

AGENDA ITEM 128
ADMINISTRATION OF JUSTICE

GENERAL ASSEMBLY 61ST SESSION

SUPPLEMENTARY INFORMATION

ADMINISTRATION OF JUSTICE
AT THE UNITED NATIONS

*A/61/205, A/61/758, A/61/342, A/61/524, A/61/71, A/61/815, A/60/376,
A/60/72, A/60/72/Corr.1, A/60/315, A/59/883, A/C.5/60/10, A/60/7/Add.1*

Proposals as contained in the report of the Redesign Panel (A/61/205)

1.1. Further to the request of the Committee, please find below information relating to the costs of the new system of administration of justice as proposed by the redesign panel.

The note of the Secretary- General A/61/758, provided details of resources requirements in total, and therefore includes resource requirements for the Office of Human Resource Management and the Office of Legal Affairs. The resource requirements for these two offices are identified separately in the information provided below.

1.2. The Panel proposed 76 equivalent full time posts under the proposed programme budget for the biennium 2008-09, comprising 27 for the formal justice system, 30 for the Office of the Ombudsman and 19 for the Office of Counsel, now known as the Office of Staff Legal Assistance, and that this new system of internal justice be functional by 1 January 2008 (paragraph 140 of their report A/61/205). Information on these posts is included in Table 1A below. In addition, OHRM and OLA would require 15 posts to assist in the administration of the “administration of justice system” as proposed by the redesign panel. Please refer to Tables 1 B and 1 C below. Table 1 D provides a summary of post requirements under the regular budget.

1.3. There are currently 24 posts within the current administration of justice system which would be utilized for the new system as proposed by the redesign panel with an additional 10 posts from OHRM and OLA which would be redeployed for the new system. The Panel recommendations would necessitate the redeployment of one P-5 post from New York to Vienna, and one GS(OL) post would be reclassified to GS(PL).

1.4. In total there is a difference of 22 equivalent full time posts between the two proposals. The Secretary General has requested a management evaluation capability comprising 16 staff under the proposed programme budget for the biennium 2008-2009 which is not included in the recommendations of the redesign panel. For the Office of the Administration of Justice changes relate to the increase of judges (9 additional D-2 posts proposed by the Secretary-General, compared with 4 ASG posts proposed by the redesign panel) along with one additional P-5 registrar for the judiciary, a decrease in two P-4 and two P-3 positions proposed for by the Panel for Bangkok and Santiago, offset by an additional P-3 legal research assistant in New York. In the Office of Staff Legal Assistance there are the following differences - two P-4 regional coordinating counsel in the offices at Geneva and Nairobi in place of the two P-3 positions recommended by the Panel, and the addition of one P-3 and one LL for the regional coordinating counsel in Bangkok. In the Office of the Ombudsman, the D-2 Ombudsman for the Funds and programmes would be funded directly from the Funds and Programmes, and there is an addition of 2 GS/LL staff to support the Ombudsmen in Vienna and Addis Ababa.

1.5. As noted by the report of the Redesign Panel A/61/205 paragraph 113, the Panel is of the view that the Administrative Law Unit (ALU) of OHRM should concentrate on its function as legal advisor to management.

1.6. Whilst the Panel did not specifically address the costs of legal representation of the Organization, it notes that legal advisers are already available at most duty stations and observes that with the decentralization of the justice system, it may be necessary to provide legal advisers in duty stations away from New York (para. 114). It is therefore essential to maintain the

resources necessary to provide legal advice and representation to management. In this regard, the Secretary-General considers that the ALU should be retained in its entirety. The Unit comprises 5 posts which include the Chief of the Unit, two Legal Officers and two Legal Assistants.

1.7. The Unit will provide advice and assistance to managers whose decisions have been appealed before the United Nations Dispute Tribunal (UNDT) in New York, including assisting in the preparation of the reply to the appeal and appearing before the UNDT as required. The Unit would also respond to requests for advice on appeals and disciplinary matters from various offices at Headquarters and in the field, and handle disciplinary cases that have not been decentralized to offices away from Headquarters and field missions. The post requirements for the Administrative Law Unit are shown in Tables 1C, and 5C.

1.8. The Office of Legal Affairs would need resources in order to advise management on the administration of justice system. The requirements for the Office of Legal Affairs (OLA) total 10 posts, comprising 7 P-5 Senior Legal Officers, 1 P-4 Legal Officer and 2 General Service (Other Level) Legal/Administrative Assistants. All posts would be part of the General Legal Division in the Office of Legal Affairs.

1.9. The OLA Senior/Legal Officers will be responsible for all aspects of the preparation of the Respondent's Answers to the United Nations Appeals Tribunal (UNAT), in appeals of decisions rendered by the UNDT. They will also be responsible for representing the Respondent in oral hearings before the UNAT, in New York and Geneva. The Senior/Legal Officers will advise substantive offices on the appropriateness of appealing decisions rendered by the UNDT, to the UNAT, and, as necessary, prepare Applications to the UNAT. The

Senior/Legal Officers will also prepare analyses of Judgments rendered by the Appeals Tribunal and work on other matters relating to the administration of justice on which OLA's advice is sought, including, e.g., providing legal advice and training to field offices, peacekeeping operations and United Nations Funds and Programmes on matters relating to the administration of justice. In addition, the Senior/Legal Officers would liaise with the Office of the Administration of Justice, as necessary. The post and non-post requirements for OLA are provided in Tables 1B and 5B.

1.10. In total under the proposed programme budget for the biennium 2008-2009 the resources under the redesign panel (including the needs of OLA and OHRM as noted above) recommendations approximately total \$30,608,900, (gross \$32,372,900 less staff assessment \$1,764,000) in comparison with the note of the Secretary-General which shows net requirements of approximately \$35,634,700 (gross \$37,646,200 less staff assessment \$2,011,500). The variance between the two proposals totals \$5,273,300, comprising post requirements \$3,908,100, non-post requirements \$1,117,700, and staff assessment \$247,500. The changes in post requirements are explained by the variances as described in paragraph 4 above.

1.11. With the difference in posts between the redesign panel recommendations and that of the Secretary-General there is also a difference in non-post costs relating to the establishment of those new positions. Those are the costs of office fit out and furniture, rental and computer costs and are shown in Table 5A under general operating expenses, supplies and material and furniture and equipment.

1.12. It will be noted that the redesign panel's recommendations were silent on the details relating to non-post costs whereas the Secretary-General's proposal made recommendations for

other staff costs, honoraria, consultants, travel of staff and contractual services. Therefore, the assumptions and recommendations made in the Secretary-General's proposals have been carried over, and are reflected in the redesign panel's costing figures. Subsequently, there are no variances in proposed costs between the redesign panel and the Secretary-General's proposal.

Peacekeeping operations

1.13. In paragraphs 32 and 109 of the report of the redesign panel, the establishment of Ombudsmen and an Office of Counsel in 'peacekeeping missions that have a large number of civilian staff' is proposed. In this respect, post costs have been estimated at \$453,000 for a D-1 Ombudsman, 2 P-3 Legal Officers and two LL posts in each of the three peacekeeping missions, MONUC, UNMIL and UNMIS, and non-post resources totaling \$178,200 relating to travel, consultants for training, and information technology are reflected. The Secretary-General's proposal mirrors the redesign panel and augments it by an additional P-4 post relating to management evaluation for a difference of \$143,000. Tables 1E and 6 provide details of the resource requirements for peacekeeping operations.

Regular Budget

Table 1A - Redesign Panel Proposal

Regular budget for the biennium 2008-2009: Post requirements by duty station
(at 2008-2009 rates)

	Existing	Additional Posts								Subtotal	Total Proposed
		New York	Geneva	Vienna	Nairobi	Addis Ababa	Bangkok	Beirut	Santiago		
Professional category and above											
ASG	1	2	1	-	1 ^b	-	0.5 ^{ab}	-	0.5 ^{ab}	5	6
D-2	-	1	-	-	-	-	-	-	-	1	1
D-1	1	3	1	-	1	-	1	1	1	8	9
P-5	4	-	1	-	-	1	-	-	-	2	6
P-4	2	2	-	-	1	-	1	-	1	5	7
P-3	5	9	1	-	1	1	-	1	1	14	19
P-2/1	-	1	-	-	-	-	1	-	1	3	3
Subtotal	13	18	4	-	4	2	3.5	2	4.5	38	51
General Service and related categories											
GS (PL)	1	1	-	-	-	-	-	-	-	1	2
GS (OL)	9	-	2	1	-	-	-	-	-	3	12
LL	1	-	-	-	2	1	2	2	3	10	11
Subtotal	11	1	2	1	2	1	2	2	3	14	25
Total	24	19	6	1	6	3	5.5	4	7.5	52	76

^a As per Annex III of the report of the Redesign panel on the United Nations system of administration of justice (A/61/205)

^b As ASG level standard salary costs are unavailable for Nairobi, Bangkok and Santiago at this time, the rates applied for an ASG in New York have been used as a basis for estimation

Table 1B - OLA
Post requirements

Category	Existing posts	New posts	Total
Professional category and above			
P-5		4	3
P-4		-	1
Subtotal		4	4
General Service and related categories			
GS (OL)		1	1
Subtotal		1	1
Total		5	5

**Table 1C - OHRM
Post requirements**

<i>Category</i>	<i>Existing posts</i>	<i>New posts</i>	<i>Total</i>
Professional category and above			
P-5	1	-	1
P-4	-	-	-
P-3	2	-	2
Subtotal	3	-	3
General Service and related categories			
GS (OL)	2	-	2
Subtotal	2	-	2
Total	5	-	5

**Table 1D – Total (consolidating Tables 1A through 1C)
Post requirements**

	<i>Existing</i>	<i>Additional Posts</i>								<i>Subtotal</i>	<i>Total Proposed</i>
		<i>New York</i>	<i>Geneva</i>	<i>Vienna</i>	<i>Nairobi</i>	<i>Addis Ababa</i>	<i>Bangkok</i>	<i>Beirut</i>	<i>Santiago</i>		
Professional category and above											
ASG	1	2	1	-	1	-	0.5	-	0.5	5	6
D-2	-	1	-	-	-	-	-	-	-	1	1
D-1	1	3	1	-	1	-	1	1	1	8	9
P-5	9	3	1	-	-	1	-	-	-	5	14
P-4	2	3	-	-	1	-	1	-	1	6	8
P-3	7	9	1	-	1	1	-	1	1	14	21
P-2/1	-	1	-	-	-	-	1	-	1	3	3
Subtotal	20	22	4	-	4	2	3.5	2	4.5	42	62
General Service and related categories											
GS (PL)	1	1	-	-	-	-	-	-	-	1	2
GS (OL)	12	1	2	1	-	-	-	-	-	4	16
LL	1	-	-	-	2	1	2	2	3	10	11
Subtotal	14	2	2	1	2	1	2	2	3	15	29
Total	34	24	6	1	6	3	5.5	4	7.5	57	91

Peacekeeping Budget

Table 2

Peacekeeping budgets for the year 2007-2008: Additional post requirements by duty station

	<i>Existing</i>	<i>DR Congo (MONUC)</i>	<i>Liberia (UNMIL)</i>	<i>Sudan (UNMIS)</i>	<i>Total</i>
Professional category and above					
D-1	-	1	1	1	3
P-3	-	2	2	2	6
Subtotal	-	3	3	3	9
General Service and related categories					
LL	-	2	2	2	6
Subtotal	-	2	2	2	6
Total	-	5	5	5	15

Regular Budget

Table 3
Regular budget for the biennium 2008-2009: Distribution of posts by component

	<i>Office of Legal Affairs</i>	<i>OHRM / ALU</i>	<i>Office of the Ombudsman</i>	<i>Administration of Justice</i>	<i>Judiciary</i>	<i>Office of Staff Legal Assistance</i>	<i>Total</i>
Professional category and above							
ASG	-	-	1	1	4	-	6
D-2	-	-	1	-	-	-	1
D-1	-	-	7	1	-	1	9
P-5	7	1	2	3	-	1	14
P-4	1	-	4	3	-	-	8
P-3	-	2	6	3	3	7	21
P-2/1	-	-	-	-	2	1	3
Subtotal	8	3	21	11	9	10	62
General Service and related categories							
GS (PL)	-	-	1	1	-	-	2
GS (OL)	2	2	4	3	-	5	16
LL	-	-	4	3	-	4	11
Subtotal	2	2	9	7	-	9	29
Total	10	5	30	18	9	19	91

Peacekeeping Budget

Table 4
Peacekeeping budgets for the year 2007-2008: Distribution of posts by component

	<i>Office of the Ombudsman</i>	<i>Office of Staff Legal Assistance</i>	<i>Total</i>
Professional category and above			
D-1	3	-	3
P-4	-	-	-
P-3	3	3	6
Subtotal	6	3	9
General Service and related categories			
LL	3	3	6
Subtotal	3	3	6
Total	9	6	15

Regular Budget

Table 5A - Redesign Panel Proposal
Regular budget for the biennium 2008-2009: Requirements by object of expenditure

(thousands of United States dollars)

<i>Object of expenditure</i>	<i>Existing resources</i>	<i>Resource growth</i>	<i>Total revised estimates</i>
Posts	6 293.5	8 030.0	14 323.5
Other staff costs	404.3	856.1	1 260.4
Honoraria	0.1	503.9	504.0
Consultants	53.7	439.8	493.5
Travel of staff	712.6	220.0	932.6
Contractual services	78.2	5 084.5	5 162.7
General Operating Expenses	57.9	2 916.3	2 974.2
Supplies and materials	11.1	54.0	65.1
Furniture and equipment	22.8	609.2	632.0
Total	7 634.2	18 713.8	26 348.0

Table 5B - OLA
Summary of Requirements by object of expenditure

(thousands of United States dollars)

<i>Object of expenditure</i>	<i>Existing resources</i>	<i>Resource growth*</i>	<i>Total revised estimates</i>
Posts	1 731.6	901.5	2 633.1
Travel	-	75.0	75.0
General Operating Expenses	-	26.0	26.0
Supplies and materials	-	5.0	5.0
Furniture and equipment	-	10.0	10.0
Total	1 731.6	1 017.5	2 749.1

* related non-post resources included in section 28D, OCSS, amount to \$252.1

Table 5C - OHRM
Summary of Requirements by object of expenditure

(thousands of United States dollars)

<i>Object of expenditure</i>	<i>Existing resources</i>	<i>Resource growth</i>	<i>Total revised estimates</i>
Posts	1 259.7	-	1 259.7
Total	1 259.7	-	1 259.7

Table 5D – Total (consolidating Tables 5A through 5C)
Regular budget for the biennium 2008-2009: Requirements by object of expenditure

(thousands of United States dollars)

<i>Object of expenditure</i>	<i>Existing resources</i>	<i>Resource growth*</i>	<i>Total revised estimates</i>
Posts	9 284.8	8 931.5	18 216.3
Other staff costs	404.3	856.1	1 260.4
Honoraria	0.1	503.9	504.0
Consultants	53.7	439.8	493.5
Travel of staff	712.6	295.0	1 007.6
Contractual services	78.2	5 084.5	5 162.7
General Operating Expenses	57.9	3 158.0	3 215.9
Supplies and materials	11.1	59.0	70.1
Furniture and equipment	22.8	655.6	678.4
Staff assessment	-	1 764.0	1 764.0
Total	10 625.5	21 747.4	32 372.9

*composite of tables 5A through 5C and the non-post costs reflected in section 28D, OCSS, in the amount of \$252.1 relating to the new posts under OLA, distributed by object of expenditure

Peacekeeping Budget

Table 6

Peacekeeping budgets for the year 2007-2008: Requirements by object of expenditure

(thousands of United States dollars)

<i>Object of expenditure</i>	<i>Existing resources</i>	<i>Resource growth</i>	<i>Total revised estimates</i>
Posts	-	453.0	453.0
Other staff costs	-	15.0	15.0
Honoraria	-	143.4	143.4
Consultants	-	19.8	19.8
Total	-	631.2	631.2

Current Administration of Justice 2006-2007 cost sharing arrangements with Funds and Programmes

2.1 Cost sharing for the United Nations Administrative Tribunal (UNAT) for the biennium 2006-2007 is based on the number of judgements disposed of during 2004. A summary is provided in the following table:

<i>Agency</i>	<i>Percentage</i>	<i>Amount in US dollars</i>
UN	88.1	1,037,165
UNDP	10.2	119,673
UNICEF	1.7	19,945

2.2 Cost sharing for the Joint Appeals Board (JAB) for the biennium 2006-2007 is based on the number of cases disposed in 2004. A summary is provided in the following table:

<i>Agency</i>	<i>Percentage</i>	<i>Amount in US dollars</i>
UN	67.82	1,507,359
UNDP	16.09	357,679
UNFPA	2.3	51,097
UNOPS	2.3	51,097
UNICEF	11.49	255,485

Proposed cost sharing arrangements

3.1 In the note of the Secretary-General A/61/758, it was stated that the Funds and Programmes would be directly responsible for resources related to the Deputy Ombudsman in New York, and as funds and programmes would participate in other elements of the proposed justice system, such as the Office of the Ombudsman, the Office of Administration of Justice and the judiciary and the Office of Staff Legal Assistance, cost sharing arrangements needed to be considered.

3.2 The Secretary-General also advised the current basis for cost sharing is based on workload statistics for judgments issues and cases disposed and further advised that as the new system reached maturity the basis for cost sharing would be revisited.

3.3 The Controller contacted the Funds and Programmes in December advising them that the administration of justice system as proposed by the redesign panel with recommendations agreed to by the Staff Management Coordination Council, would result in additional costs to be borne across the United Nations, including peacekeeping operations, Funds and Programmes.

3.4 In its report, ACABQ noted that with the integration and decentralization of the proposed new system across several organizations, an increased focus on the informal system and an expected increase in caseloads, the current cost sharing workload statistics would not be realistic indicators of future utilization of the system. ACABQ recommended that more specific cost-

sharing arrangements be developed and agreed upon by participating organizations before the proposed system of internal justice is implemented.

3.5 The views of ACABQ will be taken into consideration in formulating the necessary cost-sharing arrangements for the Administration of Justice.