

A LETTER FROM THE PRESIDENT

UNITED NATIONS STAFF UNION

Dear Colleagues,

Legal assistance to staff is perhaps the most crucial remaining element, in the arduous decades-long journey that we have travelled to achieve an independent system of administration of justice. The new system is already triggering reviews of archaic rules and arcane practices. However, in order to have a truly independent justice system, the legal assistance to staff must be guaranteed to be **independent** in terms of funding, staffing and other resources; it must be provided for in the entire new system of administration of justice.

As you already know, the General Assembly established the Office of Staff Legal Assistance (OSLA) to assist staff members and their volunteer representatives in processing claims through only the formal system of administration of justice. The General Assembly had previously noted "with concern that an overwhelming majority of individuals serving in the system of administration of justice lack legal training or qualifications" even as "legal assistance to the management of the Organization is provided by a cadre of professional lawyers" (RES/61/261). The Redesign Panel on the United Nations system of administration of justice found that this disparity in legal resources available to the management and staff members had "created an egregious inequality of arms in the internal justice system" (A/61/205).

Nonetheless, the OSLA was set up with limited resources, limited scope and limited independence. The General Assembly provided for a skeleton staff of ten personnel at grade levels that would less likely attract experienced attorneys: one post for the Chief of the Office (P-5), one Legal Officer (P-3), one Legal Officer (P-2) and three Legal Assistants (General Service (Other level)) in New York, and one Legal Officer (P-3) each in Addis Ababa, Beirut, Geneva and Nairobi. From the outset, the OSLA was designed to continue with the use of volunteers, which was discredited by the Redesign Panel.

The staffing of the OSLA, and the entire Office of Administration of Justice (OAJ) was placed in the purview of the Secretary-General which impaired the perception that the new system of administration of justice would be, indeed, independent. The OSLA is staffed by attorneys with contractual appointments that are similar to many of yours, or worse, and are encumbered by the very Staff Regulations and Rules that generate the claims that the OSLA attorneys process on your behalf.

Of late, the OSLA appears to be spending as much time assisting staff members as it is cadging for resources from staff unions and associations. Soon, if you hear a bell ringing near you, it might be the OSLA; not the Salvation Army.

The General Assembly has previously invited "staff representatives to explore the possibility of establishing a staff-funded scheme in the Organization that provides legal advice and support to the staff; staff representatives may consult with the Secretary-General as they deem appropriate" (A/RES/59/283; A/RES/61/261). Our Staff Union rejected that overture which it deemed unfair considering that the cadre of professional lawyers representing the Secretary-General, who is the respondent party to the disputes, is fully funded by the Member States. Considering that in many of Member States, the rights to pursue employment-related disputes also include access to legal representation, we have insisted that legal representation should be funded by the United Nations.

The General Assembly has since redirected its request to the Secretary-General to report to it, at its sixty-fifth session, on proposals for a staff-funded scheme in the Organization that would provide legal assistance and support to staff (A/RES/63/253).

Our expectation was that the staff-funded scheme would be established following the consideration of the Secretary-General's report by the General Assembly. Instead, the OAJ and the Controller have arrogated themselves the task and established a "Trust Fund for United Nations Staff Legal Assistance" without the Trustees. This action has swept away any vestiges that the OAJ, and OSLA for that matter, is independent of the Secretary-General in the new system of administration of justice.

Besides, the Trust Fund for United Nations Staff Legal Assistance does not address the concerns of the Secretary-General that "there would need to be administrative structures in place for a fair and transparent process for deciding on the allocation of funds, and a mechanism for administering the programme that would ensure accountability and provide for regular audits. A recourse mechanism for staff members who may have claims relating to the administration of the programme or use of the funds would also be necessary" (A/63/314).

Since the adoption of resolution 63/253, the United Nations Staff Union has been mulling over the courses of action that would assure that its membership is adequately and independently represented in the new system of administration of justice, especially during the initial precedent-setting period, the reasoning and ruling from which would have ripple effects for future cases.

The United Nations Staff Union considered it important, therefore, to hire at least two independent and experienced attorneys, at the outset of the new system of administration of justice on 1 July 2009, for a couple of years. When realized, we would like to take on cases before the Tribunals concerning substantial issues of staff, such as eligibility for conversion to permanent appointments, mandatory age of separation, potential outsourcing of staff and the salary survey for General Service and related Categories.

The matter of legal representation for staff has been on the programme of work of the forty-third Staff Council since February 2009. Regrettably,

even after several attempts by the President and the First Vice-President to have this matter actioned, the Staff Council has failed to act, in the best interest of staff, on this matter and other important matters, including the elections of staff representatives to the Pension Board, the Health and Life Insurance Committee, Headquarters Catering Advisory Committee and the Garage Review Board.

We have learned that the health insurance premium and co-pay may be substantially raised again this year and yet, we have only one representative serving on the Health and Life Insurance Committee, who is dedicated but overwhelmed by the responsibilities.

Already, the electronic monitoring of staff, which I mentioned in [my previous letter dated 18 March 2010](#), has been introduced within the Department for General Assembly and Conference Management.

It is for this reason, and others, that the staff have petitioned the President of the United Nations Staff Union to hold an emergency general meeting to consider and adopt a draft resolution that is attached to their petition.

The President urges all staff members to attend a meeting at *10:00 a.m. on Tuesday, 20 April 2010, in Conference Room 1 (TNLB)*. Please note that attendance at Staff Union meetings is considered official business. We urge all managers and supervisors to allow staff to attend the emergency general meeting of staff.

Warm regards,



■ Stephen Kisambira
President, United Nations Staff Union

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