims to come forward to report, which resulted in a probable under-reporting of those forms of misconduct. The Secretariat continued to work towards improving reporting measures, including designating focal points to facilitate the receipt of complaints and defining better the reporting procedures to encourage staff members to report allegations of misconduct.
The Secretary-General said the Organization remained committed to changing the organizational culture that permitted sexual abuse and exploitation. He also reiterated his commitment to implementing the recommendations made in the comprehensive strategy to eliminate future sexual exploitation and abuse in UN peacekeeping operations (see p. 119).

**Staff College**

In accordance with General Assembly resolution 55/207 [YUN 2000, p. 1551], the Secretary-General, by a September note [A/60/328], transmitted the second report of the Director of the United Nations System Staff College, covering the period from 1 July 2003 to 30 June 2005. The report outlined the Staff College’s objectives and described its outputs, projects and other activities during the reporting period. Human and financial resources available to the College were also considered in the report.

In the 18 months covered by the report, the College organized and/or participated in 199 learning events. In November 2003, the Board of Governors of the College approved a budget for the biennium and a strategic plan, which focused on four thematic targets: training and continuous learning programmes for UN staff members; strengthening organizational capacities to increase operational effectiveness; raising awareness of management issues and promoting collaboration among UN agencies; and strengthening internal capacity-building systems.

The report concluded that the College had made considerable progress as an entity within the UN family, and had been supported in its work by Italy, the host-country. Additional support was provided by voluntary contributions received from other Member States.

In December, the Second Committee considered the report of the Secretary-General on the United Nations System Staff College (see above). On 22 December, the Assembly took note of the Second Committee’s report [A/60/494 & Add.2] (decision 60/548).

**GENERAL ASSEMBLY ACTION**

On 22 December [meeting 68], the General Assembly, on the recommendation of the Second Committee [A/60/494/Add.2], adopted resolution 60/214 without vote [agenda item 58(h)].

**United Nations System Staff College in Turin, Italy**

*The General Assembly,*

Recalling its resolutions 54/228 of 22 December 1999, 55/207 of 20 December 2000, 55/258 of 14 June 2001 and 58/224 of 23 December 2003,

Recalling also its resolution 55/278 of 12 July 2001, by which it approved the statute of the United Nations System Staff College,

Reaffirming the role of the Staff College as an institution for system-wide knowledge management, training and continuous learning for the staff of the United Nations system, in particular in the areas of economic and social development, peace and security and internal management,

1. Takes note with appreciation of the note by the Secretary-General and the accompanying report;

2. Welcomes the progress made by the United Nations System Staff College since the entry into force of its statute on 1 January 2002 in pursuing the objectives set forth therein;

3. Calls upon all organizations of the United Nations system to make full and effective use of the facilities of the Staff College;

4. Invites the Staff College to strengthen further its engagement in knowledge-sharing and staff training and learning that can serve to advance the capacity of the United Nations system to contribute to the follow-up to the outcomes of major United Nations conferences and summits, as well as to support the timely and full realization of the internationally agreed development goals, including the Millennium Development Goals, with the aim of helping to provide multilateral solutions to problems in the areas of development, peace and collective security and reinforcing system-wide coherence;

5. Encourages the Staff College to continue to provide strategic leadership in order to increase operational effectiveness, promote inter-agency collaboration and strengthen management culture by its own example, including the development of new systems of performance management, flexible and collaborative work structures and cost-effective means of delivering services to clients and beneficiaries;

6. Calls upon relevant institutions of the United Nations, including the United Nations University, the United Nations Institute for Training and Research and the Staff College, to collaborate closely to those ends;

7. Welcomes the financial and other support extended by Member States to the work of the Staff College, and invites the international community to strengthen its support to the College through voluntary contributions, in accordance with article VII of its statute, to enable the College to consolidate its distinctive contribution to fostering a cohesive management culture across the United Nations system that is responsive to the requirements of Member States;

8. Decides that article IV, paragraph 5, of the statute of the Staff College should be amended so that the biennial reports on the activities of the College are submitted to the Economic and Social Council rather than to the General Assembly.

**UN Joint Staff Pension Fund**

As at 31 December 2005, the United Nations Joint Staff Pension Fund (UNJSPF) had 93,683 active participants as compared to 88,356 at the end of 2004; the number of periodic payments in awards increased from 53,879 to 55,140 over the
year. The breakdown of the periodic benefits in award was 17,992 retirement benefits; 12,392 early retirement benefits; 6,656 deferred retirement benefits; 8,929 widows’ and widowers’ benefits; 8,120 children’s benefits; 1,015 disability benefits; and 42 secondary dependants’ benefits. In the course of the biennium, 12,345 lump-sum withdrawal and other settlements were paid.

The Fund was administered by the 33-member United Nations Joint Staff Pension Board (UNJSPB), which did not meet in 2005 because of the biennialization of the work of the Fifth Committee. Instead, the Board’s Standing Committee met on its behalf (New York, 5-8 July) [A/60/183] and discussed, among other subjects, matters relating to Fund’s administration and operation, revised budget estimates for the 2004-2005 biennium; budget estimates for the 2006-2007 biennium; and the authorization for contributions to the Emergency Fund for 2006-2007.

ACABQ report. In November [A/60/7/Add.7], having considered the Standing Committee’s report, ACABQ recommended approval of the revised estimates of $89,563,100 for the 2004-2005 biennium and of the proposed budget of $108,262,500 for the Fund’s administrative expenses for the 2006-2007 biennium. It also agreed with the Standing Committee’s proposal to supplement voluntary contributions to the Emergency Fund by an amount not exceeding $200,000 for the 2006-2007 biennium.

In a 9 December report [A/C.5/60/18] on the administrative and financial implications arising from the report of the UNJSPB Standing Committee, the Secretary-General indicated that, should the General Assembly approve the Committee’s recommendations, as well as those of ACABQ, the revised overall requirements for the United Nations were estimated at $16,539,800 (at 2006-2007 rates). The cost to the regular budget for the biennium 2006-2007 would amount to $10,287,800, with the balance of $6,252,000 being reimbursed to the United Nations by UNDP, UNFPA and UNICEF, resulting in an additional appropriation requirement of $1,079,000 for the proposed 2006-2007 programme budget.

By a June note [A/60/78], the Secretary-General transmitted the JIU report entitled “Harmonization of the conditions of travel throughout the UN system”, which provided a comprehensive analysis and historical review of the administration of travel in the UN system, including the impact of security measures on the time and conditions of travel. JIU found that, although travel practices were being shared among organizations, resulting in increased harmonization of the conditions of travel throughout the UN system, disparities still existed, such as the class of air travel and the lump-sum option. It proposed action for further improving the harmonization of travel policies and practices.
JIU recommended that the Assembly mandate the Secretary-General to review the criteria used to determine travel class for staff members, with a view to adopting a common policy, in particular the minimum travel time for entitlement to business class. On the use of lump-sum payment amounts for home leave, family visit and education travel, a 75 per cent benchmark figure of the full economy fare was suggested. It also recommended that the lump-sum option should be extended to family visit and education travel and the provisions requiring evidence of travel under the lump-sum option be discontinued. The practice of reporting exceptions to the approved class of travel should also be discontinued. Internal control mechanisms should remain in place and clear criteria established for upgrading travel to first class for reasons of eminence and on medical grounds. The use of alternative and more cost-effective modes of transportation was also emphasized, and the Secretary-General should review the current mileage system, with a view to replacing it by a standard rate to be applied worldwide. Other measures proposed related to the regulation of rental car use; the advance payment of subsistence and/or terminal expenses; increasing the threshold for the granting of stop-overs for business and other classes of travel; review of standards of travel and entitlements for members of subsidiary organs of the United Nations and UN system organizations; and the adoption of provisions based on best practices with regard to reverse education travel, travel of breastfeeding mothers, travel of single parents, possibility of choosing an alternative place of home leave, taking the nationality of the spouse into account, and the minimum number of days to be spent in the country of home leave.

In August [A/60/78/Add.1], the Secretary-General transmitted his comments, as well as those of CEB on the JIU report. CEB members regarded the report as relevant and timely, particularly with regard to the ever-increasing need for staff members of UN organizations to undertake travel amid changing conditions in the global airline industry and the heightened awareness of the need to improve safety and security. They supported in general the conclusions contained in the report.

By decision 60/551 of 23 December, the Assembly deferred to its resumed sixtieth (2006) session consideration of JIU report on the harmonization of the conditions of travel in the UN system and the Secretary-General’s related note transmitting his comments and those of CEB.

**Administration of justice**

The General Assembly, at its resumed fifty-ninth (2005) session, had before it previously deferred reports of the Secretary-General on the administration of justice in the Secretariat [YUN 2004, p. 1441]; the role of the Panels on Discrimination and Other Grievances [ibid., p. 1442]; the outcome of the work of the Joint Appeals Board (JAB) during 2002 and 2003 [ibid., p. 1443]; the financial independence of the United Nations Administrative Tribunal (UNAT) from the Office of Legal Affairs [ibid.]; the OIOS report on the management review of the appeals process at the United Nations [ibid., p. 1442]; the UNAT report on its activities [ibid., p. 1443]; and the JIU report on the harmonization of the statutes of UNAT and the International Labour Organization Administrative Tribunal [ibid., p. 1444]. It also considered the Secretary-General’s note on compensation for UNAT members [ibid. p. 115] and the letter from the UNAT President to the Fifth Committee Chairman [ibid., p. 1441].

**GENERAL ASSEMBLY ACTION**

On 13 April [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/59/773], adopted resolution 59/283 without vote [agenda items 108 & 120].

**Administration of justice at the United Nations**

_The General Assembly,_

_Recalling its resolutions 57/307 of 15 April 2003 and 59/286 of 25 December 2004_,

_Stressing that the system of justice in the United Nations as a whole should be independent, transparent, effective, efficient and fair_,

_Stressing also the importance of increased transparency in decision-making and increased accountability of managers for the system_,

_Not[ing] that the existing system should respect the principle of due process and provide for appropriate peer review_,

_Not[ing] with concern the continuing backlog of appeals in various parts of the system_,

_Emphasizing the necessity of informal mechanisms for the early and swift resolution of disputes in the Secretariat, in particular through a direct dialogue between managers and staff_,

_Emphasizing also the importance for the United Nations to have an efficient and effective system of internal justice so as to ensure that individuals and the Organization are held accountable for their actions in accordance with relevant resolutions and regulations_,

_Welcoming the increased focus on training for all participants in the system of administration of justice_,

_Recognizing that a transparent, impartial and effective system of administration of justice is a necessary condition for ensuring fair and just treatment of United Nations staff and important for the success of human resources reform in the Organization_,

_Having considered the reports of the Secretary-General on the administration of justice in the Secreta-
During 2003, on the possibility of the financial independence of the United Nations Administrative Tribunal from the Office of Legal Affairs and on measures to prevent discrimination on the basis of nationality, race, gender, religion or language in the United Nations, the note by the Secretary-General containing the cost implications of the recommendations of the Office of Internal Oversight Services following its management review of the appeals process, the note by the Secretary-General transmitting the report of the Joint Inspection Unit entitled “Administration of justice: harmonization of the statutes of the United Nations Administrative Tribunal and the International Labour Organization Administrative Tribunal”, the note by the Secretary-General containing his comments on the report of the Joint Inspection Unit, the letter dated 18 November 2003 from the President of the United Nations Administrative Tribunal addressed to the Chairman of the Fifth Committee and the interim report of the Advisory Committee on Administrative and Budgetary Questions,

Regretting that the present system of administration of justice in the Secretariat continues to be slow, cumbersome and costly,

Regretting also that the related reports were not introduced at its fifty-eighth session, as requested in its resolution 57/307, and that, in addition, they were submitted and issued late at its fifty-ninth session,

1. Notes the importance of having a strong administration of justice mechanism that avoids duplication and overlap within the formal processes;

2. Regrets the continued serious delays in the appeals process, and stresses the need to implement measures to improve the appeals process to make it more efficient;

I

Cross-cutting issues - general guidelines

3. Takes note of the reports of the Secretary-General on the administration of justice in the Secretariat, on the role of the Panels on Discrimination and Other Grievances, on the outcome of the work of the Joint Appeals Board during 2001 and 2002, and on the outcome of the work of the Joint Appeals Board during 2002 and 2003, on the possibility of the financial independence of the United Nations Administrative Tribunal from the Office of Legal Affairs, on measures to prevent discrimination on the basis of nationality, race, gender, religion or language in the United Nations and his report containing the cost implications of the recommendations of the Office of Internal Oversight Services following its management review of the appeals process;

4. Takes note with interest of the report of the Office of Internal Oversight Services on the management review of the appeals process at the United Nations;

5. Endorses the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions set out in its report, subject to the provisions of the present resolution;

6. Stresses that the administrative law framework of the Organization should allow all levels of United Nations staff to obtain due process, regardless of their location, grade or contractual arrangement;

7. Appreciates the efforts made by staff volunteering their services in the system of justice of the United Nations, and stresses the need to provide them with further training;

8. Takes note with interest of the option described in paragraph 30 of the report of the Secretary-General, and requests the Secretary-General to explore the implications of this option and to report thereon in the context of his annual report on the administration of justice in the Secretariat;

9. Affirms that the functions of staff members selected to serve under the new system are official in nature, and requests the Secretary-General to ensure that those staff members are given sufficient time off from their substantive responsibilities to perform their functions;

10. Recognizes that the system of administration of justice, being heavily dependent on volunteers, requires frequent and comprehensive training of participants, and calls upon the Secretary-General to organize periodic training at each of the headquarters duty stations for all staff involved in the system of administration of justice;

11. Stresses the importance of the proper implementation of a sound performance appraisal system as a potential means of avoiding conflict;

12. Also stresses the need to provide training in managerial skills to improve conflict resolution skills of managers;

13. Further stresses the need to link the ability of managers to respond in the course of a proceeding with their own individual performance appraisal;

14. Notes that staff rule 112.3, which relates to the financial liability of managers, has yet to be implemented, also notes the issuance of the Secretary-General’s bulletin ST/SG/2004/14, and requests the Secretary-General to report on its implementation to the General Assembly at its sixty-first session;

15. Requests the Secretary-General to expeditiously implement the recommendations of the Office of Internal Oversight Services, subject to the provisions of the present resolution;

16. Decides that the time limits recommended by the Office of Internal Oversight Services will be mandatory within the appeals process once adequate capacity is in place, and no later than 1 January 2006;
II

The informal mechanism of administration of justice

Ombudsman

18. **Stresses** the importance of the Office of the Ombudsman as the primary means of informal dispute resolution, and reaffirms General Assembly resolution 56/253 of 24 December 2001 on the establishment of the Office;

19. **Requests** that the Office of the Ombudsman continue and expand its outreach activities, in particular to local, national and General Service staff, in order to facilitate equal access and awareness-raising, bearing in mind the structure, activities and operational environment of the Organization;

20. **Requests** the Secretary-General to submit proposals for strengthening the Office of the Ombudsman through improved access to it for staff serving in different locations;

21. **Invites** the Office of the Ombudsman to reduce all possible delays in responding to the requests of staff in order to ensure that staff are encouraged to seek resolution of conflict in an informal way;

22. **Requests** the Secretary-General to submit, in the context of his annual report on the administration of justice in the Secretariat, information on the activities of the Ombudsman, including general statistical information and information on trends and comments on policies, procedures and practices that have come to the attention of the Ombudsman;

III

The formal mechanisms of administration of justice

Panel of Counsel

23. **Takes note** of the role of the Coordinator of the Panel of Counsel, in preliminary consultations before initiation of the formal appeals process, to support an informal resolution at an early stage;

24. **Stresses** the role of staff representatives in advising and assisting staff in addressing issues informally and formally;

25. **Recognizes** the need to strengthen the capacities of the Panels of Counsel by increasing the opportunity for training on the United Nations Staff Regulations and Rules, policies, procedures or precedents for staff serving on the Panels, in view of the urgent need to strengthen legal advice and administrative support for staff members submitting an appeal;

26. **Invites** staff representatives to explore the possibility of establishing a staff-funded scheme in the Organization that provides legal advice and support to the staff; staff representatives may consult with the Secretary-General as they deem appropriate;

27. **Invites** the Secretary-General to consider appropriate incentives to be built into the system to encourage staff members to serve on the Panels;

28. **Encourages** the Panel of Counsel to increase outreach activities, and requests the Secretary-General to consider the inclusion of travel costs in section 28A, Office of the Under-Secretary-General for Management, of the proposed programme budget for the biennium 2006-2007, for this purpose;

Administrative Law Unit

29. **Notes** that the Administrative Law Unit has the multiple functions of administrative review, appeals, disciplinary matters and advisory services;

30. **Requests** the Secretary-General to submit to the General Assembly by the end of its fifty-ninth session proposals to separate the above-mentioned functions, through the redeployment of resources, in order to avoid conflicts of interest, taking into account the following needs:
   (a) To ensure the necessary means to collect evidence;
   (b) To advise both the appellant and the respondent;
   (c) To ensure the uniform application of administrative decisions;
   (d) To ensure appropriate consultation with the Office of Human Resources Management of the Department of Management and legal experts;
   (e) To relay all necessary information to the Office of Human Resources Management;

31. **Stresses** that increased accountability by managers would contribute to the elimination of the backlog of appeals cases, as stated in the report of the Secretary-General, and decides that as a means to facilitate early consideration of cases, the following procedures should be adopted:
   (a) Staff members wishing to appeal an administrative decision should send a copy of their request to the executive head of their department;
   (b) The Administrative Law Unit should clarify with managers the requirements for the respondent’s reply and the contributions expected from managers, as well as time limits;

32. **Requests** the Secretary-General to ensure that written explanations by managers to the Administrative Law Unit are submitted within eight weeks with no possibility of extension, and decides that compliance with this responsibility shall constitute part of the performance appraisal of managers;

33. **Decides** to amend staff rule 111.2 (a) to provide that staff wishing to appeal an administrative decision shall submit to the executive head of their department, office, fund or programme a copy of the letter addressed to the Secretary-General requesting a review of the case;

Joint Appeals Board

34. **Stresses** the particular importance of providing adequate training to the members of the Joint Appeals Board;

United Nations Administrative Tribunal

35. **Recalls** paragraph 5 of its resolution 57/307, and regrets that the steps necessary to separate the secretariat of the United Nations Administrative Tribunal from the Office of Legal Affairs were not undertaken;

36. **Endorses** the proposal of the Secretary-General to transfer the resources of the Tribunal from section 8, Legal affairs, of the proposed programme budget to section 1, Overall policy-making, direction and coordination, effective from the beginning of the biennium 2006-2007;

37. **Reaffirms** paragraph 5 of its resolution 57/307, and requests the Secretary-General to guarantee the immediate independence of the Tribunal, including through ensuring the provision of administrative and
logical services that are exclusive to the secretariat of the Tribunal.

38. **Recalls** the recent amendment to the statute of the Tribunal, which provides that members shall possess judicial or other relevant legal experience in the field of administrative law or its equivalent within their national jurisdiction;

39. **Acknowledges** the need for the further strengthening of professionalism in the Tribunal by increasing membership of professional judges;

40. **Decides** to amend article 3, paragraph 1, of the statute of the Tribunal, with effect from 1 January 2006, to read:

“The Tribunal shall be composed of seven members, no two of whom may be nationals of the same State. Members shall possess judicial experience in the field of administrative law or its equivalent within their national jurisdiction. Only three members shall sit in any particular case.”;

41. **Also decides** that the amendment to article 3 will be applied in the election of new members of the Tribunal with effect from 1 January 2006;

42. **Requests** the Secretary-General to submit proposals on compensation for the members of the Tribunal once all its members meet the criteria set out in article 3 of the statute as amended in the present resolution;

43. **Notes** that the vast majority of appeals against administrative decisions concern termination of employment or non-renewal of employment contracts, and decides, with reference to recommendation 5 of the Office of Internal Oversight Services, to revert to the question of amendment of article 7 of the statute of the Tribunal following receipt of the report of the panel as described in section IV of the present resolution;

44. **Also notes** the report of the Joint Inspection Unit on administration of justice;

45. **Stresses** the importance of the eventual harmonization of the statutes of the United Nations Administrative Tribunal and the International Labour Organization Administrative Tribunal;

46. **Requests** the United Nations Administrative Tribunal to review the rules, practices and procedures of similar tribunals with a view towards enhanced effective management of caseloads;

### IV

**Review of the internal justice system**

47. **Decides** that the Secretary-General shall form a panel of external and independent experts to consider redesigning the system of administration of justice;

48. **Also decides** that the panel shall be composed of a pre-eminent judge or former judge with administrative law experience, an expert in alternative dispute resolution methods, a leading legal academic in international law, a person with senior management and administrative experience in an international organization and a person with United Nations field experience;

49. **Further decides** that the terms of reference of the redesign panel shall be as follows:

(a) The redesign panel shall propose a model for a new system for resolving staff grievances in the United Nations that is independent, transparent, effective, efficient and adequately resourced and that ensures managerial accountability; the model should involve guiding principles and procedures that clearly articulate the participation of staff and management within reasonable time frames and time limits;

(b) The redesign panel shall:

(i) Consider the relevant resolutions of the General Assembly;

(ii) Receive and review information from all the relevant stakeholders regarding existing mechanisms for the administration of justice in the Organization;

(iii) Consult with United Nations staff, including individual staff members, the Staff Union and managers, in order to form an opinion as to how and why some aspects of the system function effectively while other aspects do not;

(c) The redesign panel shall, in particular:

(i) Consider alternative systems for resolving staff grievances by considering other models of organizational dispute resolution, while acknowledging the uniqueness of the United Nations system, in particular the immunity of United Nations staff from national laws and thus the lack of recourse to national courts;

(ii) In proposing a model, consider the value of creating an effective system for handling staff complaints that involves alternative forms of dispute resolution by which cases can be settled by mutual consent, such as mediation, conciliation, arbitration and/or an ombudsman;

(iii) Consider the peer review;

(iv) Identify proactive measures such as education and training, that the United Nations can implement to minimize the number of disputes that arise;

(v) Examine the functioning of the Office of the Ombudsman and, if needed, present models to provide services tailored to responding to the needs of the Organization;

(vi) Examine and develop the criteria to be used in the categorization of cases;

(vii) Review the functioning of the United Nations Administrative Tribunal and examine the further harmonization of its statute and that of the International Labour Organization Administrative Tribunal with a view to further professionalizing the United Nations Administrative Tribunal;

(viii) Examine the possibility of an integrated judicial system with a two-layer structure of first and second instance, taking into account existing structures;

(ix) Examine the legal representation of the Secretary-General in the system of administration of justice;

50. **Decides** that the panel shall start its functions no later than 1 February 2006 and shall submit its findings and recommendations by the end of July 2006;

51. **Requests** the Secretary-General to transmit the report and recommendations of the panel to the General Assembly as a matter of priority;

52. **Also requests** the Secretary-General to submit his comments on the recommendations contained in the panel’s report, along with the estimate of time and
resources needed for their implementation, to the General Assembly at the first part of its resumed sixty-first session;

53. Decides that activities requested above that would give rise to additional resource requirements during the biennium 2004-2005 should be included in the proposed programme budget for the biennium 2006-2007.

Follow-up to resolution 57/307

Management review of the appeals process

In a February report [A/59/706], the Secretary-General, in response to an ACABQ request, provided the cost implications of the recommendations relating to the management review of the appeals process at the United Nations, conducted by OIOS in 2004 [YUN 2004, p. 1442]. For the 2004-2005 biennium, the total cost for addressing and eliminating the backlog in conducting administrative reviews and preparing respondents’ replies to the Joint Appeals Board amounted to $462,100, which would be accommodated within existing 2004-2005 resources.

Additional resource requirements for the 2006-2007 biennium amounted to $1,021,600. Of that amount, $57,000 would be accommodated under existing resources, leaving a balance of $964,600 in additional resource requirements. The Secretary-General emphasized that those cost requirements represented the recurring resources needed to keep cases current and within time limits, thereby complying with the new timelines as recommended by OIOS.

ACABQ report. In an interim report [A/59/715], ACABQ indicated that the Secretary-General’s report (see above) on the cost implications of the OIOS recommendations did not respond fully to the Committee’s request for a clear justification of needs or provide a full exposure of what would be achieved through the provision of additional resources. ACABQ intended to revert to the issue in the context of the proposed 2006-2007 programme budget. Its examination would include the relevant activities of the Office of the Ombudsman, OLA, OHRM, the Office of the Under-Secretary-General for Management and UNAT.

In the meantime, ACABQ recommended that the Secretariat be authorized to eliminate the current backlogs using existing resources. Proposals for the 2006-2007 proposed programme budget should address the Committee’s concerns for full justification and information provided on the implementation of the Assembly’s requests to establish a clear linkage between the administration of justice and personal responsibility and accountability, and to develop an effective system for recovering financial losses to the Organization due to UNAT judgements caused by management irregularities, wrongful actions or negligence of UN Secretariat officials.

The Assembly took action on the Secretary-General’s report and that of ACABQ in section I of resolution 59/283 (see p. 1530).

Joint Appeals Board

In response to resolution 55/258 [YUN 2001, p. 1337], the Secretary-General submitted an April report [A/60/72 & Corr.1] on the outcome of the work of the Joint Appeals Board (JAB) in 2004. He stated that 74 appeals and suspension-of-action cases were filed with JAB in New York, Geneva, Vienna and Nairobi in 2004, as compared to 143 cases in the previous year. JAB disposed of 143 cases, compared to 121 in 2003. Regarding disciplinary cases, which were accorded priority, 11 such cases were considered in 2004, compared to 18 the previous year. The Secretary-General accepted fully or partially 87 per cent of unanimous JAB decisions favourable to appellants in 2004 and rejected 12 per cent, compared to 84 per cent acceptances and 17 per cent rejections in 2003.

Administrative Law Unit

Pursuant to a General Assembly request in resolution 59/283 (see p. 1529), the Secretary-General submitted a July report [A/59/885] on the administration of justice in the Secretariat, which considered separating the functions of the Administrative Law Unit to avoid the conflict of interest arising from the same Unit handling the multiple functions of administrative review, appeals, disciplinary matters and advisory services.

The Secretary-General analysed the situation, taking into account the following requirements: to ensure the necessary means to collect evidence; to advise both the appellant and the respondent; to ensure the uniform application of administrative decisions; to ensure consultations with OHRM and legal experts; and to relay all necessary information to OHRM. He indicated that the Unit was an integral part of OHRM, acted on behalf of the Administration at all stages of the appeals process and made the Unit’s role clear to all parties. If no mutually acceptable solution could be found, the staff member’s right to proceed to formal litigation was unimpeded.

With regard to evidence collection, the Secretary-General reported that the combination of responsibilities discharged to the Unit resulted in a significant economy of resources at the stage of establishing the facts and legal issues of a case, far better than if those facts had to be established in two separate offices. Since the Unit
represent the respondent, the Panel of Counsel and the appellants, the Secretary-General indicated that no conflict of interest existed in advising both parties. As an integral part of OHRM, the Unit had access to all relevant officials and a variety of internal and efficient means to provide or receive information and could ensure the uniform application of administrative decisions. Furthermore, a new system of communications would have to be implemented should the review functions be given to another office. Beyond the substantive aspects of whether the separation of the functions of the Unit was needed, the Secretary-General also determined that it would not be possible to do so through the redeployment of resources, as proposed by the Assembly.

The Secretary-General concluded that it would not be in the interest of the Organization to separate the functions of the Unit. The issues raised would also be reviewed in a systematic manner by the redesigned Panel of Counsel, with a view to preparing a comprehensive solution for ensuring that the Organization had the most effective administration of justice system.

Office of Ombudsman

In September, pursuant to General Assembly resolution 59/283 (see p. 1529), the Secretary-General submitted the first report [A/60/376] on the activities of the Ombudsman, which covered the period from 25 October 2002 to 31 August 2005 and presented statistical information on trends and comments on policies, procedures and practices that had come to the attention of the Ombudsman. Since its inception in 2002, nearly 1,400 staff members had sought the assistance of the Office. A peer review conducted after its first year of operation, concluded that staff members generally had their concerns resolved in a timely manner. Feedback from staff who had used the services of the Office indicated that, in over 70 per cent of the closed cases, staff members were satisfied with the outcome. The most important type of issue raised by staff was promotion or career-related (36 cases), followed by termination of contracts (161), interpersonal conflicts (148), entitlement claims (119), conditions of service (103) and standards of conduct (83). The remaining cases were either found to be outside the terms of reference of the Ombudsman or those which the JAB had already commenced hearing, excluding intervention of the Office.

Challenges and issues identified through the review of cases included, disseminating information on existing rules and practices of the Organization; streamlining the various types of contracts; increasing transparency during the staff selection, recruitment and promotion process; fostering managerial excellence; ensuring training for new recruits; recognizing outstanding performance; strengthening the conflict resolution system; establishing a whistle-blower protection policy; addressing discrimination; reviewing the administration of justice system in the Secretariat; preparing mission personnel for deployment to the field; and addressing disparities of salaries, entitlements or security provisions between locally recruited staff and international staff.

The appointment and the terms of reference of the Office of the Ombudsman were annexed to the report.

Criminal behaviour and disciplinary action

In response to General Assembly resolution 59/287 (see p. 1474), the Secretary-General transmitted an August report [A/60/385] on disciplinary matters and cases of criminal behaviour, covering the period from 1 January 2004 to 30 June 2005, which provided information on the disciplinary and/or legal action taken in cases of established misconduct and/or criminal behaviour. An information circular [ST/IC/2005/51] was issued to inform all staff members of the most common examples of misconduct and criminal behaviour and their disciplinary consequences, including any legal action.

The report provided an overview of administrative machinery in disciplinary matters, describing the rules governing the conduct of staff members, the Secretary-General’s authority to impose disciplinary measures for misconduct, due process for pursuing a matter as a disciplinary case, various forms of disciplinary measures that could be imposed, as well as non-disciplinary measures that could be applied. A summary was provided for each case that had led to the imposition of one or more disciplinary measures during the period covered, indicating the nature of the misconduct and measures imposed. Of the 24 cases detailed in the report, one dealt with theft and misappropriation, nine with fraud and misrepresentation, three with assault, six with sexual exploitation and abuse and five with other misconduct. However, not every case brought to the attention of the Secretary-General resulted in disciplinary measures being taken. If an OHRM review revealed that there was insufficient evidence to pursue a matter as a disciplinary one or if the staff member provided a satisfactory explanation in response to the allegations, the case was closed. Cases might also be closed if a staff member retired or separated from the Organization before disciplinary proceedings were concluded, as the Secretary-General had no authority to im-
pose disciplinary action on former staff members. In such cases, a record would be placed in the official status file.

When an investigation showed that criminal activity might have occurred, the Secretary-General might decide to refer those cases to relevant national authorities for action. During the reporting period, the Secretary-General referred 32 such cases to national authorities, including 17 cases against identified individuals and 15 cases in which criminal behaviour was identified, but the individuals responsible were not.

UN Administrative Tribunal

In its annual note to the General Assembly [A/INF/60/5], the United Nations Administrative Tribunal (UNAT) reported in December, through the Secretary-General, that it delivered 59 judgements in 2005, relating to cases brought by staff against the Secretary-General or the executive heads of other UN bodies to resolve disputes involving terms of appointment and other issues. The Tribunal met in plenary in New York on 22 November and held two panel sessions (Geneva, 20 June–22 July and 24 October–25 November).