

REPERTORY OF PRACTICE OF UNITED NATIONS ORGANS
Supplement No. 11 (2010-2015)

(Advance version, to be issued in volume VI of Supplement No. 11 (forthcoming)
of the *Repertory of Practice of United Nations Organs*)

ARTICLE 101

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TEXT OF ARTICLE 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.
2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.
3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

INTRODUCTORY NOTE

1. Article 101 provides the cornerstone of the United Nations' framework for the recruitment and employment of its staff, as well as the authority of the Secretary-General to administer, and the authority of the General Assembly to regulate, the staff of the United Nations. It is through this hermeneutic principle that the present study examines the questions that arose regarding Article 101 during the time period of 2010 through 2015.
2. The content of this study has been developed in a way to best allow the reader to not only understand what changes occurred during this period, but also how and why. For that purpose, the majority of the issues are approached in a chronological manner by sub-heading to best facilitate the readers' understanding of the development of a particular issue. Further, primary source material has been added to the footnotes of this study, when appropriate, for ease of reference and to allow the reader better insight into the actions of the United Nations Organs during the period under review.

I. GENERAL SURVEY

3. During the resumed 64th session of the General Assembly, the main focus was on the representation of women in the United Nations system. The General Assembly expressed serious concern that the goal of 50/50 gender balance in the United Nations system, especially at senior and policymaking levels, remained unmet and called upon the United Nations system to continue its efforts towards achieving the goal of gender balance.¹
4. During the sixty-fifth session of the General Assembly, a number of important changes to the Organization's human resources policies were initiated. New policies focused on the areas of staff selection and recruitment, talent management, rejuvenating the entry of young professionals into the Organization, and harmonizing the conditions of service in non-family duty stations. Additionally, the General Assembly continued to grant considerable attention to the principle of geographical distribution in regards to the composition of the Secretariat,² and expressed serious concern that the urgent goal of 50/50 gender balance at the United Nations system remained unmet.³ Moreover, during the period under review, the General Assembly emphasized the importance of equality between the six official languages of the United Nations⁴ and approved the new young professionals programme.⁵
5. During the sixty-sixth session of the General Assembly, the primary issues continued to be those related to the conditions of service. The General Assembly invited the organizations of the common system to harmonize the education grant eligibility criteria with respect to the minimum age,⁶ and approved the revised criteria for the granting of rest and recuperation travel, as well as the corresponding

¹ GA resolution 64/141.

² GA resolution 65/247.

³ GA resolution 65/191.

⁴ GA resolution 65/311.

⁵ GA resolution 65/247.

⁶ GA resolution 66/235.

frequency of travel.⁷ In connection with the administration of justice in the United Nations, the General Assembly welcomed the establishment and initial positive impact of the seven regional offices of the United Nations Ombudsman and Mediation Services in 2010,⁸ and approved amendments to the rules of procedure of the Appeals Tribunal.⁹

6. During the sixty-seventh session of the General Assembly, the Organization focused on drawing up a comprehensive and structured approach to mobility and career development. The General Assembly noted the efforts made by the Secretary-General in submitting his proposed mobility and career development framework to the General Assembly,¹⁰ and defined mobility as “a change in position that involves one change or a combination of changes in role, function, department or duty station or a move from the Secretariat to, or to the Secretariat from, an agency, fund or programme of the United Nations system.”¹¹ Also during its sixty-seventh session, the General Assembly stressed the importance of filling posts in a timely manner,¹² and underlined the overall qualitative and quantitative benefits related to the Umoja project.¹³ In regards to the conditions of service, the General Assembly endorsed the decision of the International Civil Service Commission (ICSC) to support the recommendation of the United Nations Joint Staff Pension Board to raise the mandatory age of separation for new staff of Fund member organizations to age 65, with an effective date no later than 1 January 2014.¹⁴ Moreover, during the sixty-seventh session, an emphasis was placed on issues related to the administration of justice at the United Nations. During this session, the General Assembly approved amendments to the rules of procedure of the Appeals Tribunal and the Dispute Tribunal,¹⁵ approved the proposed mechanism for addressing the possible misconduct of judges,¹⁶ and stressed the need to ensure that all individuals who act as legal representatives, regardless of

⁷ GA resolution 66/235B, para.5.

⁸ GA resolution 66/237.

⁹ See Annex II of A/66/86 (Amendments to the rules of procedure of the United Nations Appeals Tribunal).

¹⁰ GA resolution 67/255, para. 50.

¹¹ *Ibid.*, para. 56.

¹² *Ibid.*

¹³ GA resolution 67/246.

¹⁴ GA resolution 67/257.

¹⁵ GA resolution 67/241.

¹⁶ The mechanism for addressing possible misconduct of judges proposed by the Secretary-General in section B of annex VII to A/67/265

whether they were staff members or external counsel, were subject to the same standards of professional conduct applicable in the United Nations system.¹⁷

7. During the sixty-eighth session of the General Assembly, the Organization focused on issues related to the mobility and career development framework. The General Assembly approved the refined managed mobility framework, and requested the Secretary-General to ensure that the framework did not have a negative effect on the implementation of mandates under the peace and security, development and human rights pillars of the United Nations.¹⁸ The General Assembly also requested that the Secretary-General give equal treatment to internal and external candidates when considering vacancy applicants.¹⁹ Moreover, during the sixty-eighth session, the General Assembly emphasized the important role of the young professionals programme in improving the geographical representation of underrepresented and unrepresented Member States.²⁰ Additionally, in connection with administration of justice at the United Nations, the General Assembly welcomed the Office of the United Nations Ombudsman and Mediation Services' outreach activities which encouraged informal dispute resolution.²¹
8. During the sixty-ninth session of the General Assembly, the focus was on issues related to the improvement of the status of women in the United Nations system. The General Assembly noted with disappointment the insufficient progress made with regard to achieving the goal of 50/50 gender balance in the United Nations common system, especially in the Professional and higher categories,²² and requested that the ICSC encourage common system organizations to fully implement existing gender balance policies and measures.²³ Further, during this session, the Assembly emphasized enhancing the transparency of the staffing process at all stages.²⁴ Additionally, the General Assembly raised the mandatory

¹⁷ GA resolution 67/241, para. 44.

¹⁸ GA resolution 68/265, para. 9.

¹⁹ *Ibid.*, para. 10.

²⁰ GA resolution 68/252.

²¹ GA resolution 68/254, para. 19.

²² GA resolution 69/251.

²³ *Ibid.*

²⁴ *See* GA resolution 69/307.

age of separation for staff recruited before 1 January 2014 to 65, while taking into account the acquired rights of staff.²⁵

9. During the seventieth session of the General Assembly, the focus was on issues related to the conditions of service. The General Assembly approved the proposals of the ICSC on the common system compensation package,²⁶ approved the establishment of a dependent spouse allowance²⁷ and decided that a revised education scheme should be introduced, as of the school year in progress on 1 January 2018.²⁸ Moreover, during this session, the General Assembly approved a new mobility incentive to encourage mobility of staff to field duty stations.²⁹ Additionally, regarding administration of justice at the United Nations, the General Assembly reaffirmed informal resolution of conflict as a critical element in the administration of justice system and emphasized that, in order to avoid unnecessary litigation, all possible use should be made of the informal system.³⁰ The General Assembly also approved the proposal of the Secretary-General to harmonize the privileges and immunities of the judges of the Dispute and Appeals Tribunals.³¹

II. ANALYTICAL SUMMARY OF PRACTICE

A. The Principle of Geographical Distribution

1. In General

10. During the period under review, the General Assembly continued to grant considerable attention to the principle of geographical distribution in regards to the composition of the Secretariat. The General Assembly repeatedly requested that the Secretary-General ensure that due regard was given to the principle of equitable

²⁵ See GA resolution 69/251.

²⁶ See GA resolution 70/244. In its resolution 70/244, the General Assembly approved “the proposals on the common system compensation package, subject to the provisions of the present resolution[.]” and decided that, “unless otherwise established, these provisions should come into force on 1 July 2016[.]” GA resolution 70/244 (III), paras. 1-2.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ GA resolution 70/112.

³¹ *Ibid.*

geographical distribution in the employment of staff in accordance with Article 101, paragraph 3 of the Charter of the United Nations.³²

11. During the sixty-fifth session of the General Assembly, the Secretary-General submitted his report on human resources management reform (A/65/305/Add.2), pursuant to General Assembly resolution 63/250, by which the Assembly requested that the Secretary-General, *inter alia*, submit a proposal for the comprehensive review of “the system of desirable ranges, with a view to establishing a more effective tool to ensure geographical distribution in relation to the total number of staff of the global United Nations Secretariat.”³³ In his report, the Secretary-General reviewed the origin³⁴ and purpose of the system of desirable ranges, as well as changes that have been made since 1945.³⁵ The report also updated the scenarios presented in the previous report of the Secretary-General on this issue (A/59/724) to provide information on how Member State representation could potentially change when various weightings of factors (membership, population and contribution) and/or base figures were changed.³⁶
12. In connection with the report of the Secretary-General, the ACABQ expressed its view (A/65/537) that the report did not adequately respond to the General Assembly’s request, because it did not introduce any new elements that could enhance the effectiveness of the system.³⁷ Moreover, the ACABQ noted that the Secretary-General’s report did not provide any recommendations.³⁸
13. During the sixty-fifth session of the General Assembly, the Secretary-General also submitted his report entitled “Composition of the Secretariat: staff demographics.”³⁹ The report presented a demographic analysis of the composition of the Secretariat from 1 July 2009 to 30 June 2010.⁴⁰ Regarding appointments, the report stated that, between 1 July 2009 and 30 June 2010, 252 Secretariat staff were

³² GA resolutions 65/247; 66/234; 67/255; 69/151; and 70/133.

³³ GA resolution 63/250, Section IX, para. 17.

³⁴ A/65/305/Add. 2 states the following: “The concept expressed in the second sentence of Article 101, paragraph 3, of the Charter — “due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible” — is the basis of the principle of equitable geographical distribution. Defining what constituted equitable geographical distribution of the Secretariat and establishing a yardstick for measuring progress towards that end were first addressed in 1948 through the introduction of the concept of “desirable ranges” for Member States, in response to General Assembly resolution 153 (II).”

³⁵ A/65/305/Add.2.

³⁶ *Ibid.*

³⁷ A/65/537, para. 61.

³⁸ *Ibid.*, para. 62.

³⁹ A/65/350.

⁴⁰ *Ibid.*

appointed to posts subject to geographical distribution, after completing the relevant selection process.⁴¹ Specifically, of the 252 newly appointed Secretariat staff in geographical posts, 112 of them were appointed through national competitive examinations and 14 Secretariat staff members (12 women and 2 men) were appointed through the competitive examination for recruitment to the Professional and higher categories of staff from other categories (the G to P examination.)⁴²

14. The General Assembly, in its resolution 65/247, subsequently considered the report of the Secretary-General and reiterated its request that the Secretary-General make sure the Office of Human Resources Management continued to work to strengthen its monitoring of delegated authority for human resources management (including compliance with geographical and gender targets), while also ensuring that the highest standards of efficiency, competency and integrity serve as the most important consideration in staff recruitment.⁴³
15. Furthermore, through resolution 65/247, the General Assembly decided that staff members should retain geographical status only when serving against a geographical post, except for staff members recruited through the young professionals programme.⁴⁴ Notably, this was a provision that represented a change in the criteria for geographical status. Prior to 2011, once geographic status had been given, it was retained throughout the period of uninterrupted service of the staff member, regardless of the nature of the position or functions to which the staff member may subsequently be assigned.⁴⁵
16. During the sixty-sixth session of the General Assembly, the Secretary-General submitted his report on “Composition of the Secretariat: staff demographics,” which covered the period from 1 July 2010 to 30 June 2011.⁴⁶ The report provided statistical information on demographic characteristics of the Secretariat and on the system of desirable ranges. The report indicated that:

“[a]s at 30 June 2011, the number of posts subject to geographical distribution was 3,376, as affirmed in paragraph 67 of General Assembly resolution 65/247. The difference between the number of geographical posts (3,376) and the number of staff with geographical status (2,049) is accounted for by 348 posts

⁴¹ *Ibid.*

⁴² *Ibid.*, para. 40.

⁴³ GA resolution 65/247, para. 27.

⁴⁴ *Ibid.*, para. 66.

⁴⁵ A/65/305/Add.2, para. 20. *See also* A/67/329.

⁴⁶ A/66/347.

that are vacant, 403 posts that are temporarily encumbered by non-geographical and other staff, 145 personnel with limited appointments and 431 personnel who are not geographically defined and are under review.”⁴⁷

17. The ACABQ reviewed the Secretary-General’s aforementioned report and expressed concern that roughly 40 per cent of posts subject to the geographic ranges system were not “encumbered by staff having geographic status.”⁴⁸

18. In December 2012, the General Assembly adopted resolution 66/234, which requested the Secretary-General to address the above concern of the ACABQ.⁴⁹ Additionally, the General Assembly reiterated its request for the Secretary-General to continue his efforts to ensure the attainment of equitable geographical distribution in the Secretariat and further ensure as wide a geographical distribution of staff as possible in all departments, offices and levels (including the Director and higher levels) of the Secretariat.⁵⁰

19. During the sixty-seventh session of the General Assembly, the Secretary-General submitted his report, entitled “Composition of the Secretariat: staff demographics,” which contained a demographic analysis of the composition of the staff of the Secretariat from 1 July 2012 to 30 June 2013. The Secretary-General reported that:

“[a]s at 30 June 2012, the number of posts subject to geographical distribution was 3,460 (see General Assembly resolution 65/247, para. 67). The difference between the number of posts subject to geographical distribution (3,460) and the number of staff with geographical status (2,245) is accounted for by 336 posts that are vacant, 276 posts that are temporarily encumbered by staff without geographical status, 104 personnel with limited appointments and 499 personnel who are not geographically defined and are under review.”⁵¹

20. Upon reviewing the Secretary-General’s report, the ACABQ noted that there had been only minimal improvement in the number of unrepresented, underrepresented and overrepresented countries in comparison with the 2009 figures.⁵² Further, the ACABQ, in paragraph 54 of A/67/545, expressed regret that the Secretary-General

⁴⁷ A/66/511. *See also* A/66/347, fn. 9.

⁴⁸ A/66/511, para. 7.

⁴⁹ GA resolution 66/234, para 7.

⁵⁰ *Ibid.*, para. 5.

⁵¹ A/67/329, fn. 9. In connection with appointments, the Secretary-General informed that “[o]f the 247 Secretariat staff newly appointed to geographical posts, 79 were appointed through national competitive examinations (30 female and 49 male) and 12 Secretariat staff (7 female and 5 male) were appointed through the competitive examination for recruitment to the Professional and higher categories of staff from other categories (“G to P” examination).” A/67/329, para. 44.

⁵² A/68/523.

had not appropriately responded to the General Assembly's request to present proposals for a comprehensive review of the system of desirable ranges.⁵³

21. On 12 April 2013, the General Assembly adopted resolution 67/255, reiterating its request for the Secretary-General to continue his effort to ensure the attainment of equitable geographical distribution in the Secretariat and as wide a geographical distribution of staff as possible in all departments and offices and at all levels, including at the Director and higher levels of the Secretariat.⁵⁴ Also in this resolution, the General Assembly recalled the aforementioned paragraph 54 of the ACABQ's report, and requested that the Secretary-General present to the General Assembly, no later than at its sixty-ninth session, proposals to establish a more effective tool for ensuring an equitable geographical distribution in posts financed through the regular budget.⁵⁵
22. During the sixty-eighth session of the General Assembly, the Secretary-General submitted his report on "Composition of the Secretariat: staff demographics," which contained a demographical analysis of the composition of the staff of the Secretariat from 1 July 2012 to 30 June 2013.⁵⁶ In this report, the Secretary-General noted that, in August 2011, the Office of Human Resources Management launched the first release of an online reporting tool, "HR Insight," which was available to permanent missions. The Secretary-General stated that through "HR Insight," Member States would have regular access to information on the composition of the Secretariat similar to that presented in the Secretary-General's report.⁵⁷ The Secretary-General also noted that:

"[a]s at 30 June 2013, the number of posts subject to geographical distribution was 3,470 (see General Assembly resolution 65/247, para. 67). The difference between the number of posts subject to geographical distribution (3,470) and the number of staff with geographical status serving against a geographical post (2,901) is accounted for by 310 posts that are vacant, 169 posts that are

⁵³ A/67/545, para. 54.

⁵⁴ GA resolution 67/255, para. 60.

⁵⁵ *Ibid.*, para. 46.

⁵⁶ A/68/356.

⁵⁷ In para.7 of A/68/356, the Secretary-General stated that: "['HR Insight'] presents the information mainly at the staff member level, while the report of the Secretary-General presents the information at the aggregated level and is produced only annually. Going forward, OHRM will work to make more of the information in the latter report available online."

temporarily encumbered by staff without geographical status and 90 personnel with limited appointments.”⁵⁸

23. Reviewing the report of the Secretary-General (A/68/356), the ACABQ reiterated its concern about the large portion of geographical posts that were not encumbered by staff having geographical status.⁵⁹
24. In its resolution 68/252, the General Assembly emphasized the important role of the young professionals programme in improving the geographical representation of underrepresented and unrepresented Member States, and requested the Secretary-General to continue his ongoing efforts in this regard.⁶⁰
25. During the sixty-ninth session of the General Assembly, the Secretary-General submitted his report entitled “Composition of the Secretariat: staff demographics,” which contained a demographic analysis of the composition of the staff of the Secretariat from 1 July 2013 to 30 June 2014.⁶¹ The Secretary-General reported that:

“[a]s at 30 June 2014, the number of posts subject to geographical distribution was 3,513 (see General Assembly resolution 65/247, para. 67). The difference between the number of posts subject to geographical distribution (3,513) and the number of staff with geographical status serving against a geographical post (2,890) is accounted for by 281 posts that are vacant, 233 posts that are temporarily encumbered by staff without geographical status and 109 personnel with limited appointments. In addition, the total of geographical staff (2,901) includes 11 staff in the young professionals programme serving against non-geographical posts.”⁶²

26. During the sixty-ninth session of the General Assembly, the Secretary-General also submitted his report entitled “Overview of human resources management reforms: assessment of the system of desirable ranges,” pursuant to paragraph 46 of General Assembly resolution 67/255 (discussed above).⁶³ In this report, the

⁵⁸ A/68/356, fn. 10. The Secretary-General’s report also noted that “[f]rom 1 July 2012 to 30 June 2013, 174 Secretariat staff, having gone through the selection process, were appointed to posts subject to geographical distribution. During the same period, 69 Secretariat staff were appointed through national competitive examinations or the young professionals programme [...] with 52 being appointed against posts subject to geographical distribution.”

⁵⁹ A/68/523. *See also* A/67/545 and A/66/511.

⁶⁰ GA resolution 68/252, para. 19.

⁶¹ A/69/292. The addendum of this report presented a demographic analysis of the engagement of gratis personnel, retired staff, consultants and individual contractors for the biennium 2012 -2013.

⁶² A/69/292, fn. 20.

⁶³ A/69/190/Add.4. In paragraph 46 of General Assembly resolution 67/255, the Assembly requested the Secretary-General to present proposals for a comprehensive review of the system of desirable ranges, no later

Secretary-General reviewed the system of desirable ranges as adopted in 1987 (resolution 42/220A).⁶⁴ The Secretary-General also stated that he was ready to provide additional scenarios for the calculation of desirable ranges if requested by the General Assembly to facilitate the deliberations during that very session.⁶⁵

27. In its report A/69/572, the ACABQ reiterated its view that the Secretary-General had not responded adequately to the request of the General Assembly for a comprehensive review of the system of desirable ranges, and stated that the report of the Secretary-General did not put forward any new elements that could enhance the effectiveness of the system.⁶⁶ The ACABQ added that, until the requested comprehensive review had been completed and considered by the General Assembly, the ACABQ did not see merit in making changes to the calculations put forward in the report of the Secretary-General.⁶⁷
28. Additionally, in connection with the issue of equitable geographical representation in the Secretariat, the ACABQ argued that the efforts made to reach out to potential employees from unrepresented and underrepresented countries, including developing countries, have been ineffective.⁶⁸ The ACABQ reiterated its recommendation that “the General Assembly request the Secretary-General to develop a comprehensive strategy to improve geographical representation, based on an in-depth analysis of the real causes of the current imbalances.”⁶⁹
29. During the seventieth session of the General Assembly, the Secretary-General submitted his report entitled “Composition of the Secretariat: staff demographics,” which contained a demographic analysis of the composition of the staff of the

than at its sixty-ninth session, with a view to establishing a more effective tool for ensuring equitable geographical distribution in relation to the posts financed through the regular budget.

⁶⁴ See A/59/724, table 1, Chronological evolution of the determining factors and the baseline in the system of desirable ranges. In A/69/190/Add.4, para. 6, the Secretary-General stated the following:

“For all the complexity of the issue, the Secretary-General’s view is that the current system of desirable ranges has served well in practice as, at 30 June 2014, only 342 persons (9.8 per cent of the 3,500 base figure) needed to be recruited from unrepresented and underrepresented Member States for all Member States to be within or over their desirable range (see annex, table 1, column 11, for the number of nationals needed to be recruited from each Member State). This number is smaller than that of vacant geographical posts and of posts temporarily encumbered by staff without geographical status as at 30 June 2014 (see A/69/292).”

⁶⁵ A/69/190/Add.4, para. 24.

⁶⁶ A/69/572, para. 123.

⁶⁷ *Ibid.*, para. 124.

⁶⁸ *Ibid.*, para. 38.

⁶⁹ *Ibid.*, para. 38.

Secretariat from 1 July 2014 to 30 June 2015.⁷⁰ The Secretary-General reported that:

“As at 30 June 2015, the number of posts subject to geographical distribution was 3,542 (see General Assembly resolution 65/247, para. 67). The difference between the number of posts subject to geographical distribution (3,542) and the number of staff with geographical status serving against a geographical post (2,986) is accounted for by 228 posts that are vacant, 272 posts that are temporarily encumbered by staff without geographical status and 56 personnel with limited appointments. In addition, the total of geographical staff (3,001) includes 15 staff in the young professionals programme serving against non-geographical posts.”⁷¹

30. In its report A/70/764, the ACABQ recalled the provisions of General Assembly resolution 67/255 concerning improving the representation of developing countries in the Secretariat.⁷² Furthermore, the ACABQ recalled its comments contained in A/69/572, as discussed above, on the proposed amendments to the system of desirable ranges,⁷³ which were pending consideration by the General Assembly.⁷⁴

31. In its resolution 70/247, the General Assembly reaffirmed paragraph 3 of Article 101 of the Charter of the United Nations, and reiterated that “the principle of equitable geographical distribution and gender balance in the composition of the Secretariat [did not] conflict with the paramount consideration in the employment of staff, namely, the necessity of securing the highest standards of efficiency, competence and integrity, and request[ed] the Secretary-General to recruit staff to fill the posts approved in the budget for the biennium 2016–2017 with a view to improving geographical representation and gender balance in the Secretariat[.]”⁷⁵

2. Improvement of Status of Women in the United Nations System

32. During the period under review, the General Assembly expressed serious concern that “the urgent goal of 50/50 gender balance in the United Nations system, especially at senior and policymaking levels, with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3, of

⁷⁰ A/70/605.

⁷¹ *Ibid.*, fn. 10.

⁷² A/70/764, para. 21.

⁷³ The amendments proposed by the Secretary-General are described in his report entitled “Overview of human resources management reform: assessment of the system of desirable ranges” (A/69/190/Add.4).

⁷⁴ *Ibid.*

⁷⁵ GA resolution 70/247, para. 34.

the Charter of the United Nations, remain[ed] unmet.”⁷⁶ Particularly, in resolutions 64/141, 65/191, 66/132, 67/148, 68/140, 69/151 and 70/133, the General Assembly stated, with concern, that the representation of women in the United Nations system had remained almost static, with negligible improvement in some parts of the system, and in some cases had even decreased, as reflected in the Secretary-General’s report on the improvement of the status of women in the United Nations system.⁷⁷ In these resolutions, the General Assembly requested the Secretary-General to review and redouble his efforts to make progress towards achieving the goal of 50/50 gender balance “at all levels in the Secretariat and throughout the United Nations system, with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3, of the Charter of the United Nations, considering, in particular, women from developing and least developed countries, from countries with economies in transition and from unrepresented or largely underrepresented Member States, and to ensure managerial and departmental accountability with respect to gender balance targets[.]”⁷⁸

33. On 2 July 2010, the General Assembly adopted resolution 64/289, by which the Assembly decided to establish the United Nations Entity for Gender Equality and the Empowerment of Women, to be known as UN Women, “by consolidating and transferring to the Entity the existing mandates and functions of the Office of the Special Adviser on Gender Issues and Advancement of Women and the Division for the Advancement of Women of the Secretariat, as well as those of the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women, to function as a secretariat and also to carry out operational activities at the country level.”⁷⁹
34. During the period under review, the Secretary-General issued several reports on the improvement in the status of women in the United Nations system, which included statistics, information on progress made and obstacles encountered in achieving gender balance, and recommendations for accelerating progress.⁸⁰

⁷⁶ GA resolutions 64/141; 65/191; 66/132; 67/148; 68/140; 69/151; and 70/133.

⁷⁷ A/63/364; A/65/334; A/67/347; and A/69/346. *See also* GA resolutions 64/141; 65/191; 66/132; 67/148; 68/140; 69/151; and 70/133.

⁷⁸ GA resolutions 64/141; 65/191; 66/132; 67/148; 68/140; 69/151; and 70/133.

⁷⁹ GA resolution 64/289, para. 49.

⁸⁰ A/65/334; A/67/347; A/69/346; and A/69/346/Corr.1.

35. In his 2010 report on improvement of the status of women in the United Nations System (A/65/334), the Secretary-General stated that “[t]he creation on 2 July 2010 of the United Nations Entity for Gender Equality and the Empowerment of Women, known as “UN Women” (see resolution 64/289), was a historic step forward and represents an opportunity to significantly accelerate the efforts undertaken by the United Nations to achieve the goals of gender equality and the empowerment of women. One of the functions of UN Women will be to help the United Nations system to be accountable for its own commitments on gender equality, including regular monitoring of and reporting on system-wide progress. [...]”⁸¹
36. In his 2012 report on improvement of the status of women in the United Nations System (A/67/347), the Secretary-General noted that “the continuing challenge for the United Nations system, including the Secretariat, is to reverse the inverse relationship between the proportion of women and their seniority, bearing in mind the need to target each level independently and recognizing that increased representation of women at the highest levels does not automatically translate into advances at the lower levels.”⁸² Moreover, the report discussed a system-wide survey of United Nations entities on the topic of gender balance, which revealed the following challenges, in order of importance:

“low numbers of qualified women applicants; lack of accountability; lack of special measures for gender equality; an uncongenial organizational culture and insufficient outreach; inability to enforce gender policies and provisions; weak implementation of flexible work arrangements and weak integration of a gender balance focal point system. Recommendations to address these challenges include the need for more intensive senior leadership sponsorship; more rigorous implementation of existing policies, including special measures for women and flexible working arrangements; enhanced monitoring and accountability; and career development for internal female staff members, accompanied by targeted outreach.”⁸³

37. In 2013, the Secretary General presented a report (A/68/356) that contained a demographic analysis of the composition of the staff of the Secretariat from 1 July 2012 to 30 June 2013.⁸⁴ According to the report, at 30 June 2013, female staff accounted for 33.9 percent of the all-staff population, 47.7 percent of non-field

⁸¹ A/65/334.

⁸² A/67/347.

⁸³ *Ibid.*

⁸⁴ A/68/356.

operations staff (including departments/offices, regional commissions and tribunals) and 20.7 percent of field operations staff.⁸⁵

38. On 14 October 2013, the ACABQ, in paragraph 11 of its report, noted that the gender parity goal in the Secretariat “continues to be elusive.”⁸⁶ ACABQ reported that women represented 33.9 per cent of the global staff across all categories, and 40.6 per cent of staff in the Professional category and above (A/68/356, annex, table 1.A, and table 11, respectively). Nonetheless, the Committee noted that considerable progress had been demonstrated since 2009 in the overall distribution of women at the D-1 level and above, despite minimal improvement over the latest reporting period at the D-2, Assistant Secretary-General and Under-Secretary-General levels. Additionally, upon enquiry, the ACABQ was informed that -- given that gender parity has been reached at the junior professional levels -- the Secretary-General had placed a renewed emphasis on the attracting, hiring and retaining of women at the P-5 and higher levels, and that outreach efforts in that regard were ongoing.⁸⁷ Further, in its report, the Committee reiterated its view that greater efforts were necessary in order to improve the representation of women, particularly at senior levels. Finally, the ACABQ encouraged the Secretary-General to lead by example in his appointments of Assistant Secretaries-General and Under-Secretaries-General.⁸⁸
39. In its resolution 68/252, the General Assembly recalled paragraph 11 of the ACABQ Report⁸⁹ and stressed the need for greater efforts to improve the representation of women in the Secretariat while complying with Article 101 of the Charter of the United Nations.
40. In his 2014 report on improvement in the status of women in the United Nations system, the Secretary-General stated that “[t]he United Nations Secretariat is the largest entity of the United Nations system, employing 33 per cent of its overall professional workforce (P-1 to ungraded) and significantly affecting the overall trends and direction of the United Nations system. As at 31 December 2013, women constituted 40.5 per cent of Secretariat staff in the Professional and higher

⁸⁵*Ibid.*

⁸⁶A/68/523.

⁸⁷ *Ibid.*

⁸⁸*Ibid.*

⁸⁹*Ibid.*

categories on contracts of one year or more, a 1.3 percentage points increase compared with the previous reporting period (see table 7 [of A/69/346]).”⁹⁰

41. In its report A/69/572, the ACABQ noted with concern that gender parity targets were established in the Organization as early as 1995,⁹¹ and had never yet been achieved.⁹²
42. Moreover, during the period under review, the issue of gender balance was also stated to be an important item that the ICSC addressed periodically under its mandate from the General Assembly.⁹³ In its 2014 review, the ICSC took note of the progress regarding the status of women in the Professional and higher categories in the organizations of the United Nations common system, while expressing its concern that the goal of 50/50 gender balance remained unmet, especially at the D-1 level and above.⁹⁴
43. In General Assembly resolution 69/251, the Assembly noted with “disappointment the insufficient progress made with regard to achieving the goal of 50/50 gender balance in the United Nations common system, especially in the Professional and higher categories,”⁹⁵ and requested that the ICSC encourage common system organizations to fully implement existing gender balance policies and measures.⁹⁶ The General Assembly further encouraged the ICSC to continue to monitor progress towards achieving gender balance, and to issue a report in compliance with the decision contained in paragraph 137 of the ICSC report.⁹⁷

⁹⁰ A/69/346. *See also* A/69/292 (The report contains a demographic analysis of the composition of the staff of the Secretariat from 1 July 2013 to 30 June 2014.)

⁹¹ *See* GA resolution 49/167, para. 2.

⁹² A/69/572.

⁹³ *See* GA resolutions 37/126; 38/232; and 40/244. The Commission had reviewed this item in 1985, 1993, 1998, 2004, 2006, 2008 and 2010.

⁹⁴ A/69/30, para. 137.

⁹⁵ GA resolution 69/251.

⁹⁶ *Ibid.*

⁹⁷ GA resolution 69/251. A/69/30, para. 137 states the following:

“The Commission decided: (a) To take note of the progress made with regard to the status of women in the Professional and higher categories in organizations of the United Nations common system, while expressing its concern that the goal of 50/50 gender balance remained unmet, especially at the D-1 level and above; (b) To urge organizations to fully implement existing gender balance policies and measures, including the Commission’s previous recommendations outlined in documents A/63/30 and A/64/30 and Corr.2; (c) To underscore the importance of integrating gender balance and geographical distribution into its ongoing review of the United Nations common system compensation package; (d) To request its secretariat to coordinate with UN-Women in the preparation of its reports on this item; and to align the monitoring cycle with the reporting cycle of UN-Women in order to obtain the most

44. In response, the ICSC took note of General Assembly Resolution 69/251, and continued to “monitor progress in achieving gender balance and report thereon in compliance with the decision contained in paragraph 137 of the annual report of the Commission for 2014.”⁹⁸

45. In December 2014, the General Assembly, through resolution 69/151, requested that the Secretary-General:

“[...] review and redouble his efforts to make progress towards achieving the goal of 50/50 gender balance at all levels throughout the United Nations system, with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3, of the Charter of the United Nations, considering, in particular, women from the developing and the least developed countries, countries with economies in transition and unrepresented or largely underrepresented Member States, and to ensure the implementation of measures, including temporary special measures, to accelerate progress, and managerial and departmental accountability with respect to gender balance targets, and strongly encourages Member States to identify and regularly submit more women candidates for appointment to positions in the United Nations system, especially at more senior and policymaking levels, including in peacekeeping operations[.]”⁹⁹

46. Furthermore, in its resolution 70/133, the General Assembly reiterated its request to the Secretary-General to renew and redouble his efforts to make progress towards achieving the goal of 50/50 gender balance at all levels throughout the United Nations system, with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3 of the Charter of the United Nations.¹⁰⁰ Moreover, the General Assembly reaffirmed UN-Women’s important role in leading, coordinating and promoting the accountability of the United Nations system in its gender equality work and its work related to the empowerment of women, and urged Member States to increase the budget of UN-Women.¹⁰¹

recent data and information on gender balance in the organizations of the United Nations system; (e) To monitor future progress in achieving gender balance in the organizations, together with geographical distribution, as a part of a comprehensive report on diversity in the United Nations common system; (f) To request its secretariat to provide a report, based on the latest information, and thereafter monitor future progress in achieving gender balance in the organizations of the United Nations common system every four years.” A/69/30.

⁹⁸ A/70/30.

⁹⁹ GA resolution 69/151.

¹⁰⁰ GA resolution 70/133, para. 27.

¹⁰¹ *Ibid.*, para 13.

B. Methods of Recruitment

1. Young Professional Programme

47. During the sixty-fifth session of the General Assembly, the Secretary-General issued report A/65/305/Add.4, pursuant to General Assembly resolution 63/250, in which the Assembly requested that the Secretary-General build on audit reports and submit a feasibility study determining whether the broadening of the scope of the National Competitive Recruitment Examination (NCRE) would further strengthen the Organization's capacity for programme delivery.¹⁰² In his report, the Secretary-General referenced the Joint Inspection Unit review of the NCRE as a recruitment tool in 2007,¹⁰³ and a business process review of the examination highlighted several areas of concern, including: (i) the high age of staff in the Organization; (ii) the high age of staff at junior levels versus expected qualifications; (iii) the lengthy NCRE process; and (iv) limited opportunities for career development for junior professionals.¹⁰⁴

48. In order to address the problems set out above, the Secretary-General stated that a new young professionals programme would integrate the outreach, recruitment, placement, career development and mobility of entry-level staff into a single, centrally managed process, while fostering the goal of the NCRE to increase the diversity of the Secretariat and improve geographical representation within the Secretariat.¹⁰⁵ The Secretary-General further stated that a new programme would build on the strengths of, and expand upon, the established systems, policies and practices of the Organization, employing an efficient and effective examination process which would make use of online and computer-based technology.¹⁰⁶

In his report, the Secretary-General requested the General Assembly:

“(a) To approve the change of the age limit for the national competitive recruitment examination from 32 years to 26 and to authorize the Secretary-General to make adjustments for those Member States with mandatory military service; (b) To approve the use of 15 per cent of vacant extra budgetary and

¹⁰² A/65/305/Add.4, para. 2.

¹⁰³ A/62/707. “JIU conducted a review of the national competitive recruitment examination as a recruitment tool in 2007 (see A/62/707), along with a review examining the young professionals in the Organization (A/55/798) and a review of the age structure of the human resources in the Organization (see A/62/628).”

¹⁰⁴ A/65/305/Add.4, para. 3.

¹⁰⁵ *Ibid.*, para. 12.

¹⁰⁶ *Ibid.*

peacekeeping support account posts for the young professionals programme; (c) To approve the internal circulation of P-3-level positions for 15 days to give priority consideration to the young professionals programme candidates and external circulation thereafter if no suitable candidate is identified.”¹⁰⁷

49. In its report A/65/537, the ACABQ reviewed the Secretary-General’s above report (A/65/305/Add.4), and welcomed the intention of the Secretary-General to implement measures for the more effective recruitment, placement and professional development of young professionals from un- and under-represented Member States. The ACABQ added that, while the NCRE focused on recruitment, the new approach would entail a more complete chain of investment in the career development of new young professional staff who enter the Secretariat through competitive examination.¹⁰⁸ However, the ACABQ expressed the opinion that “lowering the age limit to 26 is too restrictive.”¹⁰⁹ The Committee pointed out that such an age limit could be a disadvantage to those candidates whose mother tongue is neither English nor French, and that those candidates would require additional language education and might require additional job experience after completion of their degree in an English or French speaking environment.¹¹⁰ Further, the ACABQ emphasized that the benefits to the Organization of having new staff with advanced university degrees should not be underestimated, and that the 26 year age limit could preclude some candidates from obtaining an advanced degree.¹¹¹ Moreover, the ACABQ expressed the view that the shortening of the examination process, combined with the proposed improvements to the roster system, should greatly assist in keeping the roster young. As such, the Committee recommended that the 32 year age limit be left unchanged for the time being.¹¹²
50. The ACABQ also examined the Secretary-General’s proposal to give priority consideration for P-3 positions to candidates from the young professionals programme by advertising the positions internally for 15 days before releasing the vacancy announcement to external candidates.¹¹³ The ACABQ expressed its opinion that the same procedures that apply to every other position should apply to P-3 level posts as well, and recommended that P-3 level positions be advertised in

¹⁰⁷ *Ibid.*, para. 62.

¹⁰⁸ A/65/537, para. 74.

¹⁰⁹ *Ibid.*, para. 75.

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ *Ibid.*

the same manner as all other positions. However, the Committee noted that, when making selections, managers should be encouraged to give priority consideration to candidates from the young professionals programme.¹¹⁴

51. During the same session, the General Assembly adopted resolution 65/247, in which the General Assembly approved the new young professionals programme, subject to the provisions of resolution 65/247.¹¹⁵ In this resolution, the General Assembly also decided that “the maximum age for eligibility for the young professionals programme is thirty-two;”¹¹⁶ and approved “the use of 15 per cent of the positions at the P-1 and P-2 levels in field operations financed through the regular budget and voluntary contributions, on the understanding that all other such positions, as well as positions at the P-1 and P-2 levels financed through peacekeeping budgets, will be advertised.”¹¹⁷
52. On 19 October, 2011, the Secretary-General, for the purpose of implementing the young professionals programme, and pursuant to General Assembly resolution 65/247 of 24 December 2010 on human resources management, promulgated ST/SGB/2011/10, which provided information on eligibility, selection process and implementation of the young professionals programme.¹¹⁸
53. In December 2011, the General Assembly adopted resolution 66/234, which urged the Secretary-General to ensure that candidate recruitment is executed according to established recruitment procedures, including the use of the NCRE roster, which has been replaced by the young professionals programme.¹¹⁹
54. During its sixty-seventh session, the General Assembly adopted resolution 67/255, which noted the young professionals programme’s implementation, and requested that the Secretary-General monitor the progress of the programme towards achieving improved geographical representation of underrepresented and unrepresented Member States.¹²⁰ The resolution also requested that the Secretary-General continue providing adequate and effective training for young professionals, accounting for the important role of the programme in improving the geographical

¹¹⁴ *Ibid.*

¹¹⁵ GA resolution 65/247.

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

¹¹⁸ ST/SGB/2011/10.

¹¹⁹ GA resolution 66/234.

¹²⁰ GA resolution 67/255.

representation of underrepresented and unrepresented Member States, as well as ensuring the continued rejuvenation of the Secretariat.¹²¹

55. In 2012, the Secretary-General issued report A/67/324, in which the Secretary-General provided an update on the implementation of the young professionals programme. The Secretary-General noted that the first examination under the new system was held on 7 December 2011, and the next examination was scheduled to be held on 5 December 2012.¹²²
56. On November 7, 2013, the Under-Secretary-General for Management, pursuant to section 4.2 of Secretary-General's bulletin ST/SGB/2009/4, and for the purpose of implementing ST/SGB/2011/10, promulgated Administrative Instruction ST/AI/2012/2/Rev. 1, which provided detailed information about the young professionals programme.¹²³
57. In its resolution 68/252, the General Assembly emphasized the important role of the young professionals programme in improving the geographical representation of under- and unrepresented Member States, requested the Secretary-General to continue his ongoing efforts in this regard, and noted that no candidates from certain Member States had passed the programme's examination. Moreover, in this resolution, the General Assembly requested that the Secretary-General develop and implement measures designed to accelerate the placement of successful candidates from the young professionals programme roster. The General Assembly further requested that the Secretary-General provide a progress report to the General Assembly at its sixty-ninth session.¹²⁴
58. In his progress report (submitted during the sixty-ninth session of the General Assembly), the Secretary-General summarized the progress made in implementing the young professionals programme since its inception in 2011, and proposed additional improvements to the examination format and delivery methods.¹²⁵ Through this report, the Secretary-General also invited the General Assembly to "approve the removal of candidates from the legacy rosters of

¹²¹*Ibid.*

¹²²A/67/324. In addition, in 2012, in A/67/329, the Secretary-General again discussed the young professional programme in his report entitled "Composition of the Secretariat: staff demographics." See A/67/329.

¹²³ ST/AI/2012/2/Rev.1.

¹²⁴GA resolution 68/252.

¹²⁵ A/69/190/Add.3.

national competitive recruitment examinations after seven years and to abolish those rosters in 2018.”¹²⁶

2. Speeding up the Recruitment Process

59. In General Assembly resolution 65/247, the General Assembly recognized “the paramount importance of speeding up the recruitment and staffing process, in accordance with Article 101, paragraph 3, of the Charter.”¹²⁷ In the same resolution, the General Assembly requested that the Secretary-General comprehensively review the entirety of the recruitment process, in order to improve the overall response time, with a view to realizing the 120 day benchmark for filling a post.¹²⁸

60. In his report A/67/324, the Secretary-General outlined the progress made since the adoption of General Assembly resolution 65/247. The Secretary-General noted that, in order to conduct a comprehensive review of the recruitment process, the Office of Human Resources Management had developed a monitoring framework in 2011, and that the framework allocated the responsibility and targets for each step¹²⁹ in the recruitment process to the appropriate stakeholder.¹³⁰

61. The Secretary-General further stated that, upon review of the recruitment process, the following was noted:

- Selections currently take 212 days in total (including advertising time, which ranges from 60 days for non-project posts to 15 to 30 days for project posts). However, this does not take into account the selections using rosters, which are much faster. When roster selections are included, the average time for selection in the Organization is 183 days (for the first half of 2012), an improvement from 187 days in 2011 and 235 days in 2010.

- The critical challenge lies in step 2, recommendation of candidates, where hiring managers take an average of 112 days compared with the target of 40 days.

¹²⁶ *Ibid.*

¹²⁷ GA resolution 65/247, para. 17.

¹²⁸ *Ibid.*, para. 18.

¹²⁹ Table 4 of the report presented the steps of the staffing timeline for determining the eligibility of applicants to selection.

¹³⁰ A/67/324, para. 32. The steps of the staffing timeline for determining eligibility of applicants to selection are set out in table 4 of A/67/324.

- Roster-based selections are nearly twice as fast as standard selections, with an average of 77 days in 2012 [...], resulting in a 31 per cent reduction in time compared with 2011.”¹³¹

62. In the same report, the Secretary-General listed the following actions that had been taken by the Office of Human Resources Management to improve staffing timelines:

“• Provided systematic training and guidance to hiring managers and executive offices so as to ensure advance planning and allocation of time for conducting assessment activities.

- Initiated an alert message which is now sent to the manager and executive office team on the day of posting the job opening, highlighting the key dates and actions to be taken.

- Introduced the long list/short list approach so that hiring managers can easily distinguish between applicants who meet only the basic evaluation criteria and those who also meet the desired qualifications. This has reduced the workload for hiring managers when evaluating applicants, which in turn has reduced the average number of days for step 2.

- Introduced an automatically generated transmittal memo, contributing to reduced average days for steps 1 and 2.

- Enhanced the pre-screening process in Inspira to make the determination of eligibility more accurate.”¹³²

63. Also in the same report A/67/324, the Secretary-General determined next steps, stating that work on improving the performance of the Organization, as measured against each of the steps in the recruitment timeline, would continue.¹³³

64. Subsequently, the ACABQ considered the above-mentioned Secretary-General report, and noted the efforts made by the Secretary-General to: identify the individual and/or entity that was responsible for each step of the recruitment process; calculate the time for each step; and determine where bottlenecks exist. Additionally, the ACABQ noted the limited remedial measures introduced by the Secretary-General to date.¹³⁴ In its report A/67/545, the ACABQ expressed concern regarding the 120-day target for filling a post, noting that the target had still not

¹³¹ A/67/324, para. 35.

¹³² *Ibid.*, para. 34.

¹³³ *Ibid.*, para. 37.

¹³⁴ A/67/545, para. 17.

been reached. The ACABQ further expressed its regret that the efficiencies anticipated as a result of the introduction of Inspira, as well as refinements to the central review bodies process (see A/65/537, para. 12), had not led to a decrease in the time taken to fill vacancies.¹³⁵ Noting that hiring managers are taking an average of 112 days to recommend candidates (as opposed to the 40-day target), the ACABQ took the view that a meaningful reduction in recruitment time would only be achieved if the causes of those delays were addressed and the responsible parties were held accountable.¹³⁶ Therefore, the ACABQ recommended that the General Assembly request that the Secretary-General, “investigate the reasons for delays at each stage of the recruitment process.”¹³⁷ The ACABQ also noted that the Secretary-General should report on the outcome of such work and propose measures to address the identified issues as appropriate in his next human resources management report.¹³⁸

65. During its sixty-seventh session, the General Assembly adopted resolution 67/255, in which the Assembly noted, with serious concern, that the 120-day target had still not been met, and stressed the importance of filling posts in a timely manner. The General Assembly further requested that, in this context, the Secretary-General investigate the reasons for delays at each stage of the staff selection and recruitment process, and report on the outcome of that work, including proposals for appropriate measures to address the issues identified, at the sixty-ninth session of the General Assembly.¹³⁹

66. During the sixty-ninth session of the General Assembly, in his report A/69/190, the Secretary-General provided information on the staff selection and recruitment system. The Secretary-General noted that the deployment of Inspira to field missions commenced on 31 January 2013 and was completed in July 2014. He further explained that Inspira had enabled the consolidation of all data pertaining to recruitment, and the creation of a global roster through the integration of field and non-field rosters.¹⁴⁰ In connection with the staff selection timelines, the report

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

¹³⁹ GA resolution 67/255, para. 34.

¹⁴⁰ A/69/190, para. 37.

indicated that the then-current staff selection process took 213 days on average, from the initiation of a job opening to applicant selection.¹⁴¹

67. In his report, the Secretary-General also noted that additional steps had been taken by the Office of Human Resources Management and the Department of Field Support to address the delays in the recruitment process.¹⁴² Specifically, the additional steps included a business process review exercise, as well as an analysis of the human resources management scorecard, which had been used to investigate the reasons for delays in the recruitment process.¹⁴³ The business process review identified a number of issues that caused delays in posting job openings. These issues were mainly: (i) inconsistencies in the bases for job openings including generic job profiles and job descriptions, (ii) unclear roles and responsibilities of process owners, (iii) cumbersome workflow, (iv) inconsistent screening questions, and (v) lack of sufficient training.¹⁴⁴ The Secretary-General noted that, in order to support managers in performing their recruitment functions effectively and efficiently, the Secretariat conducted monthly workshops and initiated an assessment pilot project.¹⁴⁵

68. In connection with the staff selection timelines, the ACABQ, in A/69/572, reiterated its regret that the anticipated efficiencies from the introduction of Inspira, as well as the refinements to the central review bodies process, had not yet led to a decrease in the time taken to fill vacancies.¹⁴⁶ The ACABQ noted with concern that vacant posts were not being filled in a timely manner and stated that further attention must be given to improving the timeliness of all the steps in the staff selection process.¹⁴⁷

¹⁴¹ *Ibid.*, para. 41. See table 3 of A/69/190 for details in staffing timeline (including both roster and non-roster selections.)

¹⁴² A/69/190.

¹⁴³ *Ibid.*, para. 38.

¹⁴⁴ *Ibid.*, para. 39.

¹⁴⁵ *Ibid.* The Secretary-General noted that “[t]o address the concern of hiring managers taking too long to review applications and recommend candidates, an assessment project was developed using a two-pronged approach, namely: (a) conduct of workshops for hiring managers on how to efficiently and effectively build valid, reliable tests; and (b) development and administration of specialized, online substantive knowledge tests for job openings for which there are large numbers of applicants; the tests would be given to the applicants screened-in by Inspira and, based on the results of the tests, a shortlist of suitable candidates would be created and forwarded to the hiring manager for further assessment. A pilot online test conducted for five job openings proved that the time that the hiring managers had to spend on manually reviewing applications was significantly reduced.” A/69/190.

¹⁴⁶ A/69/572. See also A/65/337, para. 12 and A/67/545, para. 17.

¹⁴⁷ A/69/572. The ACABQ also noted: “the initial positive results of the pilot project in which automated tests were used as an assessment tool and look[ed] forward to receiving further analysis of this approach to determine whether broader application of the pilot project would be merited.” A/69/572, para. 29.

69. During its sixty-ninth session, the General Assembly adopted resolution 69/307 on cross-cutting issues. In this resolution, the General-Assembly urged the Secretary-General to make every effort to reduce the recruitment lead time for field mission staff (accounting for the relevant provisions governing recruitment of United Nations staff), enhance the transparency of the staffing process at all stages, and report on the steps taken and results achieved in the Secretary-General's next overview report concerning the financing of United Nations peacekeeping operations.¹⁴⁸
70. Moreover, during its seventieth session, the General Assembly adopted resolution 70/247 on questions relating to the proposed programme budget for the biennium 2016-2017.¹⁴⁹ In this resolution, the General Assembly regretted the slow pace of recruitment in the Organization and requested the Secretary-General to fill vacancies expeditiously, in accordance with the relevant resolutions of the General Assembly and existing provisions governing recruitment in the United Nations.¹⁵⁰

3. Multilingualism

71. During the period under review, the General Assembly repeatedly emphasized the importance of equality between the six official languages of the United Nations.¹⁵¹ As part of this emphasis, the General Assembly, in its sixty-fifth session, adopted resolution 65/311, which included a request that the Secretary-General, “ensure that all language services are given equal treatment and are provided with equally favourable working conditions and resources, with a view to achieving maximum quality of those services, with full respect for the specificities of the six official languages,”¹⁵² and that the Secretary-General submit a comprehensive report on the full implementation of the General Assembly's resolutions on multilingualism during its sixty-seventh session.¹⁵³

¹⁴⁸ GA resolution 69/307, para. 23.

¹⁴⁹ GA resolution 70/247.

¹⁵⁰ *Ibid.*, para. 35.

¹⁵¹ GA resolutions 65/311; 67/292; 69/324; and 70/93(A-B).

¹⁵² GA resolution 65/311.

¹⁵³ *Ibid.*

72. During the sixty-seventh session of the Assembly, in response to the above request from the General Assembly, the Secretary-General issued a report on multilingualism which provided an update on the activities undertaken to promote multilingualism.¹⁵⁴ In his report, the Secretary-General noted that the Secretariat continued to make every effort to make content available in all of the United Nations's six official languages in a timely manner, ensuring the quality of both the interpretations and translations of the content.¹⁵⁵ He further noted that such measures were taken to enable the Organization to, "provide the best possible support to Member States, particularly in their deliberative bodies, and to project the work and values of the United Nations to the largest audience."¹⁵⁶ Additionally, the Secretary-General's report noted that the United Nations uses formal and informal ways to reach out to the global public, including the United Nations community and staff, in the six official languages, and beyond, through its outreach programmes and initiatives.¹⁵⁷
73. During the same session, the General Assembly adopted resolution 67/292, which underlined the Secretariat's responsibility to integrate multilingualism into its activities, on an equitable basis and within existing resources.¹⁵⁸ Further, through this resolution, the General-Assembly invited the Secretary-General to ensure compliance with the requirement that United Nations staff members have the ability to use one of the Secretariat's working languages.¹⁵⁹ The resolution also requested that the Secretary-General submit another comprehensive report on the full implementation of the General Assembly's resolutions on multilingualism at its sixty-ninth session,¹⁶⁰ and decided to include an item entitled "Multilingualism" in the provisional agenda of its sixty-ninth session.¹⁶¹
74. The Secretary-General subsequently submitted a report on multilingualism during the Assembly's sixty-ninth session, which provided an update on the Secretariat's activities to promote multilingualism throughout its various activities since the submission of the Secretary-General's 2012 report on this subject (A/67/311).¹⁶² In

¹⁵⁴ A/67/311.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

¹⁵⁸ GA resolution 67/292.

¹⁵⁹ *Ibid.*

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

¹⁶² A/69/282.

his report, the Secretary-General noted that the United Nations continued to work to improve, (and seek creative ways to increase) the organizations communication with people world-wide, in their own languages and in various accessible formats.¹⁶³ The Secretary-General reported that reaching diverse audiences across language platforms through new and traditional media is essential to inspiring and engaging the peoples served by the Secretariat in the aims, purposes and work of the Organization. The report stated that the, “Secretariat continued to make every effort to make high-quality content, translation and interpretation available in the six official languages in a timely manner,”¹⁶⁴ that both formal and informal multilingual outreach programmes and initiatives helped reach out to the global public, and that, “while promoting multilingualism remains a central principle of the United Nations, the feedback received from across the Organization focused on this need, particularly with regard to maintaining websites in multiple languages.”¹⁶⁵ Moreover, the Secretary-General reported that several entities had expressed concerns that some of the creative solutions undertaken by the Secretariat were neither cost-neutral nor efficient.¹⁶⁶ An example provided discussed the Secretariat’s use of universities and other informal partners for translating content, which required supervisory time and effort in order to ensure quality and editorial consistency, and did not guarantee the quick turnaround necessary for time sensitive news and information.¹⁶⁷

75. During the same session, the General Assembly, through resolution 69/250, requested the Secretary-General to appoint the Under-Secretary-General for General Assembly and Conference Management as the new “Coordinator for Multilingualism,” who would be responsible for the overall implementation of multilingualism efforts across the Secretariat, and instructed the Under-Secretary-General for Public Information to continue to inform the public about the importance of the multilingualism.¹⁶⁸ Subsequently, in June 2015, the Secretary-General appointed the Under-Secretary-General for General Assembly and Conference Management as the new Coordinator for Multilingualism.¹⁶⁹

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁸ GA resolution 69/250, para. 69.

¹⁶⁹ See <http://www.un.org/sg/multilingualism/index.shtml>.

76. Also during the sixty-ninth session, the General Assembly adopted resolution 69/324 on multilingualism. In this resolution, the General Assembly welcomed the recent appointment of the Coordinator for Multilingualism by the Secretary-General and called upon all departments and offices within the Secretariat to fully support the work of the Coordinator in implementing the relevant mandates on multilingualism.¹⁷⁰ Further, through this resolution, the General Assembly requested that the Secretary-General submit another comprehensive report on the full implementation of the General Assembly's resolutions on multilingualism at its seventy-first session, and included an item entitled "Multilingualism" in its provisional agenda for that session.¹⁷¹
77. In its resolution 70/93, entitled "Questions relating to Information", the General Assembly recalled its resolution 69/324 on multilingualism, and emphasized "the importance of making appropriate use of all the official languages of the United Nations in all the activities of the Department of Public Information, including in coordination with other departments of the Secretariat, with the aim of eliminating the disparity between the use of English and the use of the five other official languages, as well as the importance of ensuring the full and equitable treatment of all the official languages of the United Nations in all the activities of the Department[.]"¹⁷²

4. Mobility

(a) Mobility Framework Generally

78. In his 2012 report on mobility, the Secretary-General submitted a proposed mobility and career development framework for staff in the Professional category and above, as well as the Field Service category, to the General Assembly for its consideration.¹⁷³ The report noted that the framework set out in the report is based on the principle that, with few exceptions, all internationally recruited staff should move at regular intervals and that staff should be able to make choices that meet their mobility and career development aspirations. The report stated that the

¹⁷⁰ GA resolution 69/324.

¹⁷¹ *Ibid.*

¹⁷² GA resolution 70/93 (B).

¹⁷³ A/67/324/Add.1, para. 1.

proposed framework establishes “maximum position occupancy limits, ranging from three to seven years depending on the hardship classification of the duty station,”¹⁷⁴ and that there was an expectation that staff would apply for positions before reaching such a limit. Further, staff would be able to apply for any position for which they meet the necessary qualifications, in either the same or another duty station. Additionally, to encourage geographic and functional mobility, the report noted that priority in selection would be given to internal staff applying to a different duty station or job family. Also, staff who reached their maximum position occupancy limit would be reassigned by the Organization.¹⁷⁵

79. After reviewing the 2012 report of Secretary-General on mobility, the ACABQ expressed concern that “the proposed framework set out in the Secretary-General’s report is not sufficiently detailed,” and stated that “too many of its major components are as yet undefined.”¹⁷⁶ The ACABQ further expressed the opinion that the Committee was unconvinced that the proposal would fully address the problems it sought to resolve, or that it would yield the benefits identified by the Secretary-General.¹⁷⁷ The ACABQ also noted that it believed that a better managed “organizational mobility programme” would potentially contribute to the improvement of the delivery of mandates, and respond better to Staff’s career aspirations. As such, the ACABQ stated that it was “not in a position to recommend approval of the proposed mobility and career development framework, in its current form, by the General Assembly.”¹⁷⁸

80. In 2013, during the sixty-seventh session of the General Assembly, the Assembly noted the efforts made by the Secretary-General in submitting his proposed mobility and career development framework to the General Assembly.¹⁷⁹ The General Assembly further noted that the overall objective of the proposed framework is to develop a workforce that is global, dynamic and adaptable in order to deliver effectively on the mandates entrusted to the Organization by Member States and to foster the skills and capacities of staff.¹⁸⁰ In this same resolution, the General Assembly defined mobility as “a change in position that involves one

¹⁷⁴ *Ibid.*, para. 2.

¹⁷⁵ *Ibid.*

¹⁷⁶ A/67/545.

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*, para. 135.

¹⁷⁹ GA resolution 67/255, para. 50.

¹⁸⁰ *Ibid.*, para. 53.

change or a combination of changes in role, function, department or duty station or a move from the Secretariat to, or to the Secretariat from, an agency, fund or programme of the United Nations system.”¹⁸¹ The General Assembly noted that mobility policy’s scope was yet to be determined, and requested that the Secretary-General continue refining the scope of the proposed framework on the basis of the current proposals, and consider the career profile of the United Nations.¹⁸² The General Assembly also requested that the Secretary-General provide a comprehensive report, with the aim of further refining the proposed mobility policy, no later than at the sixty-eight session of the Assembly.¹⁸³

81. In 2013, the Secretary-General presented his refined version of the original proposal and an alternative approach to the General Assembly. The refined proposal modified the original proposal in two key aspects: (a) vacancies¹⁸⁴ would be advertised and open to competition among internal and external applicants; and (b) management’s final decision-making role over selections and reassignments would be guaranteed through modifications to the composition of the job network boards.¹⁸⁵ On the other hand, the Secretary-General also advanced an alternative approach, explaining that it was based on incentives, rather than maximum position occupancy limits, and aimed at promoting geographic mobility, particularly in field-oriented job families.¹⁸⁶ The Secretary-General noted the following background:

“The original and refined frameworks, both of which offer a managed mobility system, seek to change the current patterns of staff movement in the Secretariat (see annex II [of A/68/358] for details on current patterns of movement). In both frameworks, position occupancy limits are used to ensure that all internationally recruited staff change position periodically. At the same time, centralized job network boards will make decisions on the selection and reassignment of staff. In combination, these two aspects will ensure that all staff change position periodically and will make it possible for decisions on staffing to be made more globally and with a greater eye to the needs of the Organization, for example by ensuring greater knowledge transfer between headquarters and field locations in relevant functions. The full benefits of a managed mobility system are detailed in section V below.”¹⁸⁷

¹⁸¹ *Ibid.*

¹⁸² *Ibid.*

¹⁸³ *Ibid.*

¹⁸⁴ Defined as “new positions or positions that are not encumbered because the incumbent has retired, separated or been selected for another vacant position.” See A/68/358.

¹⁸⁵ A/68/358. See also GA Resolution 67/255.

¹⁸⁶ A/68/358.

¹⁸⁷ *Ibid.*

82. In 2013, the ACABQ considered the above report of the Secretary-General and subsequently issued its report A/68/601. In its report, the ACABQ expressed its support for the promotion of staff mobility and welcomed the Secretary-General's efforts to develop both the refined and alternative proposals. The ACABQ noted the following:

“The Advisory Committee sees merit in the one aspect common to both the refined and alternative proposals put forward by the Secretary-General, namely, the job network boards, and believes that this aspect could contribute to the development of a viable mobility framework for the Organization. In this regard, the Committee does not object to the establishment of the boards, subject to the observations and recommendations contained in the paragraphs below.

[...] The Advisory Committee recommends the adoption of the alternative proposal put forward by the Secretary-General, subject to the observations and recommendations contained in [A/68/601].

[...] The Advisory Committee believes that suitable transitional measures for the introduction of these changes and their applicability to existing staff would need to be developed prior to their introduction.”¹⁸⁸

83. During its sixty-eighth session, the General Assembly adopted resolution 68/265, which approved the refined managed mobility framework, subject to the provisions in the resolution.¹⁸⁹ Specifically, the General Assembly requested the Secretary-General to ensure that the framework did not have a negative effect on the implementation of mandates under the peace and security, development and human rights pillars of the United Nations,¹⁹⁰ and requested that the Secretary-General give equal treatment to internal and external candidates when considering vacancy applicants.¹⁹¹ Moreover, the General Assembly authorized the Secretary General's implementation of the refined framework, “with a view to commencing mobility for one job network in 2016 and one in 2017, followed by two job networks each year thereafter.”¹⁹² In the same resolution, the General Assembly decided that “the number of geographic moves for the job networks in 2016 and 2017 shall be no greater than the average number of geographic moves in those networks in 2014 and 2015.”¹⁹³ Additionally, the General Assembly acknowledged that there was a

¹⁸⁸A/68/601.

¹⁸⁹GA resolution 68/265.

¹⁹⁰*Ibid.*, para. 9.

¹⁹¹*Ibid.*, para.10.

¹⁹²*Ibid.*, para.7.

¹⁹³*Ibid.*, para.8.

need for additional information on the framework, and requested the Secretary-General to include such information as enumerated in the resolution¹⁹⁴ in his first annual report, which was to be submitted to the General Assembly during its sixty-ninth session.¹⁹⁵

84. Pursuant to General Assembly Resolution 68/265, the Secretary-General submitted his first annual report on mobility in August 2014 and provided an update on the progress made on the preparation for implementation of the framework as of July 2014.¹⁹⁶ The report also provided the additional data and information on the mobility framework requested by the General Assembly in resolution 68/265.¹⁹⁷ Specifically, in connection with the staffing process under the mobility and career development framework, the report noted the following:

“The mobility and career development framework will operate through semi-annual staffing exercises through which job network boards will manage the selection and reassignment of staff in the Field Service category and at the P-3 to P-5 levels (and staff at the P-2 level who are not subject to the young professionals programme), and a senior review board will manage the selection and reassignment of staff at the D-1 and D-2 levels.

[...] As mobility will be implemented in a phased manner, the current staff selection process will be replaced by semi-annual staffing exercises, which will consist of two parts, as follows:

- (a) Existing and anticipated vacant positions will be advertised and open to applications from internal and external candidates;
- (b) There will be an internal lateral reassignment process, in which serving staff members will apply for a pool of encumbered positions. The staff subject to this process will be those who have either reached their maximum position occupancy limit or reached their minimum position occupancy limit in their current assignment and opted in.”¹⁹⁸

85. After reviewing the Secretary-General’s report (A/69/190/Add.1), the ACABQ noted that the report came shortly after the General Assembly’s decision to establish the new mobility framework, and recognized that a significant amount of preparatory work was still needed prior to the implementation of the first phase of

¹⁹⁴*Ibid.*, para.11.

¹⁹⁵*Ibid.*

¹⁹⁶A/69/190/Add.1.

¹⁹⁷*Ibid.*

¹⁹⁸*Ibid.*

the mobility framework, as approved – much of which was already ongoing at the time of the Committee’s statement.¹⁹⁹

86. During its sixty-ninth session, the General Assembly adopted resolution 69/324, in which the Assembly recalled its resolution 68/265 on the mobility framework, and invited the Secretary-General to take into account applicable language skills while ensuring full compliance with Article 101 of the Charter of the United Nations.²⁰⁰

87. Pursuant to General Assembly Resolution 68/265, the Secretary-General submitted his second annual report on mobility in 2015, which provided an update on the progress made towards the implementation of the mobility and career development framework as of July 2015.²⁰¹ In connection with the staffing process under the framework, the report noted the following:

“The mobility and career development framework is, in essence, a new staff selection system for the Organization. It will be introduced in a phased manner, by job network, beginning with POLNET in January 2016. All staffing activities for job networks that have not yet been launched will continue to be governed by the current staff selection system (ST/AI/2010/3, as amended and/or revised). [...] The General Assembly requested the Secretary-General to ensure that managed mobility would not have a negative effect on mandate implementation under the peace and security, development and human rights pillars of the United Nations (see resolution 68/265, para. 9). To that end, the framework provides that vacancies arising from surge, start-up or humanitarian emergency situations may be filled using any of the existing modalities, including through the posting of temporary job openings or position-specific job openings and the selection of candidates from the semi-annual staffing exercises or, for entities authorized to recruit from rosters, from rosters of pre-cleared candidates, offering one year fixed-term contracts as required. After that period, vacancies will become a part of the semi-annual staffing exercises. The foregoing will be evaluated in 2016 and 2017 to assess effectiveness in meeting surge, start-up and humanitarian emergency recruitment requirements while also fulfilling the objectives of the framework. Moreover, to preserve the ability of missions to deliver on their mandates, heads of mission will retain the authority to laterally reassign staff within the mission area during situations of surge, start-up or humanitarian emergency.”²⁰²

88. In its report A/70/30, the ICSC recommended to the General Assembly that a mobility incentive be introduced in lieu of the then-current mobility allowance “to encourage the mobility of staff to field duty stations, with annual payments for a maximum period of five years at the same duty station.”²⁰³ The ICSC stated that

¹⁹⁹A/69/572, para. 62.

²⁰⁰ GA resolution 69/324, para. 48.

²⁰¹ A/70/254.

²⁰²*Ibid.*

²⁰³ A/70/30, paras. 431.

such an incentive would be structured in the following manner: (i) to apply to staff with five consecutive years of prior service in a common system organization and from their second assignment (that is, the first geographical move); (ii) to exclude “H” duty stations from the mobility incentive; and (iii) to discontinue payment for past moves.²⁰⁴

89. In its resolution 70/244, the General Assembly approved the new mobility incentive to encourage mobility of staff to field duty stations, as recommended by the ICSC in its report A/70/30, paragraphs 129 and 431, discussed above.²⁰⁵

(b) Non-discrimination against External Candidates

90. In his 2012 report on mobility (A/67/324/Add.1), the Secretary-General stated that under the proposed mobility framework, eligible internal staff would be considered for positions first, and that external candidates would only be considered once no internal candidates were determined to be suitable.²⁰⁶

91. Referring to the Secretary-General’s above proposal, the ACABQ expressed its concern that the proposal would have potential effects on external recruitment, and, by extension, merit based selection, geographical representation and gender balance.²⁰⁷ The Committee stated that, if the Organization’s capacity to bring in new talent was constrained by the need to first place internal candidates, there was a risk that the Secretariat would become “closed” to external applicants.²⁰⁸ In its report (A/67/545), the ACABQ stated that:

“The Advisory Committee is seriously concerned about the potential effect of the current proposal on external recruitment and, by extension, on merit based selection, geographical representation and gender balance. In accordance with the Charter of the United Nations, the paramount consideration in the employment of staff must be the necessity of securing the highest standards of efficiency, competence and integrity. In the view of the Committee, the only way to achieve that aim, as well as to ensure respect for the principles of geographical diversity and gender parity in the staffing of the Organization, is through merit-based, competitive selection processes. If the capacity of the Organization to bring in new talent is constrained by the need to place internal candidates first, there is a risk that the Secretariat will become “closed” to

²⁰⁴ *Ibid.*

²⁰⁵ GA resolution 70/244.

²⁰⁶ A/67/324/Add.1, para. 31.

²⁰⁷ A/68/601. See also A/67/545.

²⁰⁸ A/68/601. See also A/67/545, para. 103.

external applicants, thereby potentially limiting the ability of managers to select the best candidates on as wide a geographical basis as possible. In addition, reverting to a multi-stage selection process where external applicants are considered only when no suitable internal candidates have been found may actually increase the time taken to fill vacant posts. In view of these concerns, and of the many decisions of the General Assembly on this matter, the Advisory Committee recommends that the Assembly request the Secretary-General to adjust his proposal to ensure that external candidates will have equal opportunity in the selection and appointment process for positions in the Secretariat.”²⁰⁹

92. In endorsing the recommendation of the ACABQ in regards to external candidates, the General Assembly, in resolution 67/255, recalled Article 101 of the Charter and reaffirmed “the principle of non-discrimination against external recruitment,”²¹⁰ and stressed the importance of ensuring the existence of opportunities for external candidates to be considered for recruitment and selection to avoid potentially limiting the Organization’s ability to select the best candidates on as wide a geographical basis as possible, while not precluding any additional measures which may be deemed necessary for the effective mobility of existing staff, keeping in mind the aforementioned principle.²¹¹
93. In his report A/68/358, the Secretary-General presented a refined version of the career development and mobility framework to respond to the concerns raised by the General Assembly in resolution 67/255.²¹² The Secretary-General stated that, in light of the Assembly’s above request, the refined proposal ensures that external applicants would continue to have equal opportunities to compete for vacancies.²¹³ In this report, the Secretary-General stated that:

“Under the refined policy, all vacancies (i.e. new positions or positions that are not encumbered because the incumbent has retired, separated or been selected through a competitive process for another vacant position) would be filled by external and internal candidates identified through position-specific or generic job openings. For those entities authorized by the General Assembly to recruit from rosters, boards would be able to fill vacancies by drawing on rosters of pre-cleared internal and external candidates.[...].”²¹⁴

²⁰⁹A/67/545, para 103.

²¹⁰GA resolution 67/255, para. 54.

²¹¹ *Ibid.*

²¹²A/68/358.

²¹³*Ibid.*

²¹⁴*Ibid.*, para. 9.

94. In addition, the Secretary-General noted that, under the refined proposal, there would be an internal lateral reassignment process through which serving staff members, who had either reached their maximum position incumbency limits or had served for at least one year in their current assignment and opted into the process, would apply to a pool of encumbered positions.²¹⁵
95. In A/68/601, the ACABQ found that the refined proposal still significantly disadvantaged external candidates, due to the fact that every opening arising out of the lateral movement of staff would be filled by an internal candidate. Additionally, the ACABQ acknowledged the challenges relating to the establishment of a mandatory rotation system, while at the same time ensuring equal opportunities for external candidates, but stated that the Secretary-General's refined proposal fell short of the General Assembly's directive on the matter.²¹⁶ The ACABQ further noted that the Secretary-General's alternative proposal did not include a managed internal lateral reassignment process, which would limit participation to only internal candidates, or the imposition of maximum post occupancy limits. For this reason, the ACABQ expressed the belief that the alternative proposal, which maintained the external candidates' ability to apply for each job opening, would not have a negative impact on the Organization's efforts to attract external candidates. As such, the ACABQ concluded that the alternative proposal would provide equal opportunities to both external and internal candidates.²¹⁷
96. At the sixty-eighth session of the General Assembly, the Assembly requested that the Secretary-General give equal treatment to internal and external candidates when considering applicants for vacancies.²¹⁸
97. In his report A/69/190/Add.1, the Secretary-General reported the number of external appointments during the period from 1 July 2009 to 30 June 2013. The report indicated that during that period, the number of external appointments had decreased since July 2010.²¹⁹
98. In the ACABQ report on human resources management (A/69/572), in connection with the decline in the percentage of external appointments since 2010, the Committee reiterated its belief that efforts to encourage internal mobility "should

²¹⁵*Ibid.*, para.18(b).

²¹⁶A/68/601, para. 18.

²¹⁷*Ibid.*, para. 20.

²¹⁸GA resolution 68/265.

²¹⁹ See A/69/190/Add.1, figure IV. See also A/69/572.

not have a negative impact on efforts to reinvigorate the Organization through the engagement of fresh talent from outside at all levels.”²²⁰

99. In his report A/70/254, the Secretary-General indicated that, from 1 July 2009 to 30 June 2014, the overall number of external appointments was 3,768, ranging from 637 to 857 annually.²²¹ The Secretary-General noted that “the proportion of external appointments compared with the proportion of all job opportunities for selection ranged from 30 to 40 per cent.”²²²

100. In the ACABQ report on mobility (A/70/765), the Committee reiterated that efforts to encourage internal mobility should not have a negative impact on efforts to reinvigorate the Organization through external appointments.²²³ Moreover, the Committee considered that improvements could be made to Inspira to make it more user-friendly and to ensure equal access to external candidates.²²⁴

5. Umoja

101. Umoja²²⁵ was developed pursuant to a decision of the General Assembly, in resolution 60/283, to replace the Integrated Management Information System with a “next-generation enterprise resource planning system or other comparable system.”²²⁶ After this decision, the General Assembly, in resolution 63/262, determined that the implementation of Umoja should seek to consolidate the management of all resources (financial, human and physical) under a single, integrated information system for the entire Organization, which would include both peacekeeping and field missions.²²⁷

102. In the first progress report on the enterprise resource planning project, the Secretary-General stated that Umoja would unite many support and administrative entities throughout the United Nations Secretariat, by the revision of common processes and practices, the use of shared online data and renewed information

²²⁰ A/69/572, para. 77.

²²¹ A/70/254, para. 27.

²²² *Ibid.*

²²³ A/70/765, para. 16.

²²⁴ *Ibid.*

²²⁵ Umoja means “unity” in Swahili.

²²⁶ GA resolution 60/283, para.4 of section II. The Umoja governance structure was initially presented in the report of the Secretary-General on enterprise systems for the United Nations Secretariat worldwide (A/62/510/Rev.1)

²²⁷ GA resolution 63/262.

management technology, and the respective training for staff on all of the above.²²⁸ The Secretary-General further stated that all the elements would be based on proven, leading practices.²²⁹ In General Assembly resolution 64/243, the Assembly endorsed the Secretary-General's proposal to deploy the "pilot first" option (which entailed deploying Umoja to a group of pilot sites first, then to the rest of the Organization in two phases),²³⁰ and requested the Secretary-General to present options for lowering the cost of the project.²³¹ In a follow-up resolution (65/259), the General Assembly requested that the Secretary-General continue making efforts to deploy Umoja on the basis of lower-cost options, while also seeking opportunities to reduce cost projections, while not changing the approach approved by the General Assembly.²³²

103. In September 2011, the Secretary-General issued the third progress report on Umoja (A/66/381). In this report, the Secretary-General noted that Umoja was at the transition from the design phase to the build phase, and full deployment was projected for the end of 2015, although it was originally planned to be fully deployed by December 2013.²³³

104. In A/66/7/Add.1, the ACABQ, while recognizing the challenges posed by the complexity, scale and scope of the project, stated that the projected two-year delay clearly reflected a failure in the management of the project.²³⁴

105. During its sixty-sixth session, the General Assembly adopted resolution 66/246, in which the Assembly expressed serious concern about the potential escalation of

²²⁸ A/64/380.

²²⁹ *Ibid.*

²³⁰ A/64/380, table 3.

²³¹ GA resolution 64/243.

²³² GA resolution 65/259.

²³³ A/66/381. Paragraph 8 of A/66/381 states the reasons of the delay as follow: "The delay resulted from several factors. First, procurement of the enterprise resource planning software took significantly longer than expected owing to complex and long negotiations. Second, a wide-scale analysis of current operations was needed in order to transition the Organization from its outmoded systems and working processes to the future operating model. This cultural and institutional change proved more complex and challenging than anticipated. Third, Umoja and its user community realized that the strength and capacity of the enterprise resource planning software would enable far more comprehensive functionality than was originally anticipated. That led to additional time spent in the design phase. Fourth, more time was spent than originally planned in engaging, educating and gaining acceptance from the Organization's business process owners and end-user communities about the new business processes. Fifth, despite the implementation of measures to expedite recruitment, the hiring of United Nations staff members and subject matter experts remains time-consuming, and securing independent consultants with the appropriate expertise continues to pose challenges. Sixth, the limited availability of specialist knowledge of new enterprise resource planning software has constrained the capacity of the design team."

²³⁴ A/66/7/Add.1, para. 8.

costs of the Umoja project and requested the Secretary-General to ensure its implementation without further delay.²³⁵

106. In 2012, the Secretary-General issued the fourth progress report (A/67/360) on the Umoja project,²³⁶ in which the Secretary-General explained the rationale for adjusting and refining the deployment strategy and schedule, and described the activities that were under way at the time of the report, as well as those activities that would need to be completed before deployment began in mid-2013.²³⁷ The ACABQ considered this progress report and welcomed the actions taken to establish strong project leadership and to strengthen the governance structure of the project.²³⁸ In addition, the ACABQ stressed that, at the time, much work still remained in order to ensure stricter management of the implementation timetable and costs of the project, as well as to instil a sense of ownership and proper accountability for the success of the project across the Secretariat.²³⁹
107. On 24 December 2012, the General Assembly adopted resolution 67/246, in which the Assembly underlined the fact that the overall qualitative and quantitative benefits related to the Umoja project, which were previously identified in the first and second annual progress reports of the Secretary-General, remained valid. The Assembly also expressed regret in the delay in the realization of these benefits, and repeated its request to the Secretary-General to maximize benefits and provide enhanced clarity and precision as to their scope and budgetary significance in his proceeding annual progress reports.²⁴⁰ In this resolution, the Assembly further approved the Secretary-General's revised plan to complete, by December 2015, the design, build and deployment of Umoja Foundation and Umoja Extension 1. The Assembly also recalled that the budgetary implications of this project would be considered in the context of the proposed programme budget for the biennium 2014–2015.²⁴¹
108. In 2013, the Secretary-General issued his fifth report on the Umoja project (A/68/375). In this report, the Secretary-General stated that, as of 1 July 2013, Umoja was fully operational in the United Nations Interim Force in Lebanon

²³⁵ GA resolution 66/246.

²³⁶ A/67/360.

²³⁷ *Ibid.*

²³⁸ A/67/565

²³⁹ *Ibid.*, para. 10.

²⁴⁰ GA resolution 67/246.

²⁴¹ *Ibid.*

(UNIFIL), as well as the Office of the United Nations Special Coordinator for Lebanon (UNSCOL) and certain offices at United Nations Headquarters.²⁴² The sixth progress report of the Secretary-General on the Umoja project (A/69/385) was subsequently issued in 2014.²⁴³ This report stated that, since the issuance of the fifth progress report, the Umoja foundation had become fully operational in “all United Nations peacekeeping operations, special political missions supported by the Department of Field Support and offices at the United Nations Headquarters involved in the support and oversight of these missions.”²⁴⁴ The ACABQ considered the above-mentioned reports and issued A/69/418, in which it recommended that the General Assembly request that the Secretary-General monitor the design, build and deployment of the remaining phases of the project closely and ensure strict management of the costs of the project and the implementation.²⁴⁵

109. On 24 April 2015, the General Assembly adopted resolution 69/274, in which the General Assembly requested the Secretary-General to take proactive measures in order to address the challenges and risks that remain related to the implementation of Umoja, and ensure that, in line with the revised timetable (approved through General Assembly resolution 67/246), the project would be fully deployed by December 2018.²⁴⁶

110. In his 2015 report (A/70/369) released during the period under review concerning the Umoja project, the Secretary-General stated that the project remained on target to, “complete the implementation of the Umoja Integration solution (Umoja Foundation and Extension 1) throughout the Secretariat by the end of 2015.”²⁴⁷

111. The General Assembly, in its resolution 70/248, welcomed the progress made in the implementation of Umoja, and requested the Secretary-General to make every effort to complete implementation without further delay.²⁴⁸ In this resolution, the General Assembly also stressed “the importance of effective training for the successful implementation of Umoja, and in this regard request[ed] the Secretary-General to ensure that senior managers include necessary and sufficient training on

²⁴² A/68/375. *See also* A/68/375/Add.1.

²⁴³ A/69/385.

²⁴⁴ *Ibid.*

²⁴⁵ A/69/418.

²⁴⁶ GA resolution 69/274, para. 9.

²⁴⁷ A/70/369.

²⁴⁸ GA resolution 70/248, para. 5.

Umoja for all users of the system as part of an integrated approach to training and capacity development in their work units[.]”²⁴⁹

C. Conditions of Service

1. Authority Responsible for Determining Conditions of Service

112. During the period under review, the General Assembly had repeatedly reaffirmed the central role of the ICSC in the regulation and coordination of the United Nations common system’s conditions of service.²⁵⁰

113. At its seventy-fifth session, in 2012, the ICSC decided to include in its work programme for 2013-2014 a comprehensive review of the common system compensation package.²⁵¹

114. In its resolution 67/257, the General Assembly took note of the decision of the Commission to conduct a comprehensive review of the staff compensation package for those within the Professional categories and higher, and requested that the Commission, in undertaking the review, bear in mind the financial situation of the organizations in the United Nations common system and their capacity to attract a competitive workforce.²⁵² The General Assembly also requested the Commission to report to it on the progress, preliminary findings and administrative aspects of the comprehensive review during the main part of its sixty-eighth and sixty-ninth sessions, and to report on the final conclusions and recommendations as soon as possible, but no later than during the main part of its seventieth session.²⁵³

115. In its 2013 report (A/68/30), the ICSC noted the following:

“While every effort had been made during the current biennium to redistribute available resources to meet the additional project-related requirements, it had become apparent that the scope of the comprehensive review had placed a significant extra burden on the Commission’s administrative and operational capacity. The Commission wished to inform the General Assembly that, for the forthcoming biennium 2014-2015, it considered that in order to deliver the necessary depth of analysis requested by the Assembly, it would need to obtain the dedicated services of a project manager,

²⁴⁹ *Ibid.*, para. 14.

²⁵⁰ See GA resolutions 65/248, para. 5; 66/235, para. 5; 68/253, para.4; 69/251, para. 4; and 70/244, para. 4.

²⁵¹ A/67/30, Annex I.

²⁵² GA resolution 67/257, para. 3.

²⁵³ *Ibid.*, para. 4.

purchase external data and have access to resources for the travel of Commission members and secretariat staff to working groups meetings.”²⁵⁴

116. In its resolution 68/253, the General Assembly welcomed the comprehensive review and requested that the Commission review all elements of remuneration holistically to achieve those objectives and safeguard the core values of the United Nations common system organizations.²⁵⁵ The General Assembly also requested that the Commission ensure that the executive heads of organizations and staff federations of the United Nations common system and Member States were apprised of the process and provided with an opportunity to submit feedback.²⁵⁶
117. In its 2014 report (A/69/30), the ICSC stated that, as part of the comprehensive review of the common system compensation package, a global staff survey, open to all staff in all categories and in all locations, had been organized by the ICSC secretariat²⁵⁷ and the views of the executive heads and human resources directors of 18 United Nations common system organizations, specialized agencies and funds and programmes were sought.²⁵⁸
118. In its resolution 69/251, the General Assembly took note of the information provided in the report of the Commission on the status of the comprehensive review of the common system compensation package, and requested that the Commission provide an informal briefing on the progress of the comprehensive review of compensation at the first part of the resumed sixty-ninth session of the General Assembly.²⁵⁹
119. In its 2015 report (A/70/30), the ICSC provided the main recommendations of the Commission at the culmination of the review process.²⁶⁰ As overall outcomes, the Commission stated that it was “proposing to change a number of important aspects of the compensation package of staff in the Professional and higher categories, namely, the introduction of a single salary scale, a stronger linkage between performance and progression through the salary scale and the redesign and

²⁵⁴ A/68/30, para

²⁵⁵ GA resolution 68/253 (I)(A), para. 2.

²⁵⁶ *Ibid.*, para 4.

²⁵⁷ A/69/30 para. 14.

²⁵⁸ *Ibid.*, para. 24.

²⁵⁹ GA resolution 69/251 (I)(A),.

²⁶⁰ *See* A/70/30, paras 98-184.

simplification of specific existing allowances and benefits, such as the education grant, relocation-related elements and field allowances and benefits.”²⁶¹

120. In its resolution 70/244, the General Assembly approved the common system compensation package proposals, subject to the provisions of the immediate resolution,²⁶² and decided that, these provisions should come into force on 1 July 2016, unless otherwise established.²⁶³

(a) Performance Management

121. Prior to the period under review, the General Assembly reiterated the importance of developing mechanisms for better differentiating levels of performance, and requested the ICSC to submit an updated performance management framework to the General Assembly.²⁶⁴ Therefore, the Commission kept the issue of performance management under review and requested its secretariat to update the performance management guidelines it had set out in 1997.²⁶⁵

122. During its seventy-first session, the ICSC considered a document from its secretariat which contained the results of subsequent consultations with organizations and staff, and set out the elements of the updated framework.²⁶⁶ Thereafter, at its seventy-third session, the ICSC reviewed a refined version of the framework, the elements of which had been presented during the Commission’s seventy first session.²⁶⁷ Finally, during the period under review, the ICSC reported, in A/66/30, that it decided to submit the revised framework to the General Assembly for Assembly approval.²⁶⁸ Annex IV of A/66/30 provided details about the performance management framework, including guiding principles, objectives, key players, roles and responsibilities, key enablers, elements of the performance

²⁶¹ *Ibid.*, para. 183.

²⁶² GA resolution 70/244(III), para. 1.

²⁶³ *Ibid.*, para 2.

²⁶⁴ GA resolution 63/251.

²⁶⁵ A/66/30.

²⁶⁶ *Ibid.* The Commission noted in the its report A/66/30, the following: “[T]he framework would stress the values that the Commission had outlined in the Framework for Human Resources Management, adopted in 2000, which defined performance management as an ongoing process that covered the duration of the staff member’s stay within the organization. The point was made that engaging and motivating staff and dealing with incidents of underperformance or poor performance could only be addressed through good quality management. The Commission requested its secretariat to fine-tune the elements of the framework and present the updated framework in a format that was more accessible and user-friendly.”

²⁶⁷ See A/66/30.

²⁶⁸ *Ibid.*

management process, implementation, recognition, managing challenges, and monitoring and review processes.²⁶⁹

123. In December 2011, the General Assembly adopted resolution 66/235, and welcomed the work of the Commission with regard to the performance management framework, and approved that such framework as contained in annex IV of the Commission's report (A/66/30).²⁷⁰

(b) Mandatory Age of Separation

124. In July 2012, during its fifty-ninth session, in A/67/9, the United Nations Joint Staff Pension Board stated that “the Board is ready to decide to increase the normal age of retirement for new participants in the Fund with effect from no later than 1 January 2014.”²⁷¹ The Board also stated that it considered this action as the priority action among those which could be taken by the Board in order to ensure the long-term sustainability of the Fund. The Board further urged the ICSC and the member organizations of the Fund to “immediately raise the mandatory age of separation to 65 for new staff of the Fund's member organizations.”²⁷²

125. In the report of the ICSC for 2012, the ICSC supported the recommendation from the United Nations Joint Staff Pension Board to raise the mandatory age of separation to age 65 for new staff of Pension Fund member organizations, to be effective no later than 1 January 2014,²⁷³ and requested that the ICSC secretariat work with organizations and staff representatives to prepare a strategic review of the implications of the application of the increased mandatory age to current staff members.²⁷⁴

126. In April 2013, at the sixty-seventh session of the General Assembly, the Assembly endorsed the decision of the ICSC to support the recommendation of the United Nations Joint Staff Pension Board to raise the mandatory age of separation

²⁶⁹ See *Ibid.*, Annex IV.

²⁷⁰ GA resolution 66/235.

²⁷¹ A/67/9.

²⁷² *Ibid.*, para. 308.

²⁷³ A/67/30, para. 85.

²⁷⁴ *Ibid.*

for new staff of Fund member organizations to age 65, with an effective date no later than 1 January 2014.²⁷⁵

127. In July 2013, staff regulation 9.2 was amended to reflect the decision of the General Assembly in Resolution 67/257 on the mandatory age of separation for staff members appointed on or after 1 January 2014.²⁷⁶

128. The ICSC subsequently examined the possibility of extending the mandatory age for separation to 65 for current staff. In its report for 2013 (A/68/30), the ICSC recommended that the General Assembly raise the mandatory age of separation for current staff members to age 65, with an effective date of 1 January 2016.²⁷⁷ In this report, the ICSC noted that such a change would result in cost savings. Specifically, the consulting actuary of the United Nations Joint Staff Pension Fund estimated that providing such an option to current staff would result in a further reduction in the actuarial deficit by roughly 0.13 per cent of pensionable remuneration, which would further enhance the Fund's long-term sustainability.²⁷⁸

129. In December 2013, during its sixty-eighth session, the General Assembly adopted resolution 68/253. In this resolution, the General Assembly deferred its decision regarding the above recommendation of the ICSC, and requested that the ICSC undertake further analysis, in consultation with all relevant stakeholders, on the impact of the recommendation on workforce and succession planning frameworks, as well as all relevant human resources management policies, including performance management and appraisal, rejuvenation, gender balance and equitable geographic representation, across the United Nations common system. The General Assembly further requested that the ICSC report on such issues during the Assembly's sixty-ninth session.²⁷⁹

130. In the same resolution, the Assembly recalled paragraph 61 of the ICSC report, in which it was indicated that raising the mandatory age of separation for existing staff to 65 years would result in a marginal reduction in the actuarial deficit of the United Nations Joint Staff Pension Fund of roughly 0.13 per cent of pensionable remuneration.²⁸⁰

²⁷⁵ GA resolution 67/257.

²⁷⁶ A/68/129.

²⁷⁷ A/68/30.

²⁷⁸ *Ibid.*

²⁷⁹ GA resolution 68/253.

²⁸⁰ *Ibid.*

131. Subsequently, in 2014, the Joint Inspections Unit (JIU) issued a report on “Use of retirees and staff retained beyond the mandatory age of separation at United Nations Organization,”²⁸¹ in which the JIU made the following recommendation:

“On the basis of the fact that the bulk of retirees employed at most reporting organizations are aged between 60 and 65, [...] the Inspectors [...] wish to underline that if the recommendation to increase [mandatory age of separation] for current staff is approved during the forthcoming General Assembly session, the need to retain staff and hire retirees above this age should be limited to very exceptional cases, where the required expertise could not be found in-house. The Inspectors also stress the importance of harmonizing any decision across the system.”²⁸²

132. In its report for 2014, the ICSC noted that its secretariat had provided it with an analysis of the potential impact of increasing in the mandatory age of separation for current staff to 65. As requested by the General Assembly in resolution 68/253, the report addressed the costs to organizations and the impact on various human resources outcomes. In the report, the ICSC Secretariat’s analysis posited that an increase in the mandatory age of separation could delay some organizational programmes, but there would be an overall benefit to the common system and the impact on human resources outcomes would be minimal.²⁸³

133. In 2014, during its sixty-ninth session, the General Assembly adopted resolution 69/251, in which the Assembly noted the ICSC analysis (as requested in General Assembly resolution 68/253) on the impact of the suggested change on workforce and succession planning frameworks and all relevant human resources management policies.²⁸⁴ In its resolution 69/251, the Assembly raised the mandatory age of separation for staff recruited before 1 January 2014 to 65, while taking into account the acquired rights of staff. The Assembly also requested that the ICSC revert to the Assembly with an implementation date at its earliest opportunity, but no later than the Assembly’s seventy-first session and after consultations with all the organizations of the common system.²⁸⁵

²⁸¹JIU/NOTE/2014/1.

²⁸²*Ibid.*

²⁸³A/69/30.

²⁸⁴GA resolution 69/251.

²⁸⁵*Ibid.*

134. In its report for 2015, the ICSC noted that “the General Assembly had already decided to raise the mandatory age of separation to 65 years for staff recruited before 1 January 2014; the only issue before the Commission was to recommend an implementation date.”²⁸⁶ Therefore, the Commission recommended that the implementation date be during 2016 (1 January 2017 at the latest), while taking into account the principle of acquired rights.²⁸⁷

135. On 23 December 2015, during its seventieth session, the General Assembly adopted resolution 70/244, in which the Assembly decided that, for staff recruited before 1 January 2014, the mandatory age of separation should be raised by the organizations of the United Nations common system to 65 years, at the latest by 1 January 2018, taking into account the acquired rights of staff.²⁸⁸

2. Entitlements of Staff

(a) Noblemaire Principle

136. The ICSC, in its 2011 report (A/66/30), stated that, in accordance with General Assembly resolution 44/198, the Commission periodically conducted studies that would, under the Noblemaire principle, determine the highest-paid national civil service.²⁸⁹ In this report, the ICSC noted that a new Noblemaire study was commenced in 2010²⁹⁰ and provided the results of that study.²⁹¹ Furthermore, the Commission decided the following:

“(a) That the current Noblemaire study should not proceed to phase II, noting that the comparison result showed that the current comparator paid the highest level of cash compensation and that the percentage differences with other civil services seemed too large to be offset by other compensation elements, and thus the current comparator would be retained;

(b) That it would carry out another study to determine the highest-paid national civil service no later than the next Noblemaire study, scheduled for 2016.”²⁹²

²⁸⁶ A/70/30, para. 24.

²⁸⁷ *Ibid.*, para. 28.

²⁸⁸ Section I of GA resolution 70/244.

²⁸⁹ A/66/30, para. 97.

²⁹⁰ *Ibid.*, para. 98.

²⁹¹ *Ibid.*

²⁹² *Ibid.*, para. 106.

137. In its resolution 66/235, the General Assembly took note of the ICSC's decision in the above-mentioned report (A/66/30) to terminate its Noblemaire study, and to undertake the next study in 2016.²⁹³
138. During its sixty-eighth session, in its resolution 68/253, the General Assembly reaffirmed the Noblemaire principle as the basis for determining the level of remuneration for staff in Professional and higher categories in New York, which was the base city for the post adjustment system, as well as in other duty stations.²⁹⁴
139. No further action was taken on this matter by the General Assembly during the period under review.

(b) Allowances and Benefits

(i) Dependency Allowance

140. The ICSC in its 2010 report (A/65/30), stated that, in the context of its biennial review of dependency allowances for the Professional and higher categories, the Commission considered the levels of children's and secondary dependant's allowances, and decided to recommend to the General Assembly that, as at 1 January 2011:

“(a) The children's allowance be set at \$2,929 per annum and the disabled children's allowance at \$5,858 per annum;

(b) The secondary dependant's allowance be set at \$1,025 per annum;

(c) The United States dollar amount of the allowance, as established in subparagraphs (a) and (b) above, be converted to local currency using the official United Nations exchange rate as of the date of implementation and remain unchanged until the next biennial review;

(d) As a transitional measure, if, at the time of implementation the revised flat-rate allowance was lower than the one in effect, the allowances payable to currently eligible staff be equal to the higher rate reduced by 50 per cent of the difference between the two rates;

(e) The dependency allowances be reduced by the amount of any direct payments received by staff from a Government in respect of dependants.”²⁹⁵

²⁹³ GA resolution 66/235 (B), para. 4.

²⁹⁴ GA resolution 68/253 (II), para. 1.

²⁹⁵ A/65/30, para. 162.

141. In its resolution 65/248, the General Assembly approved, with effect from 1 January 2011, the revised children's and secondary dependant's allowances and the transitional measures relating thereto recommended by the Commission above.²⁹⁶
142. In its 2013 report (A/68/30), the ICSC recommended to the General Assembly that "the current levels of the children's and secondary dependant's allowances be maintained."²⁹⁷ The Commission also stated it would keep the methodology to determine the allowances under consideration within the framework of the broader review of the common system compensation package.²⁹⁸
143. In its resolution 68/253, the General Assembly approved the recommendation of the Commission,²⁹⁹ and took note of the decision to keep the methodology under consideration.³⁰⁰ The General Assembly also requested that the Commission not increase any of the allowances under its purview until the comprehensive review decided in resolution 67/257 was submitted to the General Assembly.³⁰¹
144. In its 2015 report (A/70/30), the ICSC stated that, in line with the request of the General Assembly not to increase any of the allowances until the ICSC's comprehensive review was submitted to the Assembly for its consideration, the Commission decided not to recommend any adjustment to the dependency allowances, pending the decision of the Assembly on it.³⁰² Additionally, in A/70/30, the ICSC decided to recommend to the General Assembly the establishment of a dependent spouse allowance at the level of 6 per cent of net remuneration.³⁰³ The Commission also decided to recommend to the General Assembly that "serving staff members with a dependant spouse be paid a spouse allowance at the time of conversion to the unified salary scale[.]"³⁰⁴
145. In its resolution 70/244, the General Assembly took note of the fact that "following the submission of the Commission's report on the comprehensive

²⁹⁶ GA resolution 65/248.

²⁹⁷ A/68/30, para. 104.

²⁹⁸ *Ibid.*

²⁹⁹ GA resolution 68/253 (II) (C), para. 2. In its resolution 68/253, the General Assembly approved the recommendation of the Commission that the current levels of the children's and secondary dependant's allowances be maintained.

³⁰⁰ *Ibid.*, para. 1.

³⁰¹ GA resolution 68/253(I)(A), para. 5.

³⁰² A/70/30, para. 69.

³⁰³ *Ibid.*, para. 210.

³⁰⁴ *Ibid.*, para. 249.

review to the General Assembly, the freeze in the increases of allowances requested in section I.A, paragraph 5, of its resolution 68/253 will be discontinued, effective 1 January 2016 for the General Service and related categories and effective 1 January 2017 for the Professional and higher categories[.]”³⁰⁵ In its resolution 70/244, the General Assembly also approved the establishment of a dependent spouse allowance at the level of 6 per cent of net remuneration, as recommended in the ICSC’s above mentioned report (A/70/30).³⁰⁶ The General Assembly further decided, as recommended by the Commission, that serving staff members with a dependent spouse should receive a spouse allowance at the time of conversion to the unified salary scale.³⁰⁷

(ii) *Education Grant*

146. The ICSC, in its 2011 report (A/66/30), addressed the issue of the education grant, and decided to recommend to the General Assembly that, as of the school year in progress on 1 January 2012, the then-existing eligibility requirements regarding the minimum age for receipt of the education grant should be amended to allow for a minimum eligibility age below 5 years, on an exceptional basis, for educational institutions which require an earlier start of formal education by law.³⁰⁸ Accordingly, the Commission also recommended that the General Assembly invite common system organizations to amend their minimum age eligibility requirement to harmonize the eligibility requirement of the grant.³⁰⁹

147. In its subsequent resolution 66/235, the General Assembly endorsed the above amendment, contained in paragraph 96 (a) of the ICSC’s report.³¹⁰ In this same resolution, the General Assembly also invited the organizations of the common

³⁰⁵ GA resolution 70/244 (III), para.3.

³⁰⁶ *Ibid.*, para. 17.

³⁰⁷ *Ibid.*, para. 18.

³⁰⁸ A/66/30.

³⁰⁹ *Ibid.*

³¹⁰ Paragraph 96 (a) of the report of the Commission reads as follow: “a) The current eligibility requirements for the receipt of the education grant should be amended as follows: Minimum age: The child is in full-time attendance at an educational institution at the primary level or above while the staff member is in the service of the organization. Education shall be deemed “primary” for the purposes of this criterion when the child is 5 years of age or older at the beginning of the school year or when the child reaches the age of 5 within three months of the beginning of the school year. Exceptionally, a lower minimum eligibility age could be accepted for those educational institutions which, by virtue of law, require an earlier start of formal education;” See A/66/30. See also GA resolution 66/235.

system to harmonize the education grant eligibility criteria with respect to the minimum age.³¹¹

148. In its 2012 report (A/67/30), the ICSC then reviewed the level of the education grant and decided to recommend to the General Assembly (in paragraph 44) that, as of the school year that was in progress on 1 January 2013, the maximum education grant for 12 zones should be adjusted, and the normal flat rates and additional flat rates for boarding should be revised for 14 zones, as explained in annex III to A/67/30.³¹²

149. In its subsequent resolution 67/257, the General Assembly approved the above recommendations, contained in paragraph 44 of A/67/30 and annex III thereto.³¹³ The General Assembly also expressed concern that the number of education grant claims had increased, system-wide, by 24 per cent since the last biennium review (in 2010), which resulted in a 35 per cent increase in the overall amount of education grant that was disbursed from 2009 to 2011.³¹⁴

150. In its 2014 report (A/69/30), the ICSC next considered the scope and rationale of the education grant, and noted that the education grant was an essential element of the compensation package, as well as “an important tool to facilitate the attraction and retention of a globally mobile workforce required for the delivery of mandates.”³¹⁵ Additionally, the ICSC requested that its secretariat develop a model focused on distributing education-related assistance to expatriate staff in the most cost-effective way. The Commission also requested that its secretariat take into account payments by level of education, and further stipulated that the design and administration of the scheme should be simplified, while optimizing cost with an “overall reference to the scheme provided in the comparator service which was similar to that of the common system.”³¹⁶

³¹¹ GA resolution 66/235.

³¹² The ICSC also recommended that “It also recommends that the special measures for China, Hungary, Indonesia and the Russian Federation and for the eight specific schools in France be maintained, while those for Romania should be discontinued. It further recommends that the special measures be introduced for Thailand and for specific schools in Tunisia and South Africa.” *See* A/67/30.

³¹³ GA resolution 67/257.

³¹⁴ *Ibid.*

³¹⁵ A/69/30.

³¹⁶ *Ibid.*

151. In its 2015 report (A/70/30), the ICSC stated that the Commission designed a revised education grant scheme aimed at providing assistance with education-related expenses to expatriate staff in a cost-effective manner.³¹⁷
152. In its resolution 70/244, the General Assembly decided that the revised education grant scheme should be introduced, as of the school year in progress on 1 January 2018.³¹⁸ The General Assembly decided:
- (i) to revise the criteria covering post-secondary education to make the grant payable up to the end of the school year in which the child completes four years of post-secondary studies or attains a first post-secondary degree, whichever comes first, subject to the upper age limit of 25 years;³¹⁹
 - (ii) that admissible expenses should comprise tuition (including mother tongue tuition) and enrolment-related fees, as well as assistance with boarding expenses;³²⁰
 - (iii) that tuition- and enrolment-related expenses should be reimbursed under a global sliding scale consisting of seven brackets, with declining reimbursement levels ranging from 86 per cent at the lowest bracket to 61 per cent at the sixth bracket and no reimbursement at the seventh

³¹⁷ A/70/30. In A/70/30, para. 356, the ICSC recommended to the General Assembly that: (i) the criteria covering post-secondary education be revised to make the grant payable up to the end of the school year in which the child completed four years of post-secondary studies or attained the first post-secondary degree, whichever came first, subject to the upper age limit of 25 years; (ii) admissible expenses be tuition (including mother tongue language tuition) and enrolment-related fees, as well as assistance with boarding expenses; (iii) tuition and enrolment-related expenses be reimbursed under a global sliding scale consisting of seven brackets, with declining reimbursement levels ranging from 86 per cent at the lowest bracket to 61 per cent at the sixth bracket and zero per cent at the seventh bracket; (iii) boarding-related expenses be paid with a lump sum of \$5,000 only to staff serving in field locations whose children were in a boarding school at the primary or secondary level. In exceptional cases, boarding assistance could be granted to staff at “H” duty stations under the discretionary authority of the executive head; (iv) education grant travel be provided for each academic year for the child of staff in receipt of assistance with boarding expenses; (v) capital assessment fees be covered outside the education grant scheme by organizations; (vi) the global sliding scale be reviewed for possible adjustment, based on movements in tuition fees tracked biennially for a list of representative schools and upon assessment by the Commission; (vii) the amount of assistance with boarding expenses be reviewed for possible adjustment, based on the movements in fees charged by boarding facilities of International Baccalaureate schools tracked biennially and upon assessment by the Commission; and (viii) the lists of both the representative schools and the International Baccalaureate schools mentioned in subparagraphs (f) and (g) be reviewed every six years for possible update.

³¹⁸ GA resolution 70/244, para. 25,

³¹⁹ *Ibid.*, para. 26.

³²⁰ *Ibid.*, para. 27.

bracket, as outlined in table 5 in the report of the Commission [A/70/30],³²¹

- (iv) that boarding-related expenses should be paid by a lump sum of 5,000 United States dollars, and only to staff serving in field locations whose children are boarding to attend school outside the duty station at the primary or secondary level, and that, in exceptional cases, boarding assistance should be granted to staff at category H duty stations under the discretionary authority of executive heads;³²²
- (v) that round-trip education grant travel between the staff member's duty station and the location of study should be provided for each academic year for a child of staff in receipt of assistance with boarding expenses;³²³
- (vi) that capital assessment fees should be covered outside the education grant scheme by the organizations of the common system;³²⁴
- (vii) that the global sliding scale should be reviewed for possible adjustment, based on movements in tuition fees tracked biennially for a list of representative schools and upon assessment by the Commission;³²⁵
- (viii) that the amount of assistance with boarding expenses should be reviewed for possible adjustment, based on the movements in fees charged by boarding facilities of International Baccalaureate schools tracked biennially and upon assessment by the Commission;³²⁶
- (ix) that the lists of both the representative schools and the International Baccalaureate schools mentioned in paragraph 356 (f) and (g) of the report of the Commission [A/70/30] should be reviewed every six years for possible updating;³²⁷

³²¹ *Ibid.*, para. 28.

³²² *Ibid.*, para. 29.

³²³ *Ibid.*, para. 30.

³²⁴ *Ibid.*, para. 31.

³²⁵ *Ibid.*, para. 32.

³²⁶ *Ibid.*, para. 33.

³²⁷ *Ibid.*, para. 34.

- (x) that the current scheme of the special education grant for children with disabilities shall continue to apply after the introduction of the revised regular education grant scheme, subject to the overall global ceiling equal to the upper limit of the sliding scale plus the amount equivalent to the boarding lump sum under the regular education grant scheme;³²⁸
- (xi) that the maximum admissible expenses for the special education grant should be synchronized with those of the education grant, so as to set the maximum at an amount equal to the upper limit of the top bracket of the applicable global sliding scale;³²⁹
- (xii) that, for boarding assistance under the special education grant for children with disabilities, actual expenses should be used in the calculation of the total admissible expenses for reimbursement, up to the overall grant ceiling equal to the upper limit of the top bracket of the global sliding scale plus the amount of 5,000 dollars, equivalent to the boarding lump sum paid under the regular education grant scheme.³³⁰

(iii) *Repatriation Grant*

153. In 2015, through A/70/30, the ICSC recommended to the General Assembly that “the rationale for the repatriation grant be confirmed as an earned service benefit payable to expatriate staff members who leave the country of the last duty station upon separation; a threshold of five years of expatriate service be established as an eligibility requirement for the repatriation grant; and current staff retain their eligibility to the current grant schedule up to the number of years of expatriate service accrued at the time of implementation of the revised scheme.”³³¹

154. In its resolution 70/244, the General Assembly, confirmed the “rationale of the repatriation grant as an earned service benefit payable to expatriate staff members who leave the country of the last duty station upon separation;”³³² and decided that a five-years of expatriate service threshold should be established in order to be

³²⁸ *Ibid.*, para. 35.

³²⁹ *Ibid.*, para. 36

³³⁰ *Ibid.*, para. 37

³³¹ A/70/30.

³³² GA resolution 70/244, para. 38.

eligible for the repatriation grant,³³³ as recommended in paragraph 375 of the report of the Commission (A/70/30). In this resolution, the General Assembly also decided that current staff members should retain their eligibility within the then-current grant schedule, up to the number of years of expatriate service accrued at the time of the implementation of the revised scheme.³³⁴

(c) Pension Adjustment System

155. In its report A/67/9, the United Nations Joint Staff Pension Board (UNJSPB) recommended to the General Assembly a technical language change in the pension adjustment system of the United Nations Joint Staff Pension Fund.³³⁵ In its resolution 67/240, the General Assembly approved the proposed technical change in the pension adjustment system, as set out in annex XIII to the report (A/67/9) of the Board.³³⁶

156. In its report A/69/9, the UNJSPB recommended a change in the pension adjustment system of the United Nations Joint Staff Pension Fund.³³⁷ Specifically, the Board recommended an addition to the table in paragraph 7 of Section E of the pension adjustment system to reflect the 10 per cent adjustment to small pension threshold amounts for separations on or after 1 April 2016, as set out in annex XIII of its report.³³⁸ Additionally, the Board recommended that the following assessments be discontinued, “considering the comments of the Committee of Actuaries that they were consistent with the consulting actuary’s initial estimates and were subsumed into the overall cost of the two-track feature, which would continue to be monitored in conjunction with each actuarial valuation: (i) assessment of the costs of the April 1992 modification of the cost-of-living factors as applicable to the Professional and higher categories; (ii) assessment of actual savings from the reduction of the “120 per cent cap” provision to 110 per cent, effective for separations on 1 July 1995 or later; and (iii) assessment of the

³³³ *Ibid.*, para. 39.

³³⁴ *Ibid.*, para. 40.

³³⁵ A/67/9, Annex XIII.

³³⁶ GA resolution 67/240, para. 13.

³³⁷ A/69/9.

³³⁸ *Ibid.*, para. 13.

costs/savings of the minimum guarantee at 80 per cent of the United States dollar track amount.”³³⁹

157. In its resolution 69/113, the General Assembly approved the amendment concerning the special adjustment for small pensions, as set out in annex XIII to the report of the Board, as discussed above.³⁴⁰ The General Assembly also concurred with the recommendation of the Board to discontinue the aforementioned assessments.³⁴¹

(d) Health Insurance

158. In its resolution 68/253, the General Assembly expressed deep concern about the long-term sustainability of the after-service health insurance scheme within the United Nations system, and in this regard invited the ICSC to review, in the context of its annual report, the apportionment of health insurance premiums between the United Nations organization and participants in both United States and non-United States plans.³⁴² Additionally, in its resolution 68/244, the General Assembly requested that the Secretary-General undertake a survey of current healthcare plans for both retired and active staff in the United Nations system, in order to explore all options to contain costs and increase efficiency. The General Assembly further requested the Secretary-General to report thereon during the Assembly’s seventieth session.³⁴³ In this same resolution, the General Assembly further requested that the Secretary-General examine the option of broadening the United Nations Joint Staff Pension Fund (UNJSPF) mandate to include the sustainable, cost-effective, and efficient administration of after-service health insurance benefits, taking into account the disadvantages and advantages of such an option, including the legal and financial implications, without prejudice to the outcome of the examination and based on input from the board of the UNJSPF. The General Assembly further requested that the Secretary-General report thereon at the Assembly’s seventieth session.³⁴⁴ The Secretary-General and United Nations Joint Staff Pension Board

³³⁹ *Ibid.*

³⁴⁰ GA resolution 69/113, para. 13.

³⁴¹ *Ibid.*, para. 14.

³⁴² GA resolution 68/253, para. 6.

³⁴³ GA resolution 68/244, para 5.

³⁴⁴ *Ibid.*, para 3.

were expected to submit their relevant reports at the General Assembly's seventieth session.

159. In its annual review report, A/69/30, the ICSC decided to recommend to the General Assembly that the then-current health insurance premium apportionment between the Organization and retired and active staff in United States and non-United States health insurance plans be maintained at their existing ratios.³⁴⁵ In General Assembly resolution 69/251, the General Assembly took a note of the above ICSC report and approved the above recommendation.³⁴⁶

3. Conditions of Service in the Field

(a) Harmonization of the Conditions of Service for Staff Serving in Non-family Duty Stations in the Common System

160. Prior to period under review, regarding the harmonization of duty station designations, the ICSC recommended that the United Nations harmonize the designation of non-family duty stations on the basis of a security assessment, as was applied by the rest of the common system at the time.³⁴⁷ Subsequently, during the period under review, the General Assembly adopted resolution 65/248 on 24 December 2010, in which the Assembly approved the above ICSC recommendations, subject to the provisions of the present resolution.³⁴⁸ In this

³⁴⁵ A/69/30, para. 91.

³⁴⁶ GA resolution 69/251.

³⁴⁷ A/65/30, para.243(a). In A/65/30, the ICSC decided to recommend to the General Assembly the following: "(a) With respect to harmonizing the designation of duty stations, that the United Nations harmonize the designation of non-family duty stations on the basis of a security assessment, as currently applied by the rest of the common system; (b) With respect to staff assigned to non-family duty stations: (i) That a change be made to the existing hardship allowance whereby staff assigned to non-family duty stations would receive an additional amount in recognition of the fact that such service represents an increased level of financial and psychological hardship in terms of involuntary separation from families and the additional costs related to such service; (ii) That for staff paid at the dependency rate, the additional measure would be 100 per cent of the applicable dependency rate of the hardship allowance for category E — the most difficult duty stations — and that the hardship matrix would be amended to reflect this, as shown in annex X; (iii) That for staff paid at the single rate, the additional measure would be equivalent to 50 per cent of the applicable single rate of the hardship allowance for category E — the most difficult duty stations — and that the hardship matrix would be amended to reflect this, as shown in annex X; (iv) That staff would continue to receive the normal hardship allowance at the level applicable to the duty station to which they are assigned; (v) That such a change be implemented six calendar months after a decision by the General Assembly, in order that organizations might prepare for implementation; [...]. (c) Concerning the harmonization of rest and recuperation; (i) That the Assembly recommend the proposed harmonized rest and recuperation framework, as shown in annex XI; (ii) That it encourage organizations to absorb, to the extent possible, the additional costs imposed by the framework within existing resources." A/65/30.

³⁴⁸ GA resolution 65/248.

resolution, the General Assembly requested that the Secretary-General, subject to the resolution's provisions, ensure cooperation and compliance by the executive heads of all organizations to which the Secretary-General had delegated authority on human resources matters, "with the immediate implementation of the recommendations of the Commission concerning the harmonization of the conditions of service in non-family duty stations, as reflected in the report of the [ICSC]."³⁴⁹ The General Assembly further requested that the Secretary-General report thereon to the ICSC.³⁵⁰

161. During its sixty-sixth session, the General Assembly requested the ICSC and Secretary-General, in his role as Chair of the United Nations System Chief Executives Board for Coordination, to give due regard to the process of timely implementation of the ICSC's decisions on the harmonization of the conditions of service of staff of the organizations of the United Nations common system serving in non-family duty stations.³⁵¹

(b) Rest and recuperation framework

162. In annex XI of the ICSC's 2010 annual report, the ICSC presented the proposed harmonized rest and recuperation framework.³⁵² That framework consisted of four elements: (a) time off, not charged to annual leave; (b) travel time; (c) contribution towards accommodation at designated place of rest and recuperation; (d) and paid travel from place of duty to designated rest and recuperation location.³⁵³ In 2010, the General Assembly approved the main elements of the rest and recuperation framework as proposed by the ICSC, but did not approve the ICSC's recommendation that compensation for accommodation costs should be paid to staff on rest and recuperation travel.³⁵⁴ Specifically, in resolution 65/248, the General Assembly decided that the UN Common System Organizations would only cover the travel costs of the rest and recuperation framework, until a further decision of the General Assembly on this issue was taken at its sixty-seventh session.³⁵⁵ The

³⁴⁹ *Ibid.*

³⁵⁰ *Ibid.*

³⁵¹ GA resolution 66/235.

³⁵² A/65/30.

³⁵³ *Ibid.*, Annex XI, para. 1.

³⁵⁴ A/66/30 and GA resolution 65/248.

³⁵⁵ GA resolution 65/248, para. 8.

General Assembly also decided that the rest and recuperation framework should be regulated by the ICSC.³⁵⁶

163. In 2011, the ICSC considered the criteria that would govern the frequency of rest and recuperation travel, and decided to promulgate a revised set of criteria for the granting of rest and recuperation travel and the corresponding frequencies of travel, which was shown in annex VIII of A/66/30, with an effective date of 1 January 2012.³⁵⁷ Moreover, in A/66/30, the ICSC recommended to the General Assembly that authorized absence on rest and recuperation, as stipulated in the approved framework (A/65/30, annex XI, para. 2), should be amended to last five consecutive calendar days, instead of five consecutive working days, plus approved travel time.³⁵⁸
164. For the purpose of implementing General Assembly resolution 65/248, the Under-Secretary-General for Management promulgated administrative instruction ST/AI/2011/7 on rest and recuperation.³⁵⁹
165. The General Assembly, at its sixty-sixth session, by resolution 66/235B, approved the revised criteria for the granting of rest and recuperation travel and the corresponding frequency of travel, as set forth in the annex to the addendum to the report of the ICSC, with an effective date of 1 July 2012.³⁶⁰
166. For the purpose of implementing General Assembly resolution 66/235, the Under-Secretary-General for Management amended administrative instruction ST/AI/2011/7 entitled “Rest and recuperation,” as follows:

“Section 1.3 is replaced with the following text: “1.3 The authorized time off for rest and recuperation shall consist of five consecutive calendar days of authorized absence not charged to annual leave, plus actual travel time in each direction to and from the rest and recuperation destination. To ensure that the purpose set out in section 1.1 above is achieved, rest and recuperation shall be granted once the conditions set out in section 3 below have been met, in order to give staff members and other eligible individuals time off at regular intervals for rest and recuperation away from the duty station approved for rest and recuperation purposes.” Section 3.9 is replaced with the following text: “3.9 Rest and recuperation is granted for five consecutive calendar days not charged

³⁵⁶ See GA resolution 65/248.

³⁵⁷ A/66/30, para. 238(a).

³⁵⁸ *Ibid.*, para.238(b).

³⁵⁹ ST/AI/2011/7.

³⁶⁰ GA resolution 66/235B, para.5.

to annual leave, in addition to the actual travel time to the designated rest and recuperation destination.”³⁶¹

167. In resolution 66/235B, the General Assembly also requested the ICSC to provide detailed criteria for the granting of the four-week rest and recuperation cycle.³⁶²

168. The ICSC stated in its annual report (A/67/30), during the sixty-seventh session of the General Assembly, that the Commission had decided the following:

(a) The Chair [of ICSC], “under the delegated authority of the Commission and upon the recommendation of the CEB/Human Resources Network, may approve the four-week rest and recuperation cycle for very exceptional cases as long as the conditions for granting it exist. In doing so, the Chair’s decision to approve and to terminate the four-week cycle will take into consideration the views of the Department of Safety and Security, as well as other sources who have close knowledge of the conditions in the particular locations;

(b) The four-week rest and recuperation cycle will be dealt with on a case-by-case basis and will be granted when conditions over and above those required for eligibility of the six-week cycle are deemed to exist. The locations approved for the four-week cycle will be reviewed every three months. An appropriate transition period will be given when the four-week cycle is no longer required.”³⁶³

169. Subsequently, for the purpose of implementing General Assembly resolution 66/235, the Under-Secretary-General for Management once again amended administrative instruction ST/AI/2011/7/Amend.1, entitled “Rest and recuperation”, to reflect the revised set of criteria for the granting of rest and recuperation travel and the corresponding frequencies of travel.³⁶⁴

170. In 2015, the ICSC addressed the overlap between the rest and recuperation framework and the accelerated home leave travel, deciding to maintain the current rest and recuperation framework and discontinue accelerated home leave travel.³⁶⁵

171. In its resolution 70/244, the General Assembly decided to maintain the provisions of the current rest and recuperation framework, as proposed by the ICSC in A/70/30.³⁶⁶ The General Assembly also decided to cease accelerated home leave

³⁶¹ ST/AI/2011/7/Amend.1.

³⁶² GA resolution 66/235B, para.7.

³⁶³ A/67/30, para. 231.

³⁶⁴ See ST/AI/2011/7/Amend.2.

³⁶⁵ A/70/30, para. 443.

³⁶⁶ GA resolution 70/244, para. 50.

travel, except at category D and E duty stations which are not under the rest and recuperation framework.³⁶⁷

(c) Danger Pay

172. In 2011, through A/66/30, the ICSC agreed with the recommendation that the term “hazard pay” be changed to “danger pay,” and that the new criteria for payment of the danger pay allowance replace the then-current hazard pay framework.³⁶⁸ The ICSC noted that:

“based on the new criteria, danger pay would apply as additional compensation over and above what was provided for under the security factor in the hardship scheme only in extraordinary situations where staff were at high risk of becoming collateral damage (namely, locations where very dangerous conditions prevailed) and in situations where they were the direct targets of violence (namely, in acts of terror committed against staff precisely because of their employment by an organization of the United Nations common system).”³⁶⁹

173. Moreover, in paragraph 59 of A/66/30, the ICSC decided to establish, effective 1 January 2012, the level of danger pay for internationally recruited staff at \$1,600 per month.³⁷⁰ The ICSC further decided to request its secretariat to conduct a study of the methodology for establishing the level of danger pay for locally recruited staff.³⁷¹

174. During its sixty-sixth session, the General Assembly, on 24 December 2011, took note of the conclusions of the ICSC with respect to the establishment of danger pay

³⁶⁷ *Ibid.*, para. 51.

³⁶⁸ A/66/30, para. 35.

³⁶⁹ *Ibid.*

³⁷⁰ *Ibid.*, para.59(a).

³⁷¹ Specifically, in paragraph 59 of A/66/30, the ICSC decided:

“(a) To establish, effective 1 January 2012, the level of danger pay for internationally recruited staff at \$1,600 per month;

(b) To apply, effective 1 January 2012, the payment modalities set out in annex II. Danger pay, unlike hazard pay, would be paid for time away from the duty station on rest and recuperation travel and official duty travel up to a maximum of seven consecutive calendar days;

(c) To request its secretariat to conduct a study of the methodology for establishing the level of danger pay for locally recruited staff and report thereon at its seventy-fifth session in the 2012;

(d) To review the levels of danger pay for internationally recruited staff every three years;

(e) To establish, pending a review and as an interim measure, the level of danger pay at the rate of 25 per cent of the net midpoint of the applicable local General Service salary scale and adjustments would continue to be made as the salary scales were revised.” See A/66/30, para. 59.

and further took note of the report of the ICSC regarding the United Nations system-wide financial implications of the establishment of danger pay.³⁷²

175. Subsequently, in connection with the implementation of danger pay, the ICSC, in A/67/30, decided to extend hazard pay until 31 March 2012 and implemented danger pay as of 1 April 2012 for staff recruited both internationally and locally.³⁷³ The ICSC also decided “to increase the level of danger pay effective 1 January 2013 to 30 per cent of the net midpoint of the applicable 2012 General Service salary scales of those duty stations qualifying for danger pay, and to delink danger pay effective 1 January 2013 from the applicable General Service salary scales.”³⁷⁴

D. Amendments to the Staff Regulations and Rules

176. During the sixty-fifth session of the General Assembly, the Secretary-General issued his report entitled “Amendments to the Staff Regulations” (A/65/213), which provided the text of a proposed amendment to then-existing staff regulation 1.2 (m). The proposed amendment expanded the scope of the definition of “conflict of interest.”

177. The text of the proposed amendment to staff regulation 1.2(m) was as follows:

“Regulation 1.2

Conflict of interest

(m) A conflict of interest occurs when, by act or omission, a staff member’s personal interests interfere or may be perceived to interfere with the performance of his or her official duties and responsibilities or with the integrity, independence and impartiality required by the staff member’s status as an international civil servant. Staff members shall arrange their personal interests in a manner that will limit actual or perceived conflicts of interest. When an actual or perceived conflict of interest does arise, the conflict shall be disclosed by staff members to their head of office, mitigated by the Organization and resolved in favour of the interests of the Organization.”³⁷⁵

³⁷² GA resolution 66/235.

³⁷³ A/67/30, para. 193.

³⁷⁴ *Ibid.*

³⁷⁵ See Annex to A/65/213.

178. Reviewing the Secretary-General's proposal on staff regulation 1.2(m), the ACABQ recommended (through A/65/537) the approval of the proposed amendments.³⁷⁶

179. In General Assembly resolution 65/247, the General Assembly decided to defer consideration of the Secretary-General's proposed amendment to the staff regulations until its sixty-sixth session.³⁷⁷ During that session (sixty-sixth), the General Assembly decided that staff regulation 1.2 (m) should be amended to read:

“A conflict of interest occurs when, by act or omission, a staff member's personal interests interfere with the performance of his or her official duties and responsibilities or with the integrity, independence and impartiality required by the staff member's status as an international civil servant. When an actual or possible conflict of interest does arise, the conflict shall be disclosed by staff members to their head of office, mitigated by the Organization and resolved in favour of the interests of the Organization[.]”³⁷⁸

180. During the sixty-seventh session of the General Assembly, the Secretary-General issued report A/67/99, which provided the full text of new rules and amendments to the then-existing rules that the Secretary-General proposed to implement as of 1 January 2013.³⁷⁹ In this report, the Secretary-General recommended that the General Assembly take note of the amendments to the Staff Rules set out in the annex to his report.³⁸⁰

181. The following is a list of the proposed changes to the staff regulations and rules as provided in the report of the Secretary-General (A/67/99):

“Rules

3. In rule 1.2, Basic rights and obligations of staff, subparagraph (p), Conflict of interest, is amended to bring it in line with the decision made by the General Assembly in paragraph 12 of its resolution 66/234.

4. In rule 3.6, Dependency allowances, subparagraphs (a) (i) and (c) are amended for clarity.

5. In rule 3.13, Mobility allowance, subparagraphs (a) and (b) are amended to reflect the decision of the International Civil Service Commission in its annual

³⁷⁶A/65/537.

³⁷⁷GA resolution 65/247.

³⁷⁸GA resolution 66/234.

³⁷⁹A/67/99.

³⁸⁰*Ibid.*

report of 2011, as reflected in General Assembly resolution 66/235, as well as to precisely prescribe when the allowance is payable.

6. A new rule 3.15, Additional hardship allowance for service in non-family duty stations, is introduced to reflect the decision of the General Assembly in its resolution 65/248 to introduce the allowance.

7. Former rule 3.15, Salary advances, is renumbered as rule 3.16.

8. Rule 3.16, Retroactivity of payments, is renumbered as rule 3.17.

9. Rule 3.17, Deductions and contributions, is renumbered as rule 3.18.

10. Rule 3.18, Repatriation grant, is renumbered as rule 3.19.

11. Former rule 3.19, Mission assignments, has been deleted since the General Assembly, in its resolution 65/248, approved the recommendations of the International Civil Service Commission regarding the harmonization of the designation of non-family duty stations on the basis of a security assessment, rather than by mission, and the change of official duty station after three or six months.

12. In rule 4.12, Temporary appointment, subparagraph (b) has been amended to reflect the provisions of General Assembly resolution 63/250.

13. In rule 4.15, Senior Review Group and central review bodies, a new subparagraph (f) is inserted, regarding review bodies for the separately administered funds and programmes. The amendment allows these funds and programmes to establish their own review bodies. This text was already included in the 100 series of the Staff Rules. The other subparagraphs of this rule have been renumbered.

14. In rule 5.2, Home leave, subparagraphs (b) (iii), (e) (i) and (ii), (f), (g), (i) and (l) (ii) have been amended to allow for the introduction of a point system.

15. In rule 5.3, Special leave, subparagraph (a) (iii) is now subparagraph (f). Subparagraph (e) has been amended to clarify the provisions of this rule and integrated into new subparagraph (g). The other subparagraphs of this rule have been renumbered.³⁸¹

“16. In rule 7.2, Official travel of eligible family members, subparagraph (a) was amended to reflect the correct subparagraph of the staff rule referred to

³⁸¹*Ibid.*

therein, and subparagraph (c) was amended to make clear that the Organization will not install eligible family members in, or pay for their travel to, non-family duty stations.”³⁸²

182. After the ACABQ reviewed the Secretary General’s above-referenced report, the ACABQ stated the following in its report A/67/545:

“The Advisory Committee is dissatisfied with the format of the report of the Secretary-General, taking the view that it could be more reader-friendly. The Committee recommends that, in future, proposed amendments to rules and regulations, including the Staff Rules, be presented in such a way as to allow readers to compare them to the existing text, with both deletions and additions highlighted for ease of reference.”³⁸³

183. Subsequently, during the sixty-eighth session of the General Assembly, the Secretary General issued report A/68/129, which provided the full text of amendments to then-existing regulations, which the Secretary-General proposed to implement from 1 January 2014, as well as new rules and amendments to then-existing rules that the Secretary-General either promulgated provisionally in 2013, or proposed to implement from 1 January 2014.

184. The following is a list of the changes to the staff regulations and rules provided in A/68/129:

“Regulations

4. In regulation 3.3, subparagraph (f) (i) has been amended to clarify the conditions under which the Organization reimburses staff members who are subject to national income taxation in respect of salaries and emoluments paid to them by the Organization.

5. Regulation 9.2 has been amended to reflect the decision of the General Assembly in its resolution 67/257 on the mandatory age of separation for staff members appointed on or after 1 January 2014.

Rules

6. In rule 1.2, Basic rights and obligations of staff, a new subparagraph (e) has been introduced to reflect the provisions of the Secretary-General’s bulletin on

³⁸² A/67/99/Corr.1.

³⁸³ A/67/545.

special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13). The other paragraphs of this rule have been renumbered.

7. In rule 4.15, Senior Review Group and central review bodies, subparagraph (e) has been amended and a new subparagraph (f) has been introduced to reflect that the rules of procedures shall be published and amended by the Secretary-General, and subsequent subparagraphs have been renumbered. Subparagraph (g) has been amended to align its wording with the language used.

8. In rule 4.18, Reinstatement, subparagraph (a) has been amended to clarify that it is the Secretary-General who determines whether it would be in the interest of the Organization to reinstate a staff member.

9. In rule 5.3, Special leave, subparagraph (f) has been amended to account for situations in which the Secretary-General would, at his or her own initiative, place a staff member on special leave with partial pay or without pay if he or she considers such leave to be in the interest of the Organization, for example in the case of arrest or detention of a staff member.

10. In rule 6.2, Sick leave, a subparagraph (l) has been introduced to address the issue of who bears the financial responsibility for the cost of hiring an independent practitioner or a medical board when reviewing a decision refusing to grant sick leave that has been challenged by a staff member.

11. In rule 6.3, Maternity and paternity leave, subparagraph (a) (i) has been amended to reflect the current practice whereby the pre-delivery leave period is normally granted for two weeks.

12. In rule 7.6, Mode, dates, route and standard of travel, subparagraphs (f) and (g) have been amended to reflect the decision of the General Assembly in its resolution 67/254 to modify the basis on which the standards of accommodation for air travel shall be determined.

13. In rule 9.9, Commutation of accrued annual leave, the cross-reference is amended to include staff rule 4.17 (c) in addition to staff rules 4.18 and 5.1 as the conditions of re-employment would have an impact on the potential commutation of accrued annual leave under the new appointment.

14. In rule 10.2, Disciplinary measures, subparagraph (b) (iii) has been amended to allow for administrative leave to be granted on partial pay, and a new subparagraph (c) has been introduced to clarify the existing requirement to give staff members an opportunity to provide comments prior to the imposition of a reprimand.

15. In rule 10.3, Due process in the disciplinary process, subparagraph (a) has been amended to clarify the process.

16. In rule 10.4, Administrative leave pending investigation and the disciplinary process, subparagraphs (a), (c) and (d) have been amended to clarify the conditions under which a staff member may be placed on administrative leave.”³⁸⁴

185. In his report A/68/129, the Secretary-General recommended that the General Assembly approve the proposed amendments to the Staff Regulations, and that the Assembly take note of the amendments to the Staff Rules set out in the annexes of the present report.³⁸⁵

186. In its report A/68/523, the ACABQ, concerning the prohibition of sexual exploitation and abuse, stated that, with regard to the proposed addition of staff rule 1.2(e), the inclusion of this clause in the Staff Rules was aimed at elevating this issue’s importance by specifying instances of prohibited conduct for United Nations staff.³⁸⁶ However, the ACABQ expressed its belief that efforts above and beyond such amendments, as well as additions to the Organization’s Staff Rules, were required to ensure that the Secretary-General’s sexual exploitation and abuse zero-tolerance policy was observed at all times by all United Nations personnel.³⁸⁷

187. By resolution 68/252, the General Assembly approved the proposed amendments to the Staff Regulations, (A/68/129, annex I) and noted the amendments to the Staff Rules set out in the report of the Secretary-General (annex II).³⁸⁸

188. Subsequently, during the sixty-ninth session of the General Assembly, the Secretary-General issued report A/69/117, which provided the full text of the amendments to the then-existing staff rules that the Secretary-General proposed to implement as of 1 January 2015.

189. The following is a list of the changes to the staff regulations and rules provided in A/69/117:

“Rules

3. Staff rule 3.12 (a) on the night differential is being amended to correctly reflect the eligibility of staff members of all categories, including those in the Professional category, who work on regularly scheduled night-time tours of duty for payment of a night differential. The amendment is made to align the

³⁸⁴A/68/129.

³⁸⁵*Ibid.*

³⁸⁶*Ibid.*

³⁸⁷*Ibid.*

³⁸⁸GA resolution 68/252.

staff rule with the conditions of appendix B to the former 100 series of staff rules governing payment of a night differential.

4. In staff rule 3.19 (b) (ii) on the repatriation grant, the reference to staff rule 3.6 (a) (ii), which defines a “child”, is being corrected to staff rule 3.6 (a) (iii), which defines a “dependent child” for the purpose of the Staff Regulations and Staff Rules.

5. Staff rule 4.16 (b) (i) on competitive examinations is being amended to delete the provision whereby appointments to posts at the P-3 level in the United Nations Secretariat shall be made normally through competitive examination. The amendment is being made in response to the recommendation of the Advisory Committee on Administrative and Budgetary Questions (see A/65/537, para. 77), which was endorsed by the General Assembly in resolution 65/247, that P-3 level positions be advertised in the same manner as all other positions.

6. Staff rule 7.11 on miscellaneous travel expenses currently requires submission of receipts for reimbursement of any miscellaneous travel expenses in excess of \$20. The staff rule is being amended to require submission of receipts for any miscellaneous travel expenses in excess of \$30, in the interests of administrative simplicity in the processing of travel claims and in order to align the staff rule with current practice, as reflected in section 10 of the administrative instruction on official travel (ST/AI/2013/3).

7. In staff rule 9.8 (d) on termination indemnity, the reference to staff rule 5.3 (c) is being corrected to refer to staff rule 5.3 (d), which relates to special leave without pay for pension purposes.

8. Staff rule 10.4 (b) on administrative leave pending investigation and the disciplinary process is being amended to remove the provision that such leave should so far as practicable not exceed three months, in order to provide flexibility where it is necessary for the duration of administrative leave to exceed three months.

9. Appendix C to the Staff Rules on arrangements relating to military service is being amended to correct the reference in paragraph (e) from staff rule 5.3 (b) to staff rule 9.6 (e). Under the former 100 series of staff rules, paragraph (e) of appendix C referred to staff rule 109.1 (c), which has been replaced by staff rule 9.6 (e) under the new staff rules.”

190. In connection with the report of the Secretary-General (A/69/117), the ACABQ noted that:

“[...] aside from several amendments that are mainly technical in nature, some of the proposed amendments are put forward to correct inconsistencies contained in the existing 100 series of staff rules stemming from past human

resources reforms and/or legislative decisions, including the rationalization of contractual arrangements. For example, the proposal on staff rule 3.12 (a) is intended to align the eligibility of staff members who work on regularly scheduled night-time tours of duty for payment of a night differential with the conditions set out in the former 100 series. Similarly, it is proposed that appendix C to the Staff Rules relating to military service be amended to reflect the correct staff rule reference. In the case of staff rule 4.16 (b)(i), the amendment proposed is to delete the provision whereby appointments to posts at the P-3 level would normally be made through competitive examination, so as to reflect the decision taken by the General Assembly in its resolution 65/247 that positions at that level are to be advertised in the same manner as all other positions. In addition, some other amendments (to staff rules 3.19 (b) and 9.8 (d)) are proposed to ensure that the correct wording is reflected.

162. In view of the importance of the Staff Rules in the hierarchy of norms governing the rights, entitlements and conduct of United Nations staff, the Advisory Committee stresses the need for the Secretary-General to ensure that they are accurate and complete, in particular in terms of reflecting the decisions of the General Assembly in a timely manner. The Committee concurs with the proposal of the Secretary-General that the Assembly take note of the amendments, taking into account the comments made above.”³⁸⁹

191. The next round of amendments came during the seventieth session of the General Assembly. At this time, the Secretary-General issued report A/70/135, which provided the full text of amendments to the then-existing rules that the Secretary-General proposed to implement as of 1 January 2016.

192. The following is a list of changes to the staff regulations and rules provided in A/70/135:

“Rules

3. In rule 4.15, on Senior Review Group and central review bodies, the title of the rule and subparagraphs (a) and (b) have been amended and subparagraphs (d) and (h) have been deleted, for the purpose of implementing the new managed mobility framework approved by the General Assembly in its resolution 68/265 and simplifying the rule, given that the details of the composition, roles and functions of those existing bodies are contained in the Secretary-General’s bulletins on the central review bodies (ST/SGB/2011/7) and on the Senior Review Group (ST/SGB/2011/8). The membership, roles and functions of the future Senior Review Board and Global Central Review Board will be set out in new Secretary-General’s bulletins. The wording of the amendment to staff rule 4.15 allows for the existing and new review bodies to operate

³⁸⁹ A/69/572.

simultaneously, bearing in mind that the managed mobility framework will be introduced in phases until all job networks are transitioned into the managed mobility framework.

4. An amendment is proposed to staff rule 5.3 (d) relating to special leave for pension purposes to reflect the changes made to article 29 of the Regulations of the United Nations Joint Staff Pension Fund, which introduced an early retirement age of 58 for staff members who entered the Fund on or after 1 January 2014. The proposed change provides for the scenarios in which a staff member is within two years of qualifying for an early retirement benefit at the age of 55 if he or she entered the Fund prior to 1 January 2014 and at the age of 58 if he or she entered the Fund on or after 1 January 2014.

5. In the report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse (A/69/779), the Secretary-General indicated his intention to amend the Staff Rules to specify that accrued annual leave, which would normally be payable at the time of separation, would not be paid to a staff member who is dismissed for sexual exploitation and abuse. A new subparagraph (b) to staff rule 9.9 on the commutation of accrued annual leave is proposed to introduce that measure.”³⁹⁰

E. Administration of Justice at the United Nations

1. The Office of the United Nations Ombudsman and Mediation Services

193. During the period under review, the General Assembly repeatedly reaffirmed informal resolution of conflict as a critical element in the administration of justice system³⁹¹ and emphasized that, in order to avoid unnecessary litigation, all possible use should be made of the informal system.³⁹²

194. In the sixty-fifth session of the General Assembly, the Secretary-General submitted his second report covering the activities of the integrated Office of the United Nations Ombudsman and Mediation Services, which delivered informal conflict resolution services to the Secretariat, United Nations Development Programme, United Nations Population Fund, United Nations Children’s Fund,

³⁹⁰ A/70/135.

³⁹¹ GA resolutions 65/251; 66/237; 67/241; 68/254; 69/203; and 70/112.

³⁹² GA resolutions 65/251; 66/237; 67/241; 68/254; 69/203; and 70/112. In resolutions 68/254 and 69/203, the General Assembly added the following language: “all possible use should be made of the informal system in order to avoid unnecessary litigation, *without prejudice to the basic right of staff members to access the formal system of justice.*” [emphasis added]

United Nations Office for Project Services and the Office of the United Nations High Commissioner for Refugees staff.³⁹³ The report covered the activities of the Office of the Ombudsman and Mediation Services during 2009. The Secretary-General stated that, during the reporting period, the Office³⁹⁴ continued to engage in awareness-raising about the added value of informal conflict resolution, and in-person intervention in particular.³⁹⁵ The Secretary-General noted that, during the reporting period, focused efforts were made by the Office of the United Nations Ombudsman and Mediation Services to strengthen integration among its different entities, enhance coordination with key stakeholders in the internal justice system and complete the launch of its regional hubs.³⁹⁶ The Secretary-General also stated that the Mediation Service³⁹⁷ was fully staffed and operational, that mediation guidelines had been developed and that several cases were successfully resolved.³⁹⁸ The Secretary-General stated that the overall case volume of the Office continued to be high,³⁹⁹ adding that, in 2009, “708 cases were opened in the Secretariat Office; 407 in the funds and programmes and 172 in UNHCR, which also continued to work with 64 visitors who had approached the Office in a prior reporting period.”⁴⁰⁰

195. During the sixty-sixth session, in its resolution 66/237, the General Assembly decided to fix the United Nations Ombudsman’s term at five years, with the possibility of renewal for one additional term, and requested that the Secretary-General expeditiously conclude inter-agency negotiations on the revised terms of reference and report to the Assembly during its sixty-sixth session, including on the question of the eligibility of the head of the Office of the United Nations Ombudsman and Mediation Services for other employment in the United Nations after the expiration of his or her term, taking into consideration, among other things,

³⁹³ A/65/303.

³⁹⁴ In this section, the Office, the integrated office or integrated United Nations Ombudsman and Mediation Services refers to the entirety of the United Nations Ombudsman and Mediation Services.

³⁹⁵ *Ibid.*

³⁹⁶ *Ibid.*, para. 5.

³⁹⁷ *Ibid.* As an overview of the Mediation services, the Secretary-General noted the following in A/65/303, para. 11: “The Mediation Service, which was established by the General Assembly in its resolution 62/228, is part of the spectrum of services offered by the Office of the United Nations Ombudsman and Mediation Services. It operates under the authority of, and reports to, the United Nations Ombudsman, provides mediation services for the Secretariat, funds, programmes and UNHCR. The Service handles cases requested by the parties and the United Nations Dispute Tribunal, among others. [...]”

³⁹⁸ *Ibid.*

³⁹⁹ *Ibid.*, para. 98

⁴⁰⁰ *Ibid.*, para. 99.

the potential impact on recruitment.⁴⁰¹ Further, the General Assembly recognized that the Office of the United Nations Ombudsman and Mediation Services had limited capacity to respond to crises and requests for in-person interventions of its then-current work in the field, and requested that the Secretary-General address this limitation in future budget proposals.⁴⁰² Additionally, the General Assembly requested the Secretary-General to ensure that the terms of reference and guidelines for the Mediation Division were promulgated as soon as possible.⁴⁰³

196. During the sixty-sixth session of the General Assembly, the Secretary-General submitted his third report on the activities of the Office of the United Nations Ombudsman and Mediation Services, which covered the activities of that Office for 2010.⁴⁰⁴ In the same report, the Secretary-General highlighted that the decentralization of the integrated Office had been realized in 2010, and that the regional arm consisted of seven different regional branches, which were located in Bangkok, Geneva, Nairobi, Santiago and Vienna, as well as the peacekeeping missions in the Democratic Republic of the Congo and the Sudan.⁴⁰⁵ The Secretary-General also noted that, after a preliminary assessment, decentralization was found to have provided the Office with “better access to its constituencies and enabled it to provide in-person intervention at the field level, which is the most effective means for conflict resolution.”⁴⁰⁶ The Secretary-General added that the Office was also able to develop a greater understanding of regional dynamics.⁴⁰⁷ The Secretary-General also stated that, consistent with then-existing precedents across the integrated Office, among visitors who used ombudsman services during the reporting period,⁴⁰⁸ the primary areas of concern were job and career, compensation and benefits, and interpersonal relationships.⁴⁰⁹ With regard to the revised terms of reference for the integrated Office, the Secretary-General indicated that, according to then-established procedures, the draft terms of reference were the subject of review and additional consultations across the system. Further, a revised draft

⁴⁰¹ GA resolution 65/251, para. 16.

⁴⁰² *Ibid.*, para. 25.

⁴⁰³ *Ibid.*, para. 17.

⁴⁰⁴ A/66/224.

⁴⁰⁵ *Ibid.*

⁴⁰⁶ *Ibid.*

⁴⁰⁷ *Ibid.*

⁴⁰⁸ The report covers the period from 1 January to 31 December 2010.

⁴⁰⁹ A/66/224.

Secretary-General's bulletin was expected to be submitted for promulgation upon completion of the consultative phase.⁴¹⁰

197. In ACABQ report A/66/7/Add.6, the ACABQ considered the aforementioned report of the Secretary-General. The ACABQ welcomed the establishment of the Office of the United Nations Ombudsman and Mediation Services' regional branches, as well as their initial positive impact. The ACABQ further expressed its expectation that the presence of the regional branches would increasingly facilitate harmonious working relations in the covered missions and offices.⁴¹¹ With regard to the revised terms of reference for the integrated Office, the ACABQ regretted that the revised terms of reference had yet to be finalized and noted that the continued failure to finalize the revised terms was delaying cost-sharing arrangement agreements for the new administration of justice system.⁴¹² The ACABQ further urged the timely completion and promulgation of the revised terms of reference for the Ombudsman.⁴¹³

198. During the sixty-sixth session, in General Assembly resolution 66/237, the General Assembly welcomed the establishment and initial positive impact of the seven regional offices of the United Nations Ombudsman and Mediation Services in 2010.⁴¹⁴ Furthermore, in this same resolution,⁴¹⁵ the General Assembly requested that the Secretary-General work with the United Nations funds and programmes to finalize revised terms of reference for the Office of the United Nations Ombudsman and Mediation Services, which reflect the United Nations Ombudsman's oversight responsibility for the entire Office and enhance coordination among the three pillars of the Office as early as possible, and submit a report thereon to the General Assembly during the main part of its sixty-seventh session.⁴¹⁵

⁴¹⁰ *Ibid.*, para. 5, the Secretary-General noted that “[i]n paragraphs 16 and 17 of its resolution 65/251, the General Assembly requested the Secretary-General to conclude inter-agency negotiations on the revised terms of reference of the integrated Office and to ensure that they were promulgated as soon as possible. As mentioned in earlier reports, the terms of reference of the integrated Office have been the subject of extensive consultations involving staff and management, as well as the funds and programmes and the Office of the United Nations High Commissioner for Refugees (UNHCR). Following those consultations, the draft terms of reference were submitted for promulgation in a Secretary-General's bulletin in 2010. However, General Assembly resolution 65/251 necessitated a further review of the draft terms of reference. In accordance with established procedures, the draft terms of reference have been the subject of additional consultations and review across the system. It is expected that a revised draft Secretary-General's bulletin will be submitted for promulgation upon completion of this consultative phase.” A/66/224, para. 5.

⁴¹¹ A/66/7/Add.6.

⁴¹² *Ibid.*, para. 108.

⁴¹³ *Ibid.*

⁴¹⁴ GA resolution 66/237.

⁴¹⁵ *Ibid.*, para. 19.

199. During the sixty-seventh session of the General Assembly, the Secretary-General submitted his fourth report covering the activities of the Office of the United Nations Ombudsman and Mediation Services, which covered the activities of that Office for 2011.⁴¹⁶ In his report, the Secretary-General noted that the Office's terms of reference had been undergoing final revision, on the basis of consultation.⁴¹⁷ He further explained that the consultative process had consisted of input from external experts, as well as management and staff groups and the substantive department.⁴¹⁸ He further noted that there had been extensive consultation between the Secretariat, UNHCR, and the funds and programmes, and that the matter had been referred to the Secretary-General for his input and review.⁴¹⁹
200. In ACABQ report A/67/547, the Committee considered the aforementioned report of the Secretary-General. In this report, regarding the terms of reference, the ACABQ noted that, given the fact that the Assembly had been waiting for the revised terms of reference for the integrated Office of the United Nations Ombudsman and Mediation Services since the Assembly's sixty-third session, the ACABQ stressed that the terms should be finalized by the end of the main part of the sixty-seventh session and no later.⁴²⁰
201. During the sixty-seventh session of the General Assembly, the Assembly adopted resolution 67/241, in which it encouraged the Secretary-General to ensure that management responded to Office of the United Nations Ombudsman and Mediation Services requests in a timely manner,⁴²¹ and that the Secretary-General ensure the Office's terms of reference and guidelines were promulgated as soon as possible.⁴²² Additionally, the General Assembly once again recognized the positive impact of the establishment of the seven regional offices of the United Nations Ombudsman and Mediation Services.⁴²³
202. During the sixty-eighth session of the General Assembly, the Secretary-General submitted his fifth report covering the activities of the Office of the United Nations

⁴¹⁶ A/67/172.

⁴¹⁷ *Ibid.*

⁴¹⁸ *Ibid.*

⁴¹⁹ *Ibid.*, para. 9.

⁴²⁰ A/67/547, para. 58.

⁴²¹ GA resolution 67/241.

⁴²² *Ibid.*, para. 27.

⁴²³ *Ibid.*, para. 30.

Ombudsman and Mediation Services, which covered the activities of that Office for 2012. The report focused on “Secretariat-specific activities, including dispute resolution services offered to staff; initiatives to promote competence in conflict management and other outreach activities; and recommendations on systemic observations.”⁴²⁴ Specifically, the report noted that:

“[s]ince the redesign and establishment of the new system of administration of justice in 2009, the total number of cases handled by the Office increased from 1,287 in 2009 to 2,039 in 2012, representing an increase of 58 per cent. The five year period from 2008 to 2012 saw an average annual growth rate of 9 per cent. During that period, there was a sharp increase in volume in some years and a marginal decline in others. The complexity of factors involved in conflict situations makes it difficult to discern or forecast trends in the volume of cases.”⁴²⁵

203. The report further noted that “[i]n 2012, 44 per cent of the total number of cases handled by the Office emanated from offices away from Headquarters, country offices and field offices; 37 per cent from field missions (specific only to the Secretariat); and 19 per cent from Headquarters.”⁴²⁶

204. During the sixty-eighth session, in its resolution 68/254, the General Assembly welcomed the Office of the United Nations Ombudsman and Mediation Services’ outreach activities, which encouraged informal dispute resolution,⁴²⁷ and once again reiterated its request to the Secretary-General to report to the General Assembly on the revised terms of reference for the Office the United Nations Ombudsman and Mediation Services.⁴²⁸

205. During the sixty-ninth session of the General Assembly, the Secretary-General submitted his sixth report on the activities of the Office of the United Nations Ombudsman and Mediation Services, which covered the activities of that Office for 2013. The report indicated that:

“the Office opened 2,079 cases in 2013, an increase of 2 per cent over the previous year. Of those cases, 1,605 originated in the Secretariat, 340 in the funds and programmes and 134 in UNHCR. After the current system of administration of justice was established in 2009, the number of cases increased during the first three years, then remained at similar levels in 2012 and 2013

⁴²⁴ A/68/158.

⁴²⁵ *Ibid.*

⁴²⁶ *Ibid.*

⁴²⁷ GA resolution 68/254, para. 19.

⁴²⁸ *Ibid.*, para. 24.

[...] During the same period, the percentage of cases from Secretariat staff in field missions increased steadily year upon year.”⁴²⁹

206. The report also noted that “[t]he categories “job and career” and “evaluative relationships” (the relationship between a supervisor and a supervisee) collectively account for more than half the total volume of cases in 2013.”⁴³⁰

In this same report, the Secretary-General explained that:

“[t]he Office continues to conduct visits and regular and ad hoc interventions at duty stations and field locations where no regional ombudsman is present. Since travel is not always possible, many cases are handled remotely by telephone or videoconference. The importance of face-to-face meetings and outreach, however, cannot be underestimated, especially in establishing trust and dealing with particularly sensitive situations. The value of in-person access to the Office has been further echoed by staff and managers in special political missions and other offices in the field, especially in the Middle East, where ombudsmen are frequently asked to visit. To ensure equal access to all staff, including those in special political missions, a proposal will be presented in the context of the budget submission for the biennium 2016-2017 to strengthen capacity for special political missions.”⁴³¹

207. Through resolution 69/203, the General Assembly recognized that in-person access to the Office of the United Nations Ombudsman and Mediation Services was a challenge for staff that was in the field, including staff in special political missions,⁴³² and regretted that the Secretary-General had not yet fulfilled the request to ensure that the Office of the United Nations Ombudsman and Mediation Services’ revised terms of reference and guidelines were promulgated, and reiterated its request to do so by the end of December 2014 at the latest.⁴³³

208. During the seventieth session of the General Assembly, the Secretary-General submitted his seventh report on the activities of the Office of the United Nations Ombudsman and Mediation Services, which covered the activities of that Office for 2014. The report noted that “[t]he Office opened 2,236 cases in 2014, an increase of 7 per cent over the previous year. Of those cases, 1,671 originated in the Secretariat, 431 in the funds and programmes and 134 in UNHCR.”⁴³⁴ The report

⁴²⁹ A/69/126, para. 14.

⁴³⁰ A/69/519.

⁴³¹ A/69/126, para. 28.

⁴³² GA resolution 69/203, para. 21.

⁴³³ *Ibid.*, para. 20.

⁴³⁴ A/70/151, para. 15.

further noted that issues related to the categories of “evaluative relationships”⁴³⁵ and “job and career” accounted for over half the total volume of cases collectively in 2014.⁴³⁶ Regarding collaboration within the Secretariat, the report stated that the United Nations Ombudsman had direct access to the Secretary-General, as well as the Deputy Secretary-General and the Chef de Cabinet to discuss matters which related to informal resolution and workplace conflicts, and that the Ombudsman regularly met with Under-Secretaries-General of various departments, as well as special representatives of the Secretary-General, in order to promote the informal resolution of workplace conflict.⁴³⁷ Moreover, the report noted that during the reporting period, the United Nations Ombudsman and his staff continued to participate in Management Performance Board and Management Committee meetings, as well as ad hoc working groups and other committee meetings that dealt with issues affecting staff.⁴³⁸

209. In 2015, the ACABQ issued report A/70/420, which addressed the above report of the Secretary-General. The ACABQ expressed its support for the “continued involvement of the Office of the United Nations Ombudsman and Mediation Services in the progressive development of human resources policies and practices.”⁴³⁹ The ACABQ also noted, with regret, that the Secretary-General had not complied with the General Assembly’s request to finalize the Office of the United Nations Ombudsman and Mediation Services’ terms of reference, and expressed its expectation that the ongoing consultations would be concluded expeditiously and that the related Secretary General’s bulletin would be promulgated in early 2016, but no later than the end of February 2016.⁴⁴⁰

210. During the seventieth session, in its resolution 70/112, the General Assembly encouraged the Office of the United Nations Ombudsman and Mediation Services to continue its outreach activities at all duty stations to promote informal dispute resolution.⁴⁴¹ The General Assembly, recalling the above report of the ACABQ (A/70/420),⁴⁴² encouraged the continued involvement of the Office of the United

⁴³⁵ The relationship between a supervisor and supervisee.

⁴³⁶ A/70/151, para. 16.

⁴³⁷ *Ibid.*, para. 50.

⁴³⁸ *Ibid.*

⁴³⁹ A/70/420, para. 38.

⁴⁴⁰ *Ibid.*, para. 39.

⁴⁴¹ GA resolution 70/112, para. 18.

⁴⁴² A/70/420, para. 38.

Nations Ombudsman and Mediation Services in the progressive development and refinement of human resources policies and practices.⁴⁴³ Additionally, the General Assembly once again regretted that the Secretary-General had not fulfilled the request to ensure that the revised terms of reference and guidelines for the Office of the United Nations Ombudsman and Mediation Services were promulgated, and reiterated its request to the Secretary-General to do so as a matter of priority, by the end of February 2016 at the latest.⁴⁴⁴

2. The Office of Administration of Justice

211. On 7 April 2010, the Secretary-General promulgated the organization and terms of reference of the Office of Administrative Justice (ST/SGB/2010/3).⁴⁴⁵ Subsequently, on 28 June 2010, the website of the Office of Administration of Justice was launched and made available in all six official languages.⁴⁴⁶

212. In its resolution 65/251, the General Assembly noted, with appreciation, “the important role of the Office of Administration of Justice in maintaining the independence of the formal system of justice and the progress made by its Executive Director during its first year[.]”⁴⁴⁷ The General Assembly also welcomed the website’s launch and requested that the Secretary-General continue improving its utility, effectiveness and user-friendly tools to enable an increased number of staff members to utilize the website.⁴⁴⁸

213. No further action was taken on this matter by the General Assembly during the period under review.

3. Office of Staff Legal Assistance

214. During the period under review, the General Assembly repeatedly stressed the positive contributions of the Office of Staff Legal Assistance to the administration of justice system.⁴⁴⁹

⁴⁴³ GA resolution 70/112, para. 16.

⁴⁴⁴ *Ibid.*, para. 23.

⁴⁴⁵ *See* ST/SGB/2010/3.

⁴⁴⁶ A/66/275, para. 95.

⁴⁴⁷ GA resolution 65/251, para. 32.

⁴⁴⁸ *Ibid.*, para. 33.

⁴⁴⁹ *See* GA resolutions 65/251; 66/237; 67/241; 68/254; 70/112.

215. In his report on administration of justice at the United Nations (A/65/373), the Secretary-General provided information on the activity of the Office of Staff Legal Assistance and noted that the Office, at that time, represented staff members, “in 72 per cent of the cases before the Dispute Tribunal in New York; in 54 per cent of the cases before the Dispute Tribunal in Geneva; and in more than 65 per cent of cases before the Dispute Tribunal in Nairobi.”⁴⁵⁰ The Secretary-General also noted that, during the first year of operations, the largest category of cases handled by the Office was disciplinary cases, and the next largest category was non-renewal of contract, followed by non-promotion.⁴⁵¹ In regards to the functioning of the Office of Staff Legal Assistance, the Secretary-General stated the following:

“[i]n light of the experience gained in the first year of operation of the new system, and the volume of cases currently being handled by the Office of Staff Legal Assistance, the Secretary-General believes that the present staffing of the Office is insufficient to handle the volume of cases, even after a significant triage and prioritization process has taken place. The Office also suffers from a lack of more experienced legal officers given the relatively low level assigned to the majority of legal officer posts (P-3). Finally, the absence of any General Service support in the field poses a major impediment to the effective and efficient processing of cases as well as sending an undesirable signal to field staff, that is that core operations are still really taking place in New York.[...] [T]he Secretary-General recommends that the Office of Staff Legal Assistance be strengthened with three P-4 posts (Regional Coordinating Counsel in Geneva and Nairobi and a Deputy to the Chief of the Office of Staff Legal Assistance in New York), and one General Service (OL) post in Geneva and three Local level posts (one each in Nairobi, Beirut and Addis Ababa) effective 1 January 2011. In addition, the Secretary-General recommends the establishment of one P-3 and one National General Service post in the regional field service centre in Entebbe effective 1 January 2011, which would be funded from the budget for the support account for peacekeeping operations for the period from 1 July 2010 to 30 June 2011, and the related costs would be reported in the context of the performance report relating to the support account for peacekeeping operations for the period from 1 July 2010 to 30 June 2011[.]”⁴⁵²

216. After reviewing the Secretary-General’s report, the ACABQ (in A/65/557) stated the following:

“Pending receipt of proposals for a staff-funded scheme for the provision of legal assistance and support to staff, the Advisory Committee does not

⁴⁵⁰ A/65/373.

⁴⁵¹ *Ibid.*

⁴⁵² *Ibid.*, paras. 62 and 241.

recommend the establishment of the seven new posts proposed [by the Secretary-General] for the Office of Staff Legal Assistance under the regular budget. [...] With regard to the proposal of the Secretary-General for two new posts, one P-3 and one National General Service level, to be established in the regional field service centre in Entebbe and funded under the support account for peacekeeping operations, the Advisory Committee noted that peacekeeping operations were the most common source of cases received by the Office of Staff Legal Assistance, the majority of which related to disciplinary issues. [...] [T]he Committee is of the view that more time is needed to determine the resources necessary to support the system of administration of justice on an ongoing basis. However, given the number of cases being received by the Office of Staff Legal Assistance from peacekeeping operations, and notwithstanding the above, the Committee recommends approval of one temporary P-3 position under the support account for peacekeeping operations for the current financial period to assist in such cases. The Committee recommends that the post be located in Nairobi, given that the United Nations Dispute Tribunal is located there, and where the post would augment the existing capacity of the Office of Staff Legal Assistance.”⁴⁵³

217. In its resolution 65/251, the General Assembly noted the Office of Staff Legal Assistance’s important role in providing legal assistance to staff members in an impartial and independent manner. The General Assembly also noted that the Office was representing staff members before the United Nations Dispute Tribunal in New York, Geneva and Nairobi.⁴⁵⁴ Moreover, in this resolution, the General Assembly reiterated its request to the Secretary General to work in coordination with staff associations to develop incentives to enable and encourage staff to continue to participate in the work of the Office of Staff Legal Assistance, including by providing volunteer professional legal counsel.⁴⁵⁵ Additionally, the General Assembly decided that the Office of Staff Legal Assistance’s professional legal staff would continue to assist staff members and their volunteer representatives in processing claims through the formal system of administration of justice.⁴⁵⁶ The General-Assembly further decided to revert, at its sixty-sixth session, to the mandate and functioning of the Office of Staff Legal Assistance, including the participation of former and current staff as volunteers.⁴⁵⁷

⁴⁵³ A/65/557, paras. 34 and 35.

⁴⁵⁴ GA resolution 65/251, para. 36.

⁴⁵⁵ *Ibid.*, para. 37.

⁴⁵⁶ *Ibid.*, para. 38.

⁴⁵⁷ *Ibid.*, para. 56.

218. In his report on “Administration of justice at the United Nations” (A/66/275), the Secretary-General provided information on the functioning of the Office of Staff Legal Assistance and noted that:

“[t]he Office of Staff Legal Assistance continues to face many challenges. [...] The greatest challenge for the Office continues to be responding to the high volume of requests for assistance with a limited number of staff. This is particularly difficult for the legal officers away from New York who work in isolation and without local administrative support. [...] The Office of Staff Legal Assistance is assisted by affiliated volunteer counsel, legal interns and external pro bono counsel. Unfortunately, their numbers are insufficient to resolve the human resources deficit of the Office. It is difficult to identify qualified volunteer, intern and pro bono assistance in offices away from Headquarters, which contributes to the concern that its presence is substantially limited to New York.”⁴⁵⁸

219. The Secretary-General also noted that the Trust Fund for Staff Legal Assistance, which was established in January 2010 by the Office of Administration of Justice, had not yet provided sufficient resources to meaningfully help the Office augment its human resources, even on a temporary basis.⁴⁵⁹ In this report, the Secretary-General further stated that the then-current staffing of the Office of Staff Legal Assistance had to be strengthened for it to fulfil its mandate.⁴⁶⁰ For these reasons, the Secretary General recommended strengthening the Office of Staff Legal Assistance through: (i) the addition of two P-4 posts, to be located in Nairobi and New York; (ii) the addition of two General Service (other level) posts to provide administrative support in Geneva and Nairobi.⁴⁶¹ The Secretary General also recommended that “the P-3 position in Nairobi dedicated to supporting staff in field missions be continued for a period of one year and funded through the peacekeeping support account.”⁴⁶²

220. After reviewing the Secretary-General’s report, the ACABQ stated the following:

“The Advisory Committee continues to hold the view that the provision of legal assistance to staff should be complemented by some form of participation and financial contribution by staff, which, it considers, would ensure that staff have a stake in the process and could discourage unnecessary recourse to litigation

⁴⁵⁸ A/66/275.

⁴⁵⁹ *Ibid.*

⁴⁶⁰ *Ibid.*

⁴⁶¹ *Ibid.*

⁴⁶² *Ibid.*

(see also A/63/545, para. 33). The Committee considers that a contribution from staff towards the provision of legal assistance and support to staff is an integral element of the new system of administration of justice, and regrets that progress has not been made in that regard. The Committee is of the view that the absence of such a contribution towards the activities of the Office of Staff Legal Assistance may be one of the factors leading to the increase in litigation which has followed the establishment of the new system of administration of justice. [...] The Advisory Committee remains of the view that decisions on the staffing requirements of the Office of Staff Legal Assistance must take into account the outcome of the General Assembly's deliberations on the mandate and scope of functions of the Office. The Committee further considers that decisions on the mandate and scope of functions of the Office, including the type of services provided to staff, should take into account the willingness of staff to support the activities of the Office. Pending decisions on a staff-funded mechanism to support the provision of legal assistance and support to staff and on the mandate and scope of functions of the Office of Staff Legal Assistance, the Committee does not recommend approval of new posts for the Office. [...] The Advisory Committee has no objection to a continuation of the P-3 position in Nairobi funded under the support account for peacekeeping operations.”⁴⁶³

221. In resolution 66/237, the General Assembly noted the important role played by the Office of Staff Legal Assistance in providing staff members with legal assistance in a manner both impartial and independent, and decided that, until the General Assembly further considered this issue at its sixty-seventh session, the role of the Office of Staff Legal Assistance would continue to be that of assisting staff members and their volunteer representatives in the processing of claims through the formal system of administration of justice, which included representation, within the financial parameters agreed upon in the present resolution.⁴⁶⁴ The General Assembly further decided to:

“revert, at its sixty-seventh session, to the issue of the mandate, scope and functioning of the Office of Staff Legal Assistance, and in this regard requests the Secretary-General to submit, after consultation with the Internal Justice Council and other relevant bodies, a comprehensive report proposing different options for the representation of staff members before the internal Tribunals, taking into account all relevant resolutions and reports, including the letters of the Sixth Committee to the Fifth Committee, and the relevant recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report, including a detailed proposal for a mandatory staff-funded mechanism, reflecting, if necessary, the implications of the different

⁴⁶³ A/66/7/Add.6.

⁴⁶⁴ GA resolution 66/237.

proposals, for consideration by both the Fifth Committee and the Sixth Committee, in their respective capacities, at the sixty-seventh session.”⁴⁶⁵

222. In response to the General Assembly’s above request concerning a comprehensive report proposing different options for the representation of staff members before the internal tribunals (which included a request for detailed proposals for a mandatory staff-funded mechanism), the Secretary-General provided options and a detailed analysis of these options in annex II of his report (A/67/265 and Corr. 1).⁴⁶⁶ The report set four options for representing staff members before internal tribunals, which were: (a) representation by the Office of Staff Legal Assistance; (b) representation by external counsel, either paid or pro bono; (c) representation by former or current staff; and (d) self-representation.⁴⁶⁷ In addition, annex II provided options for a mandatory staff-funded scheme for the office, namely: “(a) a universal mandatory contribution model under which all staff members would be required to contribute a percentage of their salary based on automatic payroll deductions; (b) a mandatory “user-pay” model in which staff members who use the services of the Office would be charged for services rendered; or (c) a mandatory staff union/association funded model under which a percentage of dues collected by staff unions and associations would be used to fund the Office.”⁴⁶⁸ In this report the Secretary-General recommended the General Assembly take note of the various options for “(a) the representation of staff members before the internal Tribunals and (b) a mandatory staff-funded mechanism for the Office of Staff Legal Assistance and their respective advantages and disadvantages.”⁴⁶⁹ The Secretary-

⁴⁶⁵ *Ibid.*

⁴⁶⁶ The Secretary-General noted the following in regards to Annex II of A/67/265 entitled “Options for representation of staff members, including a mandatory staff-funded mechanism to support the Office of Staff Legal Assistance”: “[...] The present report has been prepared in response to that request. It contains four sections. Section B contains options for representation of staff members before the internal Tribunals. Section C contains a detailed analysis of each of the three options for a mandatory staff-funded scheme for the Office of Staff Legal Assistance set out in the concept paper that was included in the report of the Secretary-General on administration of justice at the United Nations for the sixty-sixth session. It considers the advantages and disadvantages of each option and describes how each could work. Section D sets out implications for a mandatory scheme to be considered by the Assembly. [...] The contents of the present report have been circulated for consultation, including to the funds and programmes and to staff and management representatives at the Staff Management Committee meeting held in Arusha, United Republic of Tanzania, in June 2012. Their comments have been reflected herein. It has not been possible to consult with the Internal Justice Council since the new members are not yet in place.” See Annex II of A/67/265.

⁴⁶⁷ A/67/265 and Corr. 1.

⁴⁶⁸ *Ibid.*

⁴⁶⁹ A/67/265, para. 59.

General further recommended that “the General Assembly consider the question of whether a mandatory staff-funded scheme for the Office of Staff Legal Assistance is consistent with the Charter of the United Nations and, in particular, with Article 17, paragraph 2, thereof.”⁴⁷⁰

223. After reviewing Secretary-General report A/67/265 and Corr. 1, the ACABQ noted the following:

“ [...] With respect to the different options set out by the Secretary-General for a staff-funded option, the Advisory Committee notes that staff representatives, at the meeting of the Staff-Management Committee held in June 2012, were uniformly opposed in principle to any mandatory option or proposal (see A/67/265 and Corr.1, annex II, para. 36)

[...]

Given the importance of the adequacy and professionalism of legal representation for cases brought by the staff against the Administration and the minimal cost implications that a mandatory funding mechanism would impose on individual staff members, the Advisory Committee recommends that the Secretary-General urge staff to consider again the different options for establishing this mechanism. Consideration should also be given to the feasibility of the option involving external insurance providers. The Committee also recalls its previous position that such a contribution from staff towards the provision of legal assistance and support to staff constitutes an integral element in the system of administration of justice (see A/66/7/Add.6, para. 37). The Committee is moreover concerned that the Secretary-General has not expressed a clear view on the most viable option for such a mechanism. The Committee recommends therefore, that the Secretary-General propose a single preferred proposal, reflecting further consultation with the Internal Justice Council and other relevant bodies, at its sixty-eighth session. It reiterates its position that pending decisions on a staff-funded mechanism and on the mandate and scope of the Office of Staff Legal Assistance, the Committee does not recommend the establishment of new posts for the Office.”⁴⁷¹

224. On 24 December 2012, the General Assembly adopted resolution 67/241, in which the General Assembly decided that the Office of Staff Legal Assistance’s overall level of resources would be maintained at its then-current level, until the General Assembly took a decision regarding a staff-funded scheme.⁴⁷² In this same resolution, the General Assembly also decided to consider the “continued need for

⁴⁷⁰ *Ibid.*, para. 60.

⁴⁷¹ A/67/547.

⁴⁷² GA resolution 67/241.

the P-3 Legal Officer position in the Office of Staff Legal Assistance in Nairobi in the context of the proposed budget for the support account for peacekeeping operations at the second part of its resumed sixty-seventh session,⁴⁷³ and to revert, at its sixty-eighth session, to the issues of the mandate and functioning of the Office.⁴⁷⁴

225. In his next report on the administration of justice (A/68/346), the Secretary-General gave a synopsis of the activity of the Office of Staff Legal Assistance. The Secretary-General informed the General Assembly that, since 2009, there had been considerable growth in the Office of Staff Legal Assistance's caseload, which was largely attributable to assistance that was provided by the Office outside of representation before the Tribunals. Additionally, the Secretary-General noted that there was a "12 per cent increase in the number of cases that the Office received from 2010 to 2011 and a 60 per cent increase from 2011 to 2012."⁴⁷⁵ Moreover, the Secretary-General reported that "the largest category of cases disposed of by the Office of Staff Legal Assistance in 2012 was non-disciplinary forms of separation from service (i.e., non-renewal, termination, and abolition of post) (31 per cent). Non-selection and promotion were the second highest category (24 per cent), while disciplinary cases and benefits and entitlements cases were each 11 per cent of the Office's caseload. Classification cases comprised 7 per cent, while harassment, discrimination, performance and miscellaneous matters comprised 16 per cent of the caseload."⁴⁷⁶

226. In A/68/530, having considered the various options for the financing the Office of Staff Legal Assistance, the ACABQ noted its observations on the staff-funded scheme. The ACABQ stated that:

"[...] the Advisory Committee is of the view that the automatic monthly payroll deduction with an opt-out clause is the most viable option, since it takes into account staff contributions for legal representation, while allowing staff members the opportunity to opt out of participation if they wish (with the possibility of subsequently opting back in). The Committee considers that staff contributions should cover all costs related to representation by the Office, while assessed contributions should cover the cost of other services provided by the Office. The Committee also notes that this scheme could allow for the

⁴⁷³ *Ibid.*

⁴⁷⁴ *Ibid.*

⁴⁷⁵ A/68/346.

⁴⁷⁶ *Ibid.*

financing of the requirements of the Office at a manageable rate per month for staff members on the basis of current assumptions, while recognizing that the actual rate of payroll deduction to be levied would have to be adjusted, based on, *inter alia*, the opt-out rate, the caseload and the amount of resource requirements for representation by the Office to be funded by a staff contribution, which could be affected by the rate of payroll deduction. The Committee stresses that as staff members would be contributing towards the cost of legal services, they should therefore receive adequate and professional legal assistance and representation.⁴⁷⁷

227. In its sixty-eighth session, the General Assembly adopted resolution 68/254, in which the Assembly recognized the Office of Staff Legal Assistance's importance as a filter in the administration of justice system,⁴⁷⁸ and encouraged the Office to continue to advise staff on the merits of their cases, especially when giving summary or preventive legal advice.⁴⁷⁹ In regards to the funding of the Office, the General Assembly decided that the funding for the Office of Staff Legal Assistance would be supplemented by a voluntary payroll deduction not exceeding 0.05 per cent of a staff member's monthly net base salary, and that such a funding mechanism would be implemented from 1 January 2014 to 31 December 2015 on an experimental basis.⁴⁸⁰ The Assembly further requested the Secretary-General to report on the mechanism's implementation.⁴⁸¹ Furthermore, in this same resolution, the General Assembly requested that the Secretary-General track, on a monthly basis, the amount of revenue generated under the supplementary funding mechanism, as well as the opt-out rate, and further authorized the Secretary-General to enter into commitments for the period from 1 January 2014 to 31 December 2015, on the basis of this revenue, in an amount that would not exceed such revenue, in order to finance any additional resources for the Office of Staff Legal Assistance during the mechanism's experimental phase.⁴⁸²
228. Pursuant to the General Assembly's request for the Secretary-General to report on the implementation of the voluntary supplemental funding mechanism for the Office of Staff Legal Assistance, the Secretary-General reported that:

⁴⁷⁷ A/68/530, para. 28.

⁴⁷⁸ GA resolution 68/254, para. 18.

⁴⁷⁹ *Ibid.*

⁴⁸⁰ *Ibid.*, para. 33.

⁴⁸¹ *Ibid.*

⁴⁸² *Ibid.*, para. 34.

“[t]he automatic monthly payroll deduction of 0.05 per cent of net base salary for those staff members who did not opt out commenced with the April 2014 payroll.⁴⁸³ The payslips of such staff members include a notation to indicate the amount of the deduction. Staff members may opt out or opt back in at any time during the two-year experimental period. Staff members also were given the option of making a voluntary one-time payroll deduction of 0.05 per cent of net base salary for the months of January, February and March 2014 if they wished to do so. Pursuant to the instruction of the General Assembly, staff members may use the services of the Office of Staff Legal Assistance even if they choose to opt out. [...] The aggregate monthly opt-out rates and voluntary contributions by staff (in United States dollars) pursuant to the mechanism for April, May and June 2014 are set out in table 34 [of A/69/227].”⁴⁸⁴

229. In addition, during the period under review, the Department of Management issued information circular ST/IC/2014/9 to inform staff members about the voluntary supplemental funding mechanism for the Office of Staff Legal Assistance.⁴⁸⁵

230. In A/69/519, in connection with the voluntary supplemental funding mechanism, the ACABQ recommended to the General Assembly that the Assembly should request the Secretary-General to continue collecting and examining the data related to staff contributions, including data about the experience of other organizations in the United Nations system. Particularly, the ACABQ considered that the Secretary-General should, in his next report provide information regarding the reasons for staff opting out of the mechanism, as well as data on the numbers of staff who have accessed the Office of Staff Legal Assistance’s services during the experimental period, in order to examine, among other issues, whether there was any correlation between staff members who had accessed the Office’s services and those staff members who had opted out.⁴⁸⁶

231. During the sixty-ninth session of the General Assembly, the second panel of the Internal Justice Council issued its second report.⁴⁸⁷ In regards to access to services of the Office of Staff Legal Assistance, the Internal Justice Council argued that there

⁴⁸³ The Secretary-General noted that “UNDP, UNICEF and UNFPA were unable to implement the mechanism commencing with the April 2014 payroll and anticipated implementation with the July 2014 payroll.” *See* A/69/227, fn. 29.

⁴⁸⁴ A/69/227.

⁴⁸⁵ ST/IC/2014/9.

⁴⁸⁶ A/69/519, para. 37.

⁴⁸⁷ A/69/205. The tenure of all members of the second panel of the Council expires on 12 November 2016.

was a lack of clarity regarding the basis on which the Office accepted or declined cases. Further, the Council highlighted an instance where the Office declined representation in a case where a judge from the Dispute Tribunal recommended that the Office represent the applicant and the judgement regretted that action.⁴⁸⁸ The Internal Justice Council also stated the following:

“[...] The Internal Justice Council was informed that the Office of Staff Legal Assistance is in the process of setting out criteria for acceptance or rejection of cases on its website, and the Council welcomes such a development, which should be of assistance to staff. The Council also understands that the Chief of the Office of Staff Legal Assistance is travelling to field duty stations for outreach and training and to ensure that the objective criteria of the Office for provision of assistance to staff members are properly applied. [...] Nevertheless, the Internal Justice Council considers that the criteria for obtaining assistance from the Office of Staff Legal Assistance should be publically specified in detail and that, regardless of the criteria used by the Office, when a Tribunal makes a specific request to the Office for assistance for an applicant, such a request should normally be granted. If for any reason, such as conflict of interest, the request of the Tribunal cannot be granted, detailed and compelling reasons for the refusal should be given to the Tribunal.”⁴⁸⁹

232. In its resolution 69/203 on administration of justice, the General Assembly encouraged the Office to continue to advise staff on the merits of their cases, especially when giving summary or preventative legal advice.⁴⁹⁰ In this resolution, the General Assembly requested that the Secretary-General continue collecting and examining data related to staff contributions to the Office, and report to the Assembly thereon in his next report.⁴⁹¹

233. In his next report on administration of justice (A/70/187), the Secretary-General informed the General Assembly that there had been an increase in the number of staff members seeking the Office’s legal assistance.⁴⁹² Regarding the relatively high number of cases, the Secretary-General stated that:

⁴⁸⁸ *Ibid.*, fn. 20 states the following: “In UNDT/2014/023 (Kashala) the Tribunal stated “it is a matter of immense regret that the OSLA declined to represent the Applicant in this matter. Its submissions on what is essentially a novel point of law and fact before the UNDT could have served to assist the Applicant in comprehensively canvassing the issue of receivability after the Respondent chose to fall back on the oft beaten track of *ratione temporis* instead of exploring the real reasons for the late filing of the Application before the UNDT” (para. 40).”

⁴⁸⁹ A/69/205.

⁴⁹⁰ GA resolution 69/203, para. 26.

⁴⁹¹ *Ibid.*, para. 33.

⁴⁹² A/70/187, para. 9.

“A discernible link between decisions that affected large numbers of staff members and recourse to the formal internal justice system, first identified in the previous report of the Secretary-General (A/69/227), was observed again in 2014. Those decisions related to a rostering exercise with approximately 35,000 written assessments for Field Service staff, which resulted in more than 600 requests for management evaluation and one application to the Dispute Tribunal, and a periodic salary survey that led to a temporary remuneration freeze for some staff, resulting in more than 100 applications to the Dispute Tribunal.”^{493,494}

234. In connection with the voluntary supplemental funding mechanism for the Office of Staff Legal Assistance, in annex III of his report, the Secretary-General provided the aggregate monthly opt-out rates and the voluntary contributions, in US dollars, by staff members under the mechanism from 1 January 2014 (the commencement of the two-year experimental period) to 30 June 2015.⁴⁹⁵ Moreover, the Secretary-General reported that:

“[s]taff contributions received under the mechanism total approximately \$60,000 per month. This allows the Office to acquire, on a temporary basis for the balance of the experimental period, many of the additional resources that it requires, which were identified in previous reports of the Secretary-General as consisting of two P-4 Legal Officers, four General Service Administrative Assistants and related non-post resources.⁴⁹⁶ The Office is adding one Legal Officer each in New York and Nairobi and one Legal Assistant each in Addis Ababa, Beirut and Nairobi. Selection exercises for these temporary positions have either been completed or are in progress. Staff contributions were insufficient to allow for the addition of one Legal Assistant in Geneva.”⁴⁹⁷

235. In his report, the Secretary-General noted that the two-year experimental period would end on 31 December 2015 and recommended that the experimental period should be extended for one year, from 1 January to 31 December 2016.⁴⁹⁸

236. During the seventieth session of the General Assembly, the ACABQ considered the report of the Secretary-General and stated that it would not object to the aforementioned extension in order to provide the Office with additional resources,

⁴⁹³ Most of the applicants in the periodic salary survey cases filed applications directly with the United Nations Dispute Tribunal without seeking management evaluation.

⁴⁹⁴ A/70/187.

⁴⁹⁵ *Ibid.*

⁴⁹⁶ See A/69/227, para. 114; A/68/346, para. 129 and Annex III; and A/67/265, Annex II, para. 41.

⁴⁹⁷ A/70/187.

⁴⁹⁸ *Ibid.*

pending the consideration of any recommendations relating to the functioning and funding of the Office and the completion of the independent interim assessment.⁴⁹⁹

237. In its resolution 70/112, on administration of justice, the General Assembly once again encouraged the Office of Staff Legal Assistance to continue to advise staff on the merits of their cases, especially when giving summary or preventive legal advice,⁵⁰⁰ and requested that the Secretary-General continue collecting and examining data related to staff contributions to the Office, and report to the Assembly thereon in his next report.⁵⁰¹ Furthermore, the General Assembly decided to extend the experimental period for the voluntary supplemental funding mechanism for one year, from 1 January to 31 December 2016.⁵⁰²

4. Management Evaluation Unit

238. During the sixty-fifth session of the General Assembly, the Secretary-General issued A/65/373, which described the accomplishments of the new system of administration of justice during the period from 1 July 2009 to 30 June 2010. Regarding the Management Evaluation Unit, the Secretary-General noted the following:

“[f]rom its inception on 1 July 2009 to 30 June 2010, the Management Evaluation Unit received a total of 428 requests for management evaluation, a 95 per cent increase over the number of cases received for administrative review under the former system during the corresponding period between 1 July 2008 and 31 March 2009. Furthermore, in each quarter since its inception there has been a significant increase in the number of requests submitted by staff members to the Management Evaluation Unit. There was a 39 per cent increase in cases submitted between 1 January and 31 March 2010 over the number of cases submitted between 1 October and 31 December 2009, and a 20 per cent increase in the number of cases submitted between 1 April and 30 June 2010 over the number of cases submitted between 1 January and 31 March 2010.”⁵⁰³

239. In its report A/65/557, in connection with the Management Evaluation Unit, the ACABQ expressed its view that the management evaluation function was an important opportunity to resolve cases prior to litigation, by allowing for faulty

⁴⁹⁹ A/70/420, para. 27.

⁵⁰⁰ GA resolution 70/112, para. 25.

⁵⁰¹ *Ibid.*, para. 34.

⁵⁰² *Ibid.*, para. 32.

⁵⁰³ A/65/373, para. 7.

administrative decisions to be addressed.⁵⁰⁴ The ACABQ stated that upon inquiring, the Committee received further information in respect of the outcome of cases handled by the Management Evaluation Unit during the reporting period,⁵⁰⁵ and requested that future Secretary-General's reports include such statistics.⁵⁰⁶

240. In his report A/66/275, the Secretary-General described the accomplishments of the new system of administration of justice during the period from 1 July 2010 to 31 May 2011. In this report, in connection with the Management Evaluation Unit, the Secretary-General noted that “[f]rom the time of its inception on 1 July 2009 to 31 May 2011, the Management Evaluation Unit received a total of 823 cases, including 184 cases in 2009, 427 cases in 2010 and 212 in 2011. Of the 823 cases received, the Unit completed and closed 665 cases. As at 31 May 2011, it had recommended compensation in 18 cases, which amounted to \$183,339.44.”⁵⁰⁷ The Secretary-General also stated that:

“[t]he management evaluation process provides the Administration with the opportunity to prevent unnecessary litigation before the Dispute Tribunal, resulting in significant cost savings to the Organization. Approximately 36 per cent of cases received and closed by the Unit in 2010 were settled through informal resolution efforts either by the Unit itself, by the Office of the Ombudsman or through bilateral negotiations between the Administration and the staff members. [...] In approximately 84 per cent of the cases submitted to the Management Evaluation Unit that were not resolved informally, the contested decision was upheld by the Secretary-General following a determination by the Unit that the decision was consistent with the Organization's rules and jurisprudence.”⁵⁰⁸

241. In A/66/7/Add.6, the ACABQ reviewed Secretary-General report A/66/275, and noted with satisfaction that, of the receivable cases which were submitted to the Management Evaluation Unit, the majority were either informally resolved or not subsequently submitted to the Dispute Tribunal after the issuance of a management evaluation letter. Regarding those cases reviewed by the Unit which were pursued further through the formal process, the ACABQ noted the very high proportion of recommendations with which the Dispute Tribunal subsequently concurred.⁵⁰⁹

⁵⁰⁴ A/65/557, para. 16.

⁵⁰⁵ In A/65/557, Table 2, the ACABQ outlined that, during the period from 1 July 2009 to 30 June 2010, the Management Evaluation Unit received 428 cases, closed 372 cases, issued 126 evaluation letters, and resolved 111 cases informally.

⁵⁰⁶ A/65/557, para. 16.

⁵⁰⁷ A/66/275, para. 6.

⁵⁰⁸ *Ibid.*, paras. 7-8.

⁵⁰⁹ A/66/7/Add.6.

Additionally, the ACABQ considered these statistics to be indicative of the effectiveness of the Management Evaluation Unit and encouraged the Secretary-General to make continued efforts, where appropriate, in order to facilitate case settlements at that stage of the process.⁵¹⁰

242. In A/67/265, the Secretary-General provided statistics on the functioning of the system of administration of justice for 2011. The report noted that:

“[i]n 2011, the Management Evaluation Unit received 952 requests for management evaluation. [...] Of the requests received and closed by the Unit in 2011, 33 per cent were settled through resolution efforts either by the Unit itself or also involving informal resolution through the Office of the United Nations Ombudsman and Mediation Services. [...] In 2011, in 93 per cent of the requests submitted to the Management Evaluation Unit that were not resolved by mutual agreement between the staff member and the Organization, the contested decision was upheld by the Secretary-General following a recommendation by the Unit that the decision was consistent with the rules and jurisprudence of the Organization.”⁵¹¹

[and that]

The Management Evaluation Unit has experienced that staff members who have sought recourse to the formal system because of a perceived lack of transparency or respect for them in the administrative decision-making process are more likely to decide not to pursue their statutory recourse to the Dispute Tribunal following management evaluation, as they perceive the process to be objective and fair. The written reasoned response provided to staff members at the conclusion of the management evaluation process is an important means of establishing the credibility of the process. Of the substantive management evaluations provided in 2011, 52 per cent of decisions which were upheld upon recommendation of the Unit were not challenged by staff members before the Dispute Tribunal.”⁵¹²

243. In connection with the resource needs of the Management Evaluation Unit, the Secretary General argued that the number of requests had increased 123 per cent between 2010 and 2011, and that roughly 30 per cent of all requests had come from staff in peacekeeping. However, the Secretary-General further noted that the Management Evaluation Unit had received no resources from the peacekeeping support account. Accordingly, the Secretary-General recommended the approval of one additional P-3 level Legal Officer post in the Management Evaluation Unit for six months, which would be funded from the peacekeeping support account.⁵¹³

⁵¹⁰ *Ibid.*

⁵¹¹ A/67/265.

⁵¹² *Ibid.*

⁵¹³ *Ibid.*

244. After reviewing the Secretary-General's above-mentioned report (A/67/547), the ACABQ noted that it had no objection to the Secretary-General's request for an additional Legal Officer funded through the peacekeeping support account for a six month period, on the understanding that the position was to be funded through general temporary assistance pending the outcome of an interim independent assessment.⁵¹⁴

245. In a resolution adopted by the General Assembly on 24 December 2012, the General Assembly decided to consider the above request for an additional P-3 level Legal Officer in the context of the proposed budget for the support account for peacekeeping operations during the second part of the Assembly's resumed sixty-seventh session.⁵¹⁵

246. In A/68/346, the Secretary-General provided information and statistics on the functioning of the system of administration of justice for calendar year 2012.⁵¹⁶ In this report, the Secretary-General noted that:

“[i]n 2012, the Management Evaluation Unit received 837 requests for management evaluation. [...] Of the requests received and closed by the Unit in 2012, 21 per cent were resolved through efforts by the Unit itself, including working with the Office of Staff Legal Assistance acting on behalf of staff members, or involving informal resolution through the Office of the United Nations Ombudsman and Mediation Services. In 79 per cent of requests, the challenged matter was not reversed or modified. [...] In 2012, in 96 per cent of the requests submitted to the Management Evaluation Unit that were not resolved through settlement or by declaring them moot, the contested decision was deemed not receivable or was upheld by the Secretary-General following a recommendation by the Unit that the decision was not receivable or consistent with the rules and jurisprudence of the Organization. [...] Of the substantive management evaluations provided upon requests filed in 2012, 3.8 per cent of decisions were challenged by staff members before the Dispute Tribunal by 30 June 2013.”⁵¹⁷

247. In connection with the caseload of the Management Evaluation Unit, the Secretary-General stated that “[t]he extremely short 30- and 45-day timelines for delivery of a recommendation and final decision are particular to the management evaluation process.”⁵¹⁸ The Secretary-General further stated that, while such timelines supported the swift resolution of disputes, they were extremely hard for

⁵¹⁴ A/67/547.

⁵¹⁵ GA resolution 67/241.

⁵¹⁶ A/68/346.

⁵¹⁷ *Ibid.*

⁵¹⁸ *Ibid.*, para, 34.

the Management Evaluation Unit to meet, bearing in mind the high number of requests, the resulting workload, and the resources at the Unit's disposal.⁵¹⁹ The Secretary-General further emphasized that the Unit's workload included requests from staff members in special political missions, peacekeeping, regional commissions, and offices away from Headquarters.⁵²⁰

248. In a resolution adopted by the General Assembly on 27 December 2013, the General Assembly requested that the Secretary-General continue tracking data on the number of cases received by both the Management Evaluation Unit and the Dispute Tribunal to identify emerging trends, further requested the Secretary-General to include his observations on those statistics in his future reports.⁵²¹

249. During the General Assembly's sixty-ninth session, in A/69/227, the Secretary-General provided statistics on the functioning of the system of administration of justice in 2013. The Secretary-General reported that, in 2013, the Management Evaluation Unit received 933 requests for management evaluation (compared with 427 in 2010; 952 in 2011; 837 in 2012), of which 818 were closed by the end of the year of 2013.⁵²² Specifically, the Secretary-General noted that:

“Of these 818 requests, 227 (28 per cent) were resolved through efforts by the Unit itself, by the decision maker(s) themselves or with the involvement of the Office of Staff Legal Assistance or the Office of the Ombudsman and Mediation Services. In at least 72 per cent of requests, the challenged matter was not reversed or modified. [...]Of the 933 requests filed in 2013, only 127 (13.6 per cent) of decisions were challenged by staff members before the Dispute Tribunal by 30 June 2014, which is considered to be a success in terms of resolving disputes at an early stage.”⁵²³

250. In its resolution 69/203, the General Assembly again requested that the Secretary-General to continue tracking data on the number of cases received by both the Management Evaluation Unit and the Dispute Tribunal to identify emerging trends, further requested the Secretary-General to include his observations on those statistics in his future reports.⁵²⁴

251. For the last report of the Secretary-General on the administration of justice at the United Nations during the period under review, the Secretary-General issued

⁵¹⁹ *Ibid.*

⁵²⁰ *Ibid.*

⁵²¹ GA resolution 68/254, para. 27.

⁵²² A/69/227.

⁵²³ *Ibid.*

⁵²⁴ GA resolution 69/203.

A/70/187, which reviewed the operation of the administration of justice in 2014. In connection with the Management Evaluation Unit, the report stated that, in 2014, the Management Evaluation Unit received 1,541 requests for management evaluation (compared with 933 in 2013), of which 1,402 were closed by the end of the 2014.⁵²⁵ Specifically, the Secretary-General reported that:

“Of the requests closed, 125 (9 per cent) were resolved through efforts by the Unit itself, by the decision makers themselves or with the involvement of the Office of Staff Legal Assistance or the Office of the Ombudsman and Mediation Services. In 55 per cent of closed cases, the contested decision was deemed not receivable. [...] Of the 1,541 requests filed in 2014, 393 (about 25 per cent) involved decisions that were challenged by staff members before the Dispute Tribunal by 30 April 2015, which is considered to be a success in terms of resolving disputes at an early stage. It should be noted that only 1 of the 637 staff members mentioned above went on to file an application with the Dispute Tribunal.”⁵²⁶

252. In its resolution 70/112, the General Assembly once again requested that the Secretary-General continue tracking data on the number of cases received by both the Management Evaluation Unit and the Dispute Tribunal to identify emerging trends, and further requested the Secretary-General to include his observations on those statistics in his future reports.⁵²⁷ Additionally, the General Assembly requested the Secretary-General to provide additional information regarding the effectiveness of the Management Evaluation Unit as a first step in the formal system of administration of justice and its review of administrative decisions taken by managers which could have legal and financial implications for the Organization, and to report thereon to the General Assembly at its seventy-first session.⁵²⁸

5. United Nations Dispute Tribunal and United Nations Appeals Tribunal

(a) Statutes of the Tribunals

253. Prior to the period under review, in resolution 63/253, the General Assembly decided to adopt the statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, as set out in annexes I and II to resolution

⁵²⁵ A/70/187.

⁵²⁶ *Ibid.*

⁵²⁷ GA resolution 70/112, para. 27.

⁵²⁸ *Ibid.*, para 31.

63/253.⁵²⁹ Subsequently, during the period under review, in its resolution 65/251, the General Assembly decided to defer a review of the statutes of the Tribunals until its sixty sixth session, in the light of experience gained, including on the efficiency of the Tribunal's overall functioning, particularly concerning the number of judges and the panels of the United Nations Dispute Tribunal.⁵³⁰

254. In his report A/66/275, the Secretary-General noted that it might be helpful for the General Assembly to clarify its intent in regards to the scope of the Dispute Tribunal's jurisdiction.⁵³¹ The Secretary-General further indicated that, if the General Assembly wished to clarify that the scope of the Dispute Tribunal's jurisdiction over administrative decisions was limited to those decisions that had been taken by, or on behalf of, the Secretary-General, the Assembly might consider amending article 2.1 (a) of the Dispute Tribunal's statute to refer to, "an administrative decision unilaterally taken by or on behalf of the Secretary-General that is alleged to be in non-compliance with the terms of appointment or the contract of employment".⁵³²

255. On 24 December 2011, the General Assembly adopted resolution 66/237, in which the General Assembly:

- (i) affirmed that "an action instituted against the Secretary-General under the statute is an action against the Secretary-General as the Chief Administrative Officer of the United Nations, responsible for administrative decisions taken by or on behalf of the Organization by staff appointed by the Secretary-General;"⁵³³
- (ii) decided to amend "article 7, paragraph 1 (c), of the statute of the Appeals Tribunal to extend the deadline for filing appeals of Dispute Tribunal judgements from 45 days to 60 days and to establish a 30-day deadline for filing appeals of interlocutory orders;"⁵³⁴
- (iii) decided that the time limit for completing management evaluations may be extended by the Dispute Tribunal for a period of up to fifteen days in exceptional circumstances when both parties to a dispute agree;⁵³⁵

⁵²⁹ GA resolution 63/253.

⁵³⁰ GA resolution 65/251, para. 46.

⁵³¹ A/66/275, para. 275.

⁵³² *Ibid.*, para. 279.

⁵³³ GA resolution 66/237, para. 29.

⁵³⁴ *Ibid.*, para. 31.

⁵³⁵ *Ibid.*, para. 32.

- (iv) reaffirmed “article 10, paragraphs 5 (b) and 7, of the statute of the Dispute Tribunal, endorses the practice under the previous United Nations Administrative Tribunal to limit awards in any one case normally to a total of no more than two years net base salary for compensation and in exceptional cases to no more than three years net base salary, and reaffirms the requirement in article 10, paragraph 5 (b), that in all cases where the Dispute Tribunal orders the payment of a compensation higher than two years net pay, the Tribunal must provide clear and well-documented reasons for that decision;”⁵³⁶
- (v) recalled Article 11, paragraph 3, of the statute of the Dispute Tribunal, and affirmed “that judgements of the Dispute Tribunal, including judgements, orders or rulings, imposing financial obligations on the Organization are not executable until the expiry of the time provided for appeal in the statute of the Appeals Tribunal or, if an appeal has been filed in accordance with the statute of the Appeals Tribunal, until the Appeals Tribunal has completed action on such appeal in accordance with articles 10 and 11 of its statute;”⁵³⁷

256. Furthermore, in paragraph 14 of resolution 66/237, the General Assembly requested the Secretary-General to submit to it an updated report on issues relevant to its review of the statutes of the Tribunals.⁵³⁸ In his report A/67/265, the Secretary-General reported that, at that time, there were no additional issues relevant to a review of the statutes of the Tribunals to bring to the attention of the General Assembly.⁵³⁹

257. On 24 December 2012, the General Assembly adopted resolution 67/241 on administration of justice at the United Nations. In this resolution, the General Assembly reaffirmed that the Dispute Tribunal and the Appeals Tribunal would not have any powers beyond those conferred under their respective statutes.⁵⁴⁰ In this resolution, the General-Assembly repeated its request for the Secretary-General to submit an updated report on issues relevant to its review of the statutes of the Tribunals.⁵⁴¹

258. In his report A/68/346, the Secretary-General reported that, at that time, there were no additional issues relevant to a review of the statutes of the Tribunals to bring to the attention of the General Assembly.⁵⁴²

⁵³⁶ *Ibid.*, para. 33.

⁵³⁷ *Ibid.*, para. 35.

⁵³⁸ *See Ibid.*, para. 14.

⁵³⁹ A/67/265 (7 August 2012).

⁵⁴⁰ GA resolution 67/241. *See also* GA resolution 63/253, Annexes I and II.

⁵⁴¹ GA resolution 67/241, para. 18.

⁵⁴² A/68/346, para. 163.

259. On 27 December 2013, the General Assembly adopted resolution 68/254, in which the General Assembly requested the Secretary-General to propose an amendment to the statute of the Appeals Tribunal, taking into account the recommendation of the Internal Justice Council relating to the qualifications of Appeals Tribunal judges.⁵⁴³

260. In annex IV to A/69/227, the Secretary General set out the proposed amendments to Article 3 of the statute of the Appeals Tribunal, related to the qualifications of judges. Additionally, the Secretary-General noted that if the General Assembly should approve the aforementioned proposed amendment, then the Assembly may want, for consistency purposes, to consider whether comparable provisions concerning fluency in at least one of the working languages, impartiality and state of health should also be reflected in an amendment to the Dispute Tribunal's statute.⁵⁴⁴

261. On 18 December 2014, the General Assembly adopted resolution 69/203, in which the General Assembly:

(i) decided “to amend article 10, paragraph 5, of the statute of the Dispute Tribunal and article 9, paragraph 1, of the statute of the Appeals Tribunal, by adding the word “only” between the words “may” and “order”, and to amend article 10, paragraph 5 (b), of the statute of the Dispute Tribunal and article 9, paragraph 1 (b), of the statute of the Appeals Tribunal, by adding the words “for harm, supported by evidence” after the word “compensation”.”⁵⁴⁵

(ii) also decided to amend “article 11, paragraph 3, of the statute of the Dispute Tribunal by inserting the words “and orders” after the word “judgements” and by adding, at the end of the paragraph, a sentence reading “Case management orders

⁵⁴³ GA resolution 68/254, para. 30.

⁵⁴⁴ A/69/227, para. 172-3. Annex IV to A/69/227 (Proposed amendment to article 3 of the statute of the Appeals Tribunal relating to qualifications of judges, with the language underlined indicating the proposed amendments):

1. The Appeals Tribunal shall be composed of seven judges.
2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with General Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance.
3. To be eligible for appointment as a judge, a person shall: (a) Be of high moral character and impartial; (b) Possess at least 15 years of aggregate judicial experience in the field of administrative law, employment law or the equivalent within one or more national or international jurisdictions. Relevant academic experience, when combined with practical experience in arbitration or the equivalent, may be taken into account towards the qualifying 15 years. At least five of the 15 years must be as a judge in a court or tribunal with substantial appellate jurisdiction; (c) Be fluent, both orally and in writing, in at least one of the working languages of the Appeals Tribunal and, on appointment, be in a state of health appropriate for effective service during the entirety of the proposed term of appointment.

⁵⁴⁵ GA resolution 69/203, para. 38.

or directives shall be executable immediately.”, and to amend article 7, paragraph 5, of the statute of the Appeals Tribunal by inserting the words “or order” after the word “judgement”;⁵⁴⁶

(iii) emphasized that “the amendments to article 11, paragraph 3, of the statute of the Dispute Tribunal shall not affect the provisions of article 2, paragraph 2, and article 10, paragraph 2, of the statute of the Dispute Tribunal,”⁵⁴⁷

(iv) requested “the Secretary-General to provide to the General Assembly at the main part of its seventieth session a report on the implementation of the amendment to article 11, paragraph 3, of the statute of the Dispute Tribunal and article 7, paragraph 5, of the statute of the Appeals Tribunal, including with respect to the administrative implications, any implications for the timely disposal of these cases, the ultimate disposition of appeals of orders, if any, and any costs saved by reason of stays pending such appeals,”⁵⁴⁸

(v) decided to approve “the amendments to article 3 of the statute of the Appeals Tribunal proposed in annex IV to the report of the Secretary-General, [A/69/227] with the following modifications: (a) Replace the second sentence of article 3, paragraph 3 (b), as follows: “Relevant academic experience, when combined with practical experience in arbitration or the equivalent, may be taken into account towards 5 of the qualifying 15 years.”; (b) Delete the third sentence of article 3, paragraph 3 (b); (c) Delete the following words of article 3, paragraph 3 (c), “and, on appointment, be in a state of health appropriate for effective service during the entirety of the proposed term of appointment”[.]”⁵⁴⁹

262. The Secretary-General, in his report A/70/187, submitted a proposal for the harmonization of the privileges and immunities of the judges of the Dispute and Appeals Tribunals.⁵⁵⁰ The Secretary-General recommended that the privileges and immunities of the judges of both Tribunals be harmonized by according the privileges and immunities in section 18 of the General Convention to the Appeals Tribunal judges, instead of the current immunities under section 22, concerning experts on mission.⁵⁵¹ The Secretary-General stated that this would not affect the emoluments of the judges, which the General Assembly decided was a separate

⁵⁴⁶ *Ibid.*, para. 39.

⁵⁴⁷ *Ibid.*, para. 40.

⁵⁴⁸ *Ibid.*, para. 41.

⁵⁴⁹ *Ibid.*, para. 42.

⁵⁵⁰ See Annex IV of A/70/187.

⁵⁵¹ *Ibid.*, para. 4.

issue.⁵⁵² The Secretary-General noted that, according to the privileges and immunities under section 18 of the General Convention to the Appeals Tribunal judges would, however, entail exemption from taxation on the emoluments paid to them by the United Nations in the form of honorariums.⁵⁵³ The Secretary-General further recommended that the status of the judges under section 18 of the General Convention be explicitly included in the statutes of the Tribunals.⁵⁵⁴

263. In its resolution 70/112, the General Assembly approved the proposal of the Secretary-General to harmonize the privileges and immunities of the judges of both Tribunals, and decided to amend article 4 of the statute of the Dispute Tribunal and article 3 of the statute of the Appeals Tribunal as follows:

“(a) Statute of the Dispute Tribunal, article 4, new paragraph 12:

12. The judges of the Dispute Tribunal shall be considered officials other than Secretariat officials under the Convention on the Privileges and Immunities of the United Nations;

(b) Statute of the Appeals Tribunal, article 3, new paragraph 12:

12. The judges of the Appeals Tribunal shall be considered officials other than Secretariat officials under the Convention on the Privileges and Immunities of the United Nations[.]”⁵⁵⁵

264. The Secretary-General, in his report A/70/187, also referenced a request from the General Assembly to report on the implementation of amendments to the Tribunals’ statutes. Specifically, in paragraph 41 of resolution 69/203, the General Assembly requested the Secretary-General to report, at the main session of its seventieth session, “on the implementation of the amendment to article 11, paragraph 3, of the statute of the Dispute Tribunal and article 7, paragraph 5, of the statute of the Appeals Tribunal, including with respect to the administrative implications, any implications for the timely disposal of these cases, the ultimate disposition of appeals of orders, if any, and any costs saved by reason of stays pending such appeals[.]”⁵⁵⁶ In regards to that request, the Secretary-General reported that it was

⁵⁵² See *Ibid.*, para. 5. “General Assembly resolution 67/241, para. 39, with reference to resolution 63/253, paras. 30-31. See also the annex to document A/C.5/69/10, in which the Sixth Committee recommended that a request be made to the Secretary-General to review the issue of harmonization of the immunities for both groups of judges while fully respecting the decision by the Assembly that any changes concerning the immunities of the judges should not entail a change in their current rank or conditions of service.” A/70/187, Annex IV, fn.b.

⁵⁵³ See Annex IV of A/70/187.

⁵⁵⁴ *Ibid.*, para. 6.

⁵⁵⁵ GA resolution 70/112, para. 38.

⁵⁵⁶ GA resolution 69/203, para. 41. “The amendment to article 11 (3) of the statute of the Dispute Tribunal to

too early to identify measurable administrative effects on the timely disposal of cases, the ultimate disposition of applications for orders, or any costs saved resulting from the amendments.⁵⁵⁷

265. In its resolution 70/112, the General Assembly, recalling paragraph 41 of its resolution 69/204, reiterated its request to the Secretary-General to provide a report on the implementation of the amendments to Tribunals' statutes at the main part of its seventy-first session.⁵⁵⁸ Moreover, in its resolution 70/112, the General Assembly requested the Secretary-General to publish the statutes of both the Dispute and Appeals Tribunals, as amended, and as soon as possible, but no later than at its seventy-first session.⁵⁵⁹

*(b) Rules of Procedure of the Tribunals*⁵⁶⁰

266. On 14 December 2010, the United Nations Dispute Tribunal adopted an amendment to Article 19 (case management) of its rules of procedure.⁵⁶¹ In addition, the United Nations Appeals Tribunal amended Article 4 (panels) and Article 9 (answers) of its rules of procedure in plenary meeting on 28 October 2010 and 10 March 2011.⁵⁶² The amended rules, which would apply provisionally until

provide that "the judgements and orders of the Dispute Tribunal shall be binding upon the parties, but are subject to appeal in accordance with the statute" and to article 7 (5) of the statute of the Appeals Tribunal to provide that "the filing of appeals shall have the effect of suspending the execution of the judgement or order contested" were approved by the General Assembly on 19 December 2014." A/70/187, para. 134.

⁵⁵⁷ A/70/187, para. 135.

⁵⁵⁸ GA resolution 70/112, para. 37.

⁵⁵⁹ *Ibid.*, para. 41.

⁵⁶⁰ Prior to the period under review, then-recent developments regarding the procedural rules of the Tribunals were outlined by the Secretary-General in A/66/86, as follows:

"By its resolution 63/253, the General Assembly adopted the statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal. In paragraph 29 of the resolution, the Assembly, noting article 7, paragraph 1, of the statute of the United Nations Dispute Tribunal and article 6, paragraph 1, of the statute of the United Nations Appeals Tribunal, requested the Secretary-General to submit, for its approval, the rules of procedure of the Tribunals as soon as possible but no later than at its sixty-fourth session. The Assembly also decided that, until such time as it adopted the rules of procedure, the Tribunals could apply them on a provisional basis. [...]

On 26 June 2009, the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal established their respective rules of procedure. The Assembly approved the rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal by its resolution 64/119, adopted on 16 December 2009. [...]" A/66/86, paras. 1-3.

⁵⁶¹ See Annex I of A/66/86.

⁵⁶² See *Ibid.*, Annexes I and II.

approved by the General Assembly, were annexed to the report of the Secretary-General (A/66/86) for the Assembly's approval.⁵⁶³

267. On 9 December 2011, the General Assembly adopted resolution 66/107, in which the Assembly approved the amendments to the rules of procedure of the Appeals Tribunal.⁵⁶⁴ However, in this resolution, the General Assembly decided not to approve the aforementioned amendment to article 19 (case management) of the Dispute Tribunal's rules of procedure, which was contained in annex I of A/66/86 and was adopted by the Tribunal on 14 December 2010.⁵⁶⁵

268. In his report A/66/275, the Secretary-General submitted to the Assembly, for its consideration, a number of observations on the rules of procedure and recommended that:

- (i) The General Assembly encourage the Tribunals to consult with the parties appearing before them when making amendments to their rules of procedure;⁵⁶⁶
- (ii) Article 7.2 (h) of the statute of the United Nations Dispute Tribunal and article 6 of the statute of the United Nations Appeals Tribunal be amended to provide for a mechanism in their rules of procedure to expeditiously dismiss cases that are manifestly inadmissible or manifestly lacking any foundation in law.⁵⁶⁷
- (iii) Article 7.2 (e) of the statute of the United Nations Dispute Tribunal be revised to provide that audio recordings of oral hearings before the Tribunal are to be maintained and made available to the parties upon request.⁵⁶⁸
- (iv) Article 7.2 (f) of the statute of the United Nations Dispute Tribunal be revised so that its rules of procedure will include a provision concerning "publication of judgements, including a procedure for the redaction of names from judgements upon the request of the individuals concerned."⁵⁶⁹
- (v) The statute of the United Nations Dispute Tribunal be amended to clarify that the interlocutory orders issued by the Tribunal may be subject to appeal, and that the statute of the United Nations Appeals Tribunal also be amended to clarify that

⁵⁶³ A/66/86.

⁵⁶⁴ *See Ibid.*, Annex II (Amendments to the rules of procedure of the United Nations Appeals Tribunal).

⁵⁶⁵ GA resolution 66/107, para. 2.

⁵⁶⁶ A/66/275, paras. 249 and 250.

⁵⁶⁷ *Ibid.*, paras. 251-255

⁵⁶⁸ *Ibid.*, paras. 256-259.

⁵⁶⁹ *Ibid.*, paras. 260-263.

appealing an interlocutory order issued by the Dispute Tribunal would have the effect of suspending the execution of the contested order.⁵⁷⁰

(vi) Article 7.1 (c) of the statute of the United Nations Appeals Tribunal be amended to extend the deadline for filing appeals of United Nations Dispute Tribunal judgements from 45 days to 60 days, and to establish a 30-day deadline for filing appeals of interlocutory orders.⁵⁷¹

269. In its resolution 66/237, the General Assembly requested both the United Nations Dispute and Appeals Tribunals to review their procedures regarding the dismissal of manifestly inadmissible cases⁵⁷² and decided to amend “Article 7, paragraph 1(c) of the statute of the Appeals Tribunal to extend the deadline for filing appeals of Dispute Tribunal judgements from 45 days to 60 days and to establish a 30-day deadline for filing appeals of interlocutory orders.”⁵⁷³ In this same resolution, the General Assembly also encouraged the Tribunals to “continue and expand, as appropriate, their practice of consultation in the process for developing amendments to their rules of procedure.”⁵⁷⁴

270. On 27 April 2012, at its sixth plenary meeting, the United Nations Dispute Tribunal adopted an amendment to the heading and paragraph 1 of Article 2 (plenary meeting) of its rules of procedure.⁵⁷⁵ The amendment was about increasing the number of plenary meetings from one meeting to two per year. Furthermore, on 10 October 2011, the Appeals Tribunal adopted an amendment to Article 5 (ordinary and extraordinary sessions) of its rules of procedure.⁵⁷⁶ This amendment was about increasing the number of ordinary sessions for hearing cases from two sessions to three per year. On 5 March 2012, the United Nations Appeals Tribunal adopted further amendments to Article 9 (answers, cross-appeals and answers to cross-appeals), paragraphs 3 and 4, of its rules of procedure.⁵⁷⁷ The amendment was about extending the time to submit an answer to an appeal from 45 days to 60 days from the date on which the respondent received the appeal transmitted by the Registrar. The amendment would also extend the time for the party answering the

⁵⁷⁰ *Ibid.*, paras. 264-266

⁵⁷¹ *Ibid.*, paras. 267-269

⁵⁷² GA resolution 66/237, para. 30. *See also* GA resolution 64/119, Annexes I and II.

⁵⁷³ GA resolution 66/237, para. 31.

⁵⁷⁴ *Ibid.*, para. 36. *See also* GA resolution 64/119, Annexes I and II.

⁵⁷⁵ *See* A/67/349, Annex I.

⁵⁷⁶ *See Ibid.*, Annex II.

⁵⁷⁷ *See Ibid.*

appeal to file a cross-appeal from 45 days to 60 days from the date of notification of the appeal.⁵⁷⁸

271. In its resolution 67/241, adopted on 24 December 2012, the General Assembly approved “the amendments to article 9 of the rules of procedure of the Appeals Tribunal contained in annex II to the report of the Secretary-General (A/67/349) on amendments to the rules of procedure of the Dispute Tribunal and the Appeals Tribunal.”⁵⁷⁹

272. Also in its resolution 67/241, the General Assembly requested that the Dispute and Appeals Tribunals’ rules of procedure⁵⁸⁰ be amended accordingly when a General Assembly decision entailed a change in the rules of procedure.⁵⁸¹ Further, the General Assembly recalled paragraph 35 of its resolution 66/237⁵⁸² and noted that corresponding changes in the rules of procedure of the Dispute Tribunal and the Appeals Tribunal had not yet been made.⁵⁸³

273. On 16 February 2015, in accordance with article 32, paragraph 1, of its rules of procedure, the Appeals Tribunal adopted an amendment to article 8 (Appeals), paragraph 6, of its rules of procedure, by inserting the words “or order” after the word “judgement.”⁵⁸⁴

274. In its resolution 70/112, the General Assembly approved the amendment to article 8 (Appeals) of the rules of procedure of the Appeals Tribunal contained in the Annex of the report of the Secretary-General on amendment to the rules of procedure of the Appeals Tribunal (A/70/189).⁵⁸⁵ Therefore, Article 8 (Appeals), new paragraph 6 reads as follows:

“6. The filing of an appeal shall suspend the execution of the judgement or order contested.”⁵⁸⁶

⁵⁷⁸ See *Ibid.* “The amendment arose from the decision of the General Assembly to amend article 7, paragraph 1 (c), of the statute of the United Nations Appeals Tribunal, which extended the deadline for filing appeals of Dispute Tribunal judgements from 45 days to 60 days (see resolution 66/237, para. 31).” See A/67/349, para. 10.

⁵⁷⁹ GA resolution 67/241.

⁵⁸⁰ GA resolution 64/119, Annexes I and II.

⁵⁸¹ GA resolution 67/241, para. 33.

⁵⁸² Paragraph 35 of the General Assembly resolution 66/237 reads as follow: [The General Assembly] “[r]ecalls article 11, paragraph 3, of the statute of the Dispute Tribunal, and affirms that judgements of the Dispute Tribunal, including judgements, orders or rulings, imposing financial obligations on the Organization are not executable until the expiry of the time provided for appeal in the statute of the Appeals Tribunal or, if an appeal has been filed in accordance with the statute of the Appeals Tribunal, until the Appeals Tribunal has completed action on such appeal in accordance with articles 10 and 11 of its statute.”

⁵⁸³ GA resolution 67/241, para. 34.

⁵⁸⁴ Annex of A/70/189.

⁵⁸⁵ GA resolution 70/112, para. 39.

⁵⁸⁶ *Ibid.*

(c) Mechanisms for Addressing Possible Misconduct of Judges

275. In its report on administration of justice at the United Nations (A/65/304), the Internal Justice Council noted its concerns regarding the lack of any mechanism for dealing with complaints against judges, and stated that it believed this to be a matter that requires urgent attention.⁵⁸⁷ In response, the General Assembly, through resolution 66/237, requested the Secretary-General to submit a report providing proposals and analysis for a mechanism for addressing possible misconduct of judges, “as well as additional views or analysis with regard to the proposals contained in the reports of the Secretary-General on administration of justice at the United Nations⁵⁸⁸ and in the reports of the Internal Justice Council,⁵⁸⁹ as well as other proposals, including a proposal for a new mechanism for addressing such misconduct, consisting of one jurist from the highest judicial tribunal drawn from one Member State from each of the five geographical regions appointed or elected by the General Assembly to serve when and as needed.”⁵⁹⁰ The Secretary-General provided proposals and analysis for such a mechanism for addressing possible misconduct of judges in annex VII of A/67/265.

276. In A/67/547, the ACABQ noted that the aforementioned proposals of the Secretary-General and the Internal Justice Council would appear to be more cost-effective, and the ACABQ had no objection to the proposals as put forward by them.⁵⁹¹

277. On 24 December 2012, the General Assembly adopted resolution 67/241, in which the Assembly approved the mechanism for addressing possible misconduct of judges proposed by the Secretary-General in section B of annex VII to his report on administration of justice at the United Nations (A/67/265).⁵⁹²

⁵⁸⁷ A/65/304.

⁵⁸⁸ A/63/314, paras.73–79, and A/66/275 and Corr.1, paras.55–60.

⁵⁸⁹ See A/65/304, para. 40, and A/66/158, para. 7.

⁵⁹⁰ GA resolution 66/237, para. 44.

⁵⁹¹ A/67/547, para. 52.

⁵⁹² The mechanism for addressing possible misconduct of judges proposed by the Secretary-General in section B of annex VII to A/67/265 was stated as follows:

“In his reports contained in documents A/63/314 and A/66/275 and Corr.1, the Secretary-General proposed that allegations regarding the misconduct or incapacity of a judge of either the Dispute Tribunal or the Appeals Tribunal should be reported to the President of the relevant Tribunal. Upon receipt of such a complaint, after preliminary review, the President would establish a panel of experts to investigate the allegations and report its conclusions and recommendations to the Tribunal. All judges of the Tribunal, with the exception of the judge

278. In its report on administration of justice at the United Nations (A/68/306), the Internal Justice Council stated that the judges welcomed the approval of a mechanism for addressing possible misconduct of judges by the General Assembly in resolution 67/241, and noted that the implementation of the necessary procedural framework was under preparation.⁵⁹³
279. During the sixty-ninth session of the General Assembly, the Secretary-General, in his report A/69/227, submitted a detailed proposed mechanism for addressing potential complaints made under the code of judicial conduct for judges of the Tribunals.⁵⁹⁴
280. In its resolution 69/203, the General Assembly requested the Secretary-General to submit a refined proposal with regard to the scope of application and the title of the mechanism for addressing complaints under the code of conduct of judges.⁵⁹⁵ The refined proposal of the Secretary-General was set out in Annex V to his report on administration of justice at the United Nations (A/70/187).
281. On 3 November 2015, the President of the General Assembly transmitted a letter from the Chair of the Sixth Committee to the Chair of Fifth Committee, which welcomed the refined proposal of the Secretary-General and recommended approving the mechanism with an amendment.⁵⁹⁶
282. The General Assembly, in its resolution 70/112, approved the proposal of the Secretary-General and the amendment suggested by the Sixth Committee, and

under investigation, would review the report of the panel. Should there be a unanimous opinion that the complaint of misconduct or incapacity was well-founded and where the matter was of sufficient severity to suggest that the removal of the judge would be warranted, they would so advise the President of the Tribunal, who would report the matter to the General Assembly and request the removal of the judge. In cases where the complaint of misconduct or incapacity was determined to be well-founded but was not sufficient to warrant the judge's removal, the President would be authorized to take corrective action, as appropriate. Such corrective action could include issuing a reprimand or a warning. The President would submit a report to the General Assembly on the disposition of complaints. The types of misconduct that would warrant the sanctioning of a judge would be violations of the code of conduct for the judges or violations of the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission, as set out in Secretary-General's bulletin ST/SGB/2002/9." A/67/265, Annex VII.

⁵⁹³ A/68/306, para. 14.

⁵⁹⁴ A/69/227, Annex VII.

⁵⁹⁵ GA resolution 69/203, para. 46.

⁵⁹⁶ A/C.5/70/9. The Committee recommended approving the mechanism with the following amendment in the first sentence of paragraph 5: "The types of conduct that would warrant the sanctioning of a judge are violations of the standards established in the code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal approved by the General Assembly in resolution 66/106." A/C.5/70/9, Annex.

decided to adopt the mechanism with the amendment as proposed therein and annexed to resolution 70/112.⁵⁹⁷

(d) Code of Conduct for External Legal Representatives

283. In its resolution 67/241, adopted on 24 December 2012, the General Assembly stressed the need to ensure that all individuals who act as legal representatives, regardless of whether they were staff members or external counsel, were subject to the same standards of professional conduct applicable in the United Nations system,⁵⁹⁸ and requested that the Secretary-General, in consultation with the Internal Justice Council and other relevant bodies, prepare a code of conduct for legal representatives who were external individuals and not staff members.⁵⁹⁹ The Secretary General reported in A/68/346 that the preparation of the code of conduct was under way and was expected to be ready for presentation at the sixty-ninth session of the General Assembly.⁶⁰⁰

284. On this matter, the Internal Justice Council, in A/68/306, emphasized that “there should be one common code of conduct for all counsel who appear before either the Dispute Tribunal or the Appeals Tribunal, given that it would violate the important principle that the Tribunals should treat both parties with equality if counsel for the two sides were held to two different standards depending on whether one was a staff member and the other was not.”⁶⁰¹

285. In its resolution 68/254, adopted on 27 December 2013, the General Assembly, while stressing that all individuals acting as legal representatives were subject to the same standards of professional conduct that were applicable within the United Nations system, requested that the Secretary-General present the code of conduct for external legal representatives, “including appropriate sanctions for breaches thereof as safeguards against frivolous applications, to the General Assembly at its sixty-ninth session.”⁶⁰² The Secretary-General presented a

⁵⁹⁷ GA resolution 70/112, para. 40.

⁵⁹⁸ GA resolution 67/241, para. 44.

⁵⁹⁹ *Ibid.*

⁶⁰⁰ A/68/346, para. 119.

⁶⁰¹ *Ibid.*, para. 139.

⁶⁰² GA resolution 68/254, para. 38.

proposed code of professional conduct for external legal representatives in annex VI of A/69/227.

286. In A/69/205, the Internal Justice Council reiterated its support for one code of conduct for all counsel, and noted the three primary arguments in opposition:

“[...] The first argument [in opposition] is that any measures to control proceedings given to judges in a code of conduct would be disciplinary measures, which only the Secretary-General, and not the Tribunals, can impose. The second argument is that the conduct of staff members appearing as legal representatives before a Tribunal is regulated by the Staff Rules and Staff Regulations, and therefore applying a code of conduct to staff member legal representatives would be duplicative and superfluous (see A/67/265 and Corr. 1, annex VIII, para. 2). The third argument is that the judges have been given the power to refer appropriate cases to the Secretary-General for possible action to enforce accountability, which is the control mechanism that judges should use if staff member legal representatives misbehave during legal proceedings (arts. 10.8 and 10.4 of the Dispute Tribunal and Appeals Tribunal statutes) (see A/67/265 and Corr.1, annex VIII, para. 3).⁶⁰³

287. In this same report, the Internal Justice Council subsequently responded to each of the three opposing arguments and noted that the judges of the Dispute Tribunal also supported a single code of conduct for counsel appearing before the Tribunals.⁶⁰⁴

288. In General Assembly resolution 69/203, adopted on 18 December 2014, the Assembly requested the Secretary-General to submit a single code of conduct for all legal representatives, without prejudice to other lines of disciplinary authority.⁶⁰⁵ In A/70/187, the Secretary-General reported that preparation of a single code of conduct for all representatives was under way, and was expected to be ready for presentation at the seventy-first session of the General Assembly.⁶⁰⁶

289. In its resolution 70/112, the General Assembly regretted the delay in finalizing a single code of conduct for all legal representatives, and reiterated its request to the Secretary-General to submit the code of conduct to the General Assembly, no later than the main part of its seventy-first session.⁶⁰⁷

⁶⁰³ A/69/205, paras. 177.

⁶⁰⁴ *Ibid.*, paras. 178 - 181.

⁶⁰⁵ GA resolution 69/203, para. 44.

⁶⁰⁶ A/70/187, para. 139.

⁶⁰⁷ GA resolution 70/112, para. 36.

(e) Caseloads of the Tribunals during the period under review

290. During the period under review, as mentioned above, the Secretary General continued to submit his reports on “administration of justice at the United Nations,” in which he provided judicial statistics on the activities of the Tribunals, including their caseloads. The following provides information regarding the caseload of the tribunals during the period under review:

- During the sixty-fifth session of the General Assembly, the Secretary-General informed, in A/65/557, that during the period from 1 July 2009 to 30 June 2010, the Dispute Tribunal received 198 new cases, in addition to 312 cases transferred from the previous system;⁶⁰⁸ issued 213 judgements and 587 orders, and held 320 hearings.⁶⁰⁹ In regards to the Appeals Tribunal, the Secretary-General stated that, in 2010,⁶¹⁰ the Appeals Tribunal received 110 appeals⁶¹¹ and rendered 64 judgements.⁶¹²

- During the sixty-sixth session of the General Assembly, the Secretary-General explained, in A/66/275, that during the period from 1 July 2010 to 31 May 2011, the Dispute Tribunal received 170 new cases, issued 195 judgements and 638 orders, and held 229 hearings.⁶¹³ The Secretary-General also explained that during

⁶⁰⁸ A/65/373, para. 16. The Secretary General stated that “during the reporting period, the Dispute Tribunal received a total of 510 cases, of which: (a) 169 were transferred on 1 July 2009 from the former Joint Appeals Boards and Joint Disciplinary Committees; (b) 143 were transferred from the United Nations Administrative Tribunal on 1 January 2010; and (c) 198 were new cases filed between 1 July 2009 and 30 June 2010.”

A/65/373, para., 16. *Also note* that the General Assembly, in its resolution 61/261, decided to establish a new system of administration of justice for the United Nations. The new system became operational on 1 July 2009.

⁶⁰⁹ A/65/373, paras. 21-22.

⁶¹⁰ *Ibid.*, para. 41. The Appeals Tribunal held its first session from 15 March to 1 April 2010 in Geneva and its second session from 21 June to 2 July 2010 in New York.

⁶¹¹ *Ibid.* The Secretary-General stated that “[d]uring the reporting period, the Appeals Tribunal received a total of 110 appeals, including 10 against the United Nations Joint Staff Pension Board, 14 against the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and a total of 86 cases appealing judgements and orders of the United Nations Dispute Tribunal, 53 by staff members and 33 by the Administration.” A/65/373, para. 40.

⁶¹² *Ibid.*

⁶¹³ A/66/275, paras. 30 and 35. The Secretary-General stated that “[o]f the 170 cases received during the reporting period, 108 originated from the Secretariat (excluding peacekeeping and political missions), including the regional commissions, offices away from Headquarters, the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia, and various departments and offices; 19 originated from peacekeeping and political missions; and 43 originated from agencies, including the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP) and the United Nations Children’s Fund (UNICEF).” A/66/275, para. 31.

the same period (1 July 2010 to 31 May 2011), a total of 105 new appeals were filed with the Appeals Tribunal,⁶¹⁴ and the Tribunal issued 96 judgments.⁶¹⁵

- During the sixty-seventh session of the General Assembly, the Secretary-General reported, in A/67/265, that during 2011 “the Dispute Tribunal received 282 new cases and disposed of 272 cases.”⁶¹⁶ In addition, the Dispute Tribunal issued 219 judgments and 672 orders, and held 249 hearings.⁶¹⁷ In regards to the Appeals Tribunal, the Secretary-General stated that, in 2011, the Appeals Tribunal received 96 new appeals, rendered 88 judgments, issued 44 orders and disposed of 102 appeals, including 4 cross-appeals.⁶¹⁸

- During the sixty-eighth session of the General Assembly, the Secretary-General, through A/68/346 in 2012, stated that the Dispute Tribunal had received 258 new cases,⁶¹⁹ disposed of 260 cases, issued 208 judgements and 626 orders and held 187

⁶¹⁴ The Secretary-General stated the following in A/66/275: “From 1 July 2010 to 31 May 2011, a total of 105 new appeals were filed with the Appeals Tribunal: 7 appeals against the United Nations Joint Staff Pension Board, 5 against the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 1 against the International Civil Aviation Organization and 92 cases appealing judgements and orders of the Dispute Tribunal (65 by staff members and 27 appeals on behalf of the Secretary-General against judgments and orders of the Dispute Tribunal).” A/66/275, para. 65.

⁶¹⁵ The Secretary-General highlighted that “[t]he number of applications/appeals filed does not necessarily correspond to the number of judgements rendered. There may be occasions where several appeals are disposed of in one judgement or where a case is closed without the issuance of a judgement.” Fn. 3 of A/66/275.

⁶¹⁶ A/67/265. The Secretary-General reported that “[a]s at 1 January 2011, the Dispute Tribunal had 259 cases pending, including 110 cases from the former system of administration of justice. During the reporting period, the Dispute Tribunal received 282 new cases (including five remanded cases and 11 inter-registry transfers) and disposed of 272 cases (including 11 inter-registry transfers). This is a significant increase over 2010, wherein the Dispute Tribunal received 162 new cases (including six cases that were remanded). As at 31 December 2011, the Dispute Tribunal had 269 cases pending, of which 30 were from the former system. [...] Of the 282 cases received during the reporting period, 166 originated from the Secretariat (excluding peacekeeping and political missions); 61 originated from peacekeeping and political missions; and 55 originated from other United Nations entities, including UNHCR, UNDP and UNICEF.” A/67/265, paras. 23-4.

⁶¹⁷ A/67/265, para. 27.

⁶¹⁸ *Ibid.* The Secretary-General stated that “[i]n 2011, the Appeals Tribunal received 96 new appeals, rendered 88 judgements, issued 44 orders and disposed of 102 appeals, including four cross-appeals. The 96 new appeals included 89 appeals of Dispute Tribunal judgements and orders (58 brought by staff members and 31 brought by the Secretary-General), five appeals of decisions of UNRWA, including three appeals of UNRWA Dispute Tribunal orders or judgements, one from a decision of ICAO, and one from a decision of the International Maritime Organization.” A/67/265, paras. 47-48.

⁶¹⁹ A/68/346, para. 9. The Secretary-General reported that “[...] Of the 258 cases received in 2012, 170 cases originated from the United Nations Secretariat (excluding peacekeeping and political missions) including the regional commissions, offices away from Headquarters, the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, and various United Nations departments and offices; 42 cases originated from peacekeeping and political missions; and 46 cases originated from United Nations agencies, funds and programmes, including UNHCR, UNDP, UNICEF, UNFPA, UNOPS and WFP.” A/68/346, paras. 37 and 39.

court sessions.⁶²⁰ In regards to the Appeals Tribunal, the Secretary-General reported that, in 2012, the Appeals Tribunal received 142 new cases and disposed of 103 cases.⁶²¹ The Secretary-General indicated that there was a 48 per cent increase in cases received in 2012 over 2011. Moreover, the Appeals Tribunal rendered 91 judgments and issued 45 orders.⁶²²

- During the sixty-ninth session of the General Assembly, the Secretary-General, in A/69/227, stated that the number of new cases filed with the Dispute Tribunal increased from 258 in 2012 to 289 in 2013.⁶²³ The Secretary-General also noted that “[t]here was a large number of applications for suspension of action, in particular in New York, most of which related to the implementation of the capital master plan.”⁶²⁴ Furthermore, in 2013, the Dispute Tribunal rendered 181 judgements, issued 775 orders and held 218 court sessions in 2013.⁶²⁵ In connection with the caseload of the Appeals Tribunal,⁶²⁶ the Secretary-General noted that “[t]here was

⁶²⁰ Fn. 2 of A/68/346 states the following: “A “court session” is a statistical unit used to ensure consistency among the three Dispute Tribunal Registries in the reporting of the workload generated by hearings. A “hearing” may consist of several daily court sessions (morning, afternoon, evening) that can be held over several days.

⁶²¹ In A/68/346, the Secretary-General reported that “[i]n 2012, the Appeals Tribunal received 142 new cases and disposed of 103 cases. As at 31 December 2012, the Appeals Tribunal had 108 cases pending. [...] The 142 new cases included 109 appeals against judgements of the Dispute Tribunal (69 brought by staff members and 40 brought on behalf of the Secretary-General); 20 appeals against judgements rendered by the UNRWA Dispute Tribunal (19 brought by staff members and one brought on behalf of the Commissioner-General); and two of decisions by the UNRWA Commissioner-General. They also included three appeals of decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board, six requests for revision of Appeals Tribunal judgements filed by staff members, one request for interpretation of an Appeals Tribunal judgement by the Secretary-General and one request for execution of an Appeals Tribunal judgement by a staff member.” A/68/346, paras. 54 and 56.

⁶²² See Table 5 of A/68/346.

⁶²³ A/69/227, para. 20. The Secretary-General stated that “[a]s at 1 January 2013, the Dispute Tribunal had 262 pending cases. In 2013, the Dispute Tribunal received 289 new cases, including by inter-registry transfer, and disposed of 325 cases, including one remanded case and eight closed by inter-registry transfer. As at 31 December 2013, 226 cases were pending, including one case from the old system. [...] Of the 289 cases received in 2013, 180 cases (62 per cent) originated from the Secretariat (excluding peacekeeping and political missions) including the regional commissions, offices away from Headquarters, ICTR and ICTY and various United Nations departments and offices; 51 cases (18 per cent) originated from peacekeeping and political missions; and 58 cases (20 per cent) originated from United Nations agencies, funds and programmes, including UNHCR, UNDP, UNICEF, UNFPA, UNOPS and WFP.” A/69/227, paras. 45 and 47.

⁶²⁴ A/69/227, para. 20.

⁶²⁵ *Ibid.*, para. 50.

⁶²⁶ In A/69/227, the Secretary-General stated that “[i]n 2013, the Appeals Tribunal received 125 new cases and disposed of 137 cases. As at 31 December 2013, the Tribunal had 110 cases pending. [...] The 125 new cases filed in 2013 included 94 appeals against judgements and orders of the Dispute Tribunal (44 filed by staff members and 50 filed on behalf of the Secretary-General); two appeals of decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board; 15 appeals against judgements rendered by the UNRWA Dispute Tribunal (11 brought by staff members and four brought on behalf of the Commissioner-General); and four appeals against decisions by the Secretary-General of the International Civil Aviation Organization. They also included seven applications for revision of Appeals Tribunal judgements filed by staff members (including one Pension Fund case and one UNRWA case) and three applications for interpretation of

a decrease in the number of new cases filed with the Appeals Tribunal in 2013, from 142 in 2012 to 125 in 2013.”⁶²⁷ Further, the Secretary-General also noted that the Appeals Tribunal rendered 115 judgements and issued 47 orders in 2013.⁶²⁸ In connection with the disposal of the cases, the Secretary-General reported that both “Tribunals disposed of more cases in 2013 than in previous years. The Dispute Tribunal disposed of 325 cases in 2013, compared to 260 cases in 2012. The Appeals Tribunal disposed of 137 cases in 2013, compared to 103 cases in 2012. As a result, both Tribunals had fewer cases pending at the end of 2013 than in 2012.”⁶²⁹

- During the seventieth session of the General Assembly, the Secretary-General, in A/70/187, reported, in connection with the caseload of the Dispute Tribunal, that “[a]s at 1 January 2014, 226 cases were pending. In 2014, the Dispute Tribunal received 411 new cases and disposed of 320 cases.”⁶³⁰ As at 31 December 2014, 317 cases were pending.”⁶³¹ Furthermore, in 2014, the Dispute Tribunal rendered 148 judgments, issued 827 orders, and held 258 court sessions.⁶³² In connection with the caseload of the Appeals Tribunal, the Secretary-General stated that the Tribunal “received 137 new cases and disposed of 146 cases. As at 31 December 2014, the Tribunal had 101 cases pending.”⁶³³ The Secretary-General also noted that “[t]he ratio of cases filed by staff members compared to those filed on behalf of the Secretary-General changed from 2013 to 2014. In 2013, half of the cases were filed by staff members and half were filed on behalf of the Secretary-General; in 2014,

Appeals Tribunal judgements (one filed on behalf of the Secretary-General and two filed by staff, including one Pension Fund case).” A/69/227, paras. 70 and 73.

⁶²⁷ A/69/227, para. 21.

⁶²⁸ *Ibid.*, para. 76.

⁶²⁹ *Ibid.*, para. 23.

⁶³⁰ The 411 new cases included applications for suspension of action (57), for interpretation of judgement (2), for execution of judgement (1) and for revision of judgement (1).

⁶³¹ The Secretary-General reported the following as the source of cases: “The categories of applicants who filed cases in 2014 were as follows: Director (20); Professional (123); General Service (169); Field Service (21); Security (6); Trades and Crafts (9); National Staff (45); and Others (18). [...] Of the 411 new cases, 248 (60 per cent) were filed by males and 163 (40 per cent) by females. [...] The 411 cases received during the reporting period were filed by staff members of a number of United Nations entities [...]” See A/70/187, para. 36-8. In connection with the subject matter of cases, the Secretary-General stated that “Cases received during the reporting period fell into six main categories: (a) benefits and entitlements: 154 cases; (b) appointment-related matters (non-selection, non-promotion and other appointment-related matters): 96 cases; (c) separation from service (non-renewal and other separation matters): 54 cases; (d) disciplinary matters: 14 cases; (e) classification: 2 cases; and (f) other: 91 cases [...]” A/70/187, para. 39.

⁶³² See Table 5 in A/70/187.

⁶³³ *Ibid.*, para. 55.

65 per cent of the cases were filed by staff members and 35 per cent were filed on behalf of the Secretary-General.”⁶³⁴ Moreover, the Appeals Tribunal rendered 100 judgments and issued 42 orders in 2014.⁶³⁵

6. Interim Independent Assessment of the System of Administration of Justice:

291. In ACABQ report A/66/7/Add.6, the ACABQ recommended that a comprehensive assessment be conducted on the evolution and functioning of the new system of administration of justice.⁶³⁶ The ACABQ also stated that the Committee’s position on future resource requirements for the effective functioning of the internal justice system would take into account the results of such an assessment.⁶³⁷

292. In ACABQ report A/67/547, the ACABQ recalled its above recommendation that a comprehensive assessment be conducted on the evolution and functioning of the system of administration of justice,⁶³⁸ and reiterated that the outcome of this interim assessment could inform future decisions regarding the alignment of resources among relevant offices or entities handling different aspects of the system of administration of justice.⁶³⁹

293. During its sixty-seventh session, the General Assembly adopted resolution 67/241, in which the Assembly requested that the Secretary-General submit to the General Assembly, “for consideration at its sixty-eighth session, a proposal for conducting an interim independent assessment of the formal system of

⁶³⁴ *Ibid.*, para. 56. In regards to the source of cases received by the Appeals Tribunal, the Secretary-General noted the following: “The 137 new cases filed in 2014 included 97 appeals against judgements of the Dispute Tribunal (58 filed by staff members and 39 filed on behalf of the Secretary - General); 3 appeals against decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board; 18 appeals against judgements rendered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) Dispute Tribunal (15 brought by staff members and 3 brought on behalf of the Commissioner-General); 1 appeal against a decision of the Secretary-General of the International Civil Aviation Organization; 3 appeals against decisions of the Registrar of the International Court of Justice; 1 appeal against the International Maritime Organization; and 1 appeal against a decision of the Registrar of the International Tribunal for the Law of the Sea. They also included eight applications for revision of Appeals Tribunal judgements (including two cases relating to UNRWA), two applications for interpretation of Appeals Tribunal judgements (including one case relating to UNRWA) and three applications for execution of Appeals Tribunal judgements, all filed by staff members.” A/70/187, para. 59.

⁶³⁵ *See Ibid.*, Table 9.

⁶³⁶ A/66/7/Add.6, para. 6.

⁶³⁷ *Ibid.*, para. 61.

⁶³⁸ A/67/547, para. 12.

⁶³⁹ *Ibid.*

administration of justice.”⁶⁴⁰ The General Assembly added that the assessment should be conducted in a cost-efficient manner and within existing resources.⁶⁴¹

294. In his report A/68/346, the Secretary-General set out a proposal for an interim independent assessment of the formal system of administration of justice.⁶⁴²

295. In ACABQ report A/68/530, the ACABQ noted the General Assembly’s intent that the assessment be conducted within existing resources, which would preclude the option of an external assessor.⁶⁴³ The Committee expressed its view that “the exercise would benefit from the expertise of experienced and independent legal experts familiar with internal labour dispute mechanisms[,]”⁶⁴⁴acknowledged that an assessment of this nature would have financial implications, and invited the General Assembly to reconsider the resource requirements of the assessment.⁶⁴⁵

296. During its sixty-eight session, the General Assembly adopted resolution 68/254, in which the Assembly requested the Secretary-General to present, for its consideration at the sixty-ninth session, a revised proposal for conducting an interim independent assessment of the system of administration of justice in all its aspects, with particular attention to the formal system and its relation with the informal system, including an analysis of whether the aims and objectives of the system set out in resolution 61/261 were being achieved in an efficient and cost-effective manner.⁶⁴⁶ The General Assembly added that said assessment was to be carried out in a cost-efficient manner by independent experts, including experts familiar with internal labour dispute mechanisms.⁶⁴⁷

⁶⁴⁰ GA resolution 67/241, para. 19.

⁶⁴¹ *Ibid.*, para. 20.

⁶⁴² A/68/346, Annex II. The Secretary-General stated that the assessment should include consideration of, inter alia, the following: “(i) Caseloads of entities that comprise the formal system of administration of justice and any trends with respect thereto; (ii) Lessons from the jurisprudence for the implementation of good management practices throughout the Organization; (iii) Identification of the causes of recourse to the formal system of administration of justice and possible means of addressing such causes; (iv) Proactive measures for the early and informal resolution of disputes; (v) Opportunities for efficiencies, including better use of technology and of staff and non-staff resources; (vi) Effective access to the formal system of administration of justice for staff members at all duty stations; (vii) Resource requirements and cost effectiveness of the formal system of administration of justice.” A/68/346, Annex II.

⁶⁴³ A/68/530, para. 19.

⁶⁴⁴ *Ibid.*, para. 20.

⁶⁴⁵ *Ibid.*

⁶⁴⁶ GA resolution 68/254, paras. 11 and 12.

⁶⁴⁷ *Ibid.*, para. 11.

297. In his report A/69/227, the Secretary-General provided a revised proposal for an interim independent assessment of the United Nations system of administration of justice.⁶⁴⁸
298. During its sixty-ninth session, the General Assembly adopted resolution 69/203, in which the Assembly decided that the panel that would conduct an interim independent assessment should be appointed from a set of experts taken from all judicial systems and regional groups, accounting for geographical representation and gender balance, and who were selected to ensure the assessment's independent nature. The General Assembly also requested the Secretary-General to transmit the recommendations of the panel of experts, together with its final report and his comments, for consideration by the Assembly at the main part of its seventy-first session.⁶⁴⁹
299. In his report A/70/187, the Secretary-General stated that, pursuant to the direction and guidance of the General Assembly set out in its resolution 69/203, the Secretary-General would establish a panel of independent experts to conduct an interim independent assessment of the system of administration of justice.⁶⁵⁰ The Secretary-General noted that he would transmit the recommendations of the panel of experts, together with its final report and his comments, for consideration by the General Assembly at the main part of its seventy-first session.⁶⁵¹
300. In ACABQ report A/70/420, the Committee welcomed the establishment of the panel and stated that it looked forward to the panel's recommendations, together with the report of the Secretary-General and his comments.⁶⁵²

⁶⁴⁸A/69/227, Annex II. The Secretary General stated that the assessment should include the consideration of, inter alia, the following “(i) Effective access to the system of administration of justice at the United Nations for staff members at all duty stations; (ii) Identification of the causes of recourse to the system of administration of justice at the United Nations and possible means of addressing such causes; (iii) Proactive measures for the early identification and resolution of cases appropriate for informal resolution; (iv) Intersection of the formal and informal systems related to the process of case referral; (v) Caseloads of entities that comprise the system of administration of justice at the United Nations and any trends with respect thereto; (vi) Lessons from the jurisprudence of the Appeals and Dispute Tribunals for the implementation of good management practices throughout the Organization; (vii) Timeliness of the system of administration of justice at the United Nations; (viii) Systemic issues affecting the operation of the system of administration of justice at the United Nations, including the impact of self-representation by staff members; (ix) Cost-effectiveness of the system of administration of justice at the United Nations; (x) Opportunities for efficiencies, including better use of technology and staff and non-staff resources; (xi) Compensation awards, in particular, for moral damages; (xii) Resource requirements of the system of administration of justice at the United Nations[.]”A/69/227, Annex II.

⁶⁴⁹ *Ibid.*, para. 13.

⁶⁵⁰ A/70/187, para. 113.

⁶⁵¹ *Ibid.*, para. 114.

⁶⁵² A/70/420, para. 23.

301. In its resolution 70/112, the General Assembly recalled that the objective of the interim independent assessment of the system of administration of justice was the improvement of the current system.⁶⁵³

⁶⁵³ GA resolution 70/112, para. 11.