CENTER FOR UN REFORM EDUCATION

Fifth Committee Report No. 15

5-11 October 2007

On 5 October, the first meeting of the Fifth Committee concentrated on the organization of its work during the 62nd session. Deputy Secretary-General Dr. Asha-Rose Migiro addressed the Fifth Committee and Under-Secretary-General Alicia Barcena gave a briefing on Reform and Management.

ORGANIZATION OF WORK AND BRIEFINGS

As to the organization of work, many Member States expressed regret that many documents are issued very late and that this has a negative impact on the deliberations. Pakistan, on behalf of the Group of 77, stated that this late issuance makes it hard for the G77 to coordinate its positions. The G77 further reiterated its opposition to making decisions in "small group configuration especially on the budget and reform issues, as well as to imposing any conditionality on the budget negotiations." Portugal, on behalf of the European Union, pledged to do its best to keep to the 14 December deadline and to try and avoid the need for meetings outside regular working hours, especially towards the end of the session as "this leads to protracted discussions between physically and mentally exhausted delegations, resulting in less than optimal results." The EU further indicated it will not accept to "discuss any reports scheduled to be formally submitted on or after 14 December 2007."

In her remarks to the Fifth Committee, Deputy Secretary-General Dr. Asha-Rose Migiro expressed that the Secretary-General and herself remain fully committed to improve the efficiency and effectiveness of the UN. In addition, she indicated that support from the Fifth Committee will be needed in "firming up the Organization's conflict prevention capacity." She also explained that in July and August she was engaged in a "process of dialogue with each of the senior managers on their 2007 and 2008 Performance Compacts." The Management Performance Board and the Management Committee will be strengthened. The Secretary-General in particular will be seeking support from the Fifth Committee on the following urgent matters:

1. The 2008/09 proposed programme budget which will be presented later this month, including add-ons dealing with reform proposals;
2. Reports to be submitted on efforts to improve systems of internal controls and accountability;
3. A comprehensive report on procurement reform;
4. Moving ahead on human resources management reform and the new system of internal justice (Administration of Justice);
5. Consideration of system needs, scope and resource requirements of the global resource-management system;

In her briefing to the Fifth Committee, Under-Secretary-General Alicia Barcena listed various reports that will be provided by the Secretariat on procurement; on an accountability framework plus reviews on a results-based management framework and an enterprise risk management system (reports to be completed towards the end of December); on Administration of Justice (will require

$23 million in the 2008/09 budget); and on the Enterprise Resource Planning system. As to Human Resources reform, the streamlining of contractual arrangements and harmonization of conditions of service for field staff are particularly important as more than 62% of UN staff are now deployed in the field (resources for streamlining contracts would amount to $23 million). In addition, the Secretary-General proposes that the Fifth Committee consider a proposed acceleration of the Capital Master Plan (without additional cost) and strengthening the Department of Political Affairs in the area of conflict prevention (detailed cost implications to be provided later this session).

For additional information, please see the Department of Public Information's report on the meetings held on 5 October 2007.

ADMINISTRATION OF JUSTICE/HUMAN RESOURCES MANAGEMENT

The Secretary-General's 113-pages report (A/62/294) on Administration of Justice, issued on 23 August 2007, will be discussed both in the Fifth Committee and in the Sixth (Legal) Committee.

On 8 October 2007, Under-Secretary-General for Management, Alicia Barcena, briefed the Fifth Committee on Administration of Justice. She made a power-point presentation reminding Member States that earlier this year Member States had agreed to a "landmark resolution" to have a "new, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice … to be fully implemented no later than January 2009." As there is no recourse for UN staff to national courts and the current system of internal justice has not been significantly improved since 1947 - this while staff has increased especially in the field - there has been broad agreement for a total overhaul of the internal justice system. 62% of UN staff now work in the field, and these include a mix of civilians and military personnel. In producing report (A/62/294), staff was consulted outside New York, namely in Nairobi and Cyprus. The report lays out a unified system, including an informal system of justice (Ombudsman, Mediation Division) and a formal system of justice (the Dispute and Appeals Tribunals). The report includes draft elements of the statutes and rules for the United Nations Dispute Tribunal (UNDT) and United Nations Appeal Tribunal (UNAT) and it further details staff and cost implications.

Ms Barcena explained that some issues will need further analysis, for instance – as it can take four or five years for a case to reach the tribunals – on how managers can be held accountable early on in the process, considering many of these managers retire or become otherwise unavailable. The decisions of both tribunals will be legally binding to both parties. An office of Staff Legal Assistance would ensure equal footing in the formal justice system as outside counsel may not be as familiar with the legal framework applicable to the UN system. The new system will comprise all individuals working within the UN system, including consultants. The new system, she pointed out, "has a price." It will add $23.5 million to the 2008/09 budget, including $6.8 million which was presented earlier to deal with existing backlogs.

Assistant Secretary-General Jan Beagle for Human Resources provided a briefing to the Committee on Human Resources Management. Human Resources reform still to be realized consists of:

1. streamlining contractual agreements;
2. harmonization of conditions of service;
3. establishment of civilian career peacekeepers (professionalizing staff in peace services);

In the Question and Answer (Q&A) session, Portugal raised the fact that both the Sixth and the Fifth Committee will deal with the report on Administration of Justice. "Isn't there a grey area, where it is unclear what part of the report portends to which committee?" Portugal further inquired about the travel costs for staff on page 107 in the report. Mexico asked about the total cost of the system when established. Australia inquired about the cost sharing between the UN, peacekeeping operations, the

tribunals in The Hague and Arusha, and the Programmes and Agencies. Nicaragua wondered whether the new justice system would also cover local UN staff, for instance those hired on a daily basis. Austria asked about the decentralization of the system, and why Vienna was not listed with Nairobi, Geneva, Sudan, DR Congo, Liberia and Dakar.

Ms. Barcena explained that the line item for staff travel costs covered expenses for staff from Asia and Latin America which will not have UNDT presence. Instead, judges in New York will cover Latin America and judges in Nairobi will cover Asia. As to some places only providing certain parts of the internal system, these are Vienna, Santiago and Bangkok, because these locations do not have enough cases to justify a full system. In regard to the total cost of the system in 2010/11, the estimates are $52.9 million from the regular budget and $3.3 million from peacekeeping. As can be seen on page 9 of the report, daily paid workers are included. She noted that as daily workers are not presently provided with a contract, this will have to be corrected first.

Austria came back to the fact that Vienna would not be provided with a full system of internal justice, likening this to the "best pupils in the class" being disadvantaged by not having the same rights as other pupils - and who is to say that they may not have more cases in the future? The Netherlands asked three questions: 1) the relationship with Funds and Programmes is rather complex – what consultations have there been in this regard and in what forums? 2) How involved has the Ethics Office been in the preparation of this report – an important issue is retaliation protection. 3) The Office of Internal Oversight Services (OIOS) and other bodies are doing investigations as well. Who will be responsible for what, and will they use the same protocols?

In response to Austria's concern, Ms. Barcena admitted that the delegate made a good point and stressed that the system will have to be reviewed constantly. As to consultations with Funds and Programmes, a Working Group was established. The cost sharing issue is "in the office of the Controller." It will need further discussion. Procedures for investigations are explained on page 30 and involve the OIOS, Ethics Committee, and Department of Management. The investigations manual will need to be updated. If there is a retaliation case, the Ethics Committee should send it to the OIOS, who, after investigating the case and determining that charges are warranted, will send it to the Department of Management. Like the Ethics Office, the Ombudsman will be attached to the Secretary General's Office.

Antigua and Barbuda inquired about the professional judges. The current volunteers have much experience by now - can they become part of the new cadre of professional judges? In answer, Ms Barcena explained that the bar had become higher but that current judges can apply. A staff representative explained that seven or eight years ago, no legal background was necessary – ambassadors for instance were elected without legal qualifications. The Sixth Committee changed this and a legal background was subsequently required. The Fifth Committee later changed this to judicial background.

As to the role of the Sixth Committee, during the last session there was a joint session. Now the executive boards and secretariats of the committee will probably coordinate their work. The Head of Legal Affairs already briefed the Sixth Committee on technical parts of the report.

ENTERPRISE RESOURCE PLANNING - INFORMATION AND COMMUNICATIONS TECHNOLOGY
On 9 October, Mr. Choi Soon-hong, the new Chief Information Technology Officer/Assistant-Secretary-General, provided an informal briefing to the Fifth Committee using a powerpoint [link] presentation. Mr. Choi delved into the future direction of the UN's Information and

Communications Technology (ICT), governance issues related to ICT, and the Enterprise Systems project. Other UN staff members explained the Disaster Recovery/Business Continuity Project.

Mr. Choi stressed that the Enterprise Resource Planning (ERP) system – a system that integrates all information technology applications, including those relating to finance & budget, human resources, supplies, central support and other core services - will not be introduced with a "big bang" approach but will instead be phased in slowly to avoid disruption and other risks. As to governance, there will be three levels of involvement. A Management Committee, chaired by the Secretary-General will set key objectives and assure a fiscally sound approach. Next there will be a Steering Committee chaired by the Under-Secretary-General for Management and this committee will consist of Assistant-Secretary-Generals and a representative for offices away from Headquarters. There further will be an Advisory Board or Advisory Groups which may include outsiders. The ERP Project Manager will oversee the work of four teams dealing with Human Resources, Finance, Supply Chain and Central Support Services respectively. As to initial funding, Mr. Choi indicated that approximately $25 million will be necessary for the project team and other start-up costs while the estimated cost for the whole project is between $150 and $250 million. The implementation could take between three and five years.

As part of the overall risk management approach in the UN, the Disaster Recovery and Business Continuity Project has identified risks associated with natural disasters, fire, power outages, armed conflict/civil unrest, organized and deliberate disruptions, system and equipment failures, human error as well as computer viruses/worms. On-site as well as off-site back-up systems, using satellite technology, were presented. By the end of the year, the central facility will be complete in Brindisi. Valencia in Spain has been selected as the secondary active site as it provided the best terms. It was noted that 10 members of the G77 fall within the "satellite convergence area" or the so-called "Brindisi triangle."

The Secretary-General's reports on these issues will be made available later, both for the current session and resumed session.

During the Q&A session, it was obvious that Member States were rather overwhelmed by the amount of information provided in rather technical language, taking into account that no written reports were available. Pakistan's delegate went so far to say that he felt "googled" and could only understand about 5% of the presentation. His questions dealt with the status of preparedness; how earlier funds were used; implementation; the expected longevity of the ERP system; accountability; examples of best practices; exchange of information with the general public; centralization; establishing and managing of the transition team; why there will be two reports; procurement matters – what procedures were followed in obtaining software; the kind of data that would be stored on back-up systems – classification of information and related policies. He ended with the hope that following presentations and reports would be more understandable bearing in mind the limited technical comprehension in IT matters among Fifth Committee delegates.

Bangladesh asked about E-Galaxy, the current IT system for Human Resources, and whether it is obsolete. How can it be modernized to make it more effective? Japan asked why on page 22 it is said that the Integrated Management Information System (IMIS) will need adequate funding. Further, will the Chief Information Technology Officer (CITO) report directly to the Under-Secretary-General for Management or to the Secretary-General directly? As to governance issues, he asked whether the project teams would consist of existing staff or whether there are new posts involved. Also, could the Committee be provided with more of a breakdown of the $25 million start-up costs? Lastly, could the CITO elaborate on what will be specifically required from the Committee in this session and what during the resumed session?

The United States welcomed the briefing as a good first step but that it leaves a lot of questions unanswered. The governance structure is unclear and the chart makes it look cumbersome. As to financial decision making, where will this take place? Will the crucial needs of the Department of Peacekeeping Operations and the Department of Field Support be addressed in the upcoming report? Australia too expressed lack of clarity about what will be discussed at this session or the resumed session – where does the project on disaster recovery and business continuity fit in? Chile wondered how access and security will be reconciled. As to the 150-250 range of total costs, could more indicative figures be provided?

Mr. Choi explained that most questions will be answered by the upcoming report. The governing process is indeed very complex and he reminded Member States that he has been at the UN for just one month and is no "superman." He wished he had come aboard six months ago and the presentation should be interpreted in this context. He will get back on the question about E-Galaxy, the recruitment system. No approval is presently sought for the full amount for the whole project – only the funding for the initial team for 2008/09. Without this funding, we will be "at the same place in two years' time." Seed money will be necessary to make progress. The SG report will be thorough, explaining the vision and strategy, the key initiatives that are necessary and key aspects of the governance structure.

A UN staff member further explained that the recruitment system has allowed applications to be generated on the internet. With the growth of field staff, there are approximately 20,000 vacancies in peacekeeping each year, amounting to roughly 10 million applications per year.

This update is meant to be a summary of some of the main ideas discussed during the meetings and does not represent a complete and official account of all positions expressed by Member States.