

Rapport
Conseil de Coordination du personnel de l'ONUG
Groupe de travail
sur le projet de réforme du Secrétaire général

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I. Introduction

Composition

1. Un Groupe de travail sur le projet de réforme du Secrétaire général (ci-après "GT"), composé de membres du Conseil de Coordination du personnel de l'ONUG (ci-après "CC"), y compris les membres du Bureau exécutif (ci-après "BE") et ouvert à tous les membres du personnel de l'ONUG, a été constitué selon une décision du CC à sa 1^{ère} session extraordinaire, le 28 mars 2006. Une liste des fonctionnaires ayant participé au GT figure en annexe.

Mandat

2. Le mandat donné par le CC au GT est de : "préparer un document suggérant en détails la position à prendre par le CC, face aux questions soulevées par le Secrétaire général (ci-après "SG") dans son rapport *Investir dans l'Organisation des Nations Unies pour lui donner les moyens de sa vocation mondiale*, A/60/692 (ci-après "Rapport du SG"), notamment les chapitres I « Capital humain », II « Qualité de l'encadrement », IV « Prestations de service », VI « Gouvernance » et VII « Pour l'avenir... », ainsi que tout autre sujet pertinent du Rapport ou proposition du SG/Vice-SG".

Transparence des travaux et participation du personnel

3. Le GT a décidé: que ses réunions étaient publiques; que tout membre du personnel pouvait y assister en tant qu'observateur et lui adresser des suggestions et/ou documents, notamment les Président(e)s d'Assemblée de secteur, soit directement, soit via un membre du CC, soit via son Secrétaire exécutif (ci-après "SE"); de se tenir informé et de tenir compte des initiatives du SG et des Chefs de départements visant à consulter directement le personnel sur ce sujet qui, de l'avis du GT, ont une valeur informative et non consultative; que le SE informerait le personnel par un communiqué des décisions ci-dessus.

Méthodes de travail

4. Le GT a tenu 9 réunions, du 3 au 21 avril 2006. Il a décidé:

- de son ordre du jour;
- de ses méthodes de travail;
- de travailler à chaque réunion sur un chapitre du Rapport du SG et toute autre proposition pertinente du SG / Vice-SG;
- que soit rédigé par un de ses membres, si possible le SE adjoint du CC, un compte rendu (ci-après "PV") contenant les projets de décisions de chaque réunion, et de les soumettre, pour révision puis adoption aux membres du GT à la réunion suivante; d'adopter son projet de rapport au CC, au plus tard, le vendredi 28 avril, compte tenu : a) du fait que des intervenants à l'Assemblée générale (ci-après "AG") auraient demandé à ce qu'elle discute des propositions de réforme du SG en séance plénière et que celles-ci devraient commencer en mai ; b) du fait que les 14 et 17 avril sont fériés;
- d'annexer la documentation de référence à son rapport au CC (voir Annexe ci-après).

Les enjeux d'une réforme annoncée

5. Le SG propose dans son Rapport *"des mesures qui sont à [son] avis indispensables pour donner aux futurs secrétaires généraux les moyens d'exercer efficacement leur mission de gestionnaire, ainsi que diverses autres qui doivent permettre à l'Organisation de mieux utiliser ses moyens de gestion et mieux mettre en valeur ses ressources humaines."* car il estime que l'ONU "diffère considérablement de ce qu'elle était lors de sa fondation, voici plus de 60 ans, à l'issue de la Conférence de San Francisco. "

6. Le GT a constaté que les Etats Membres n'ont pas révisé la Charte de l'ONU dans ce domaine pendant les 60 années qui ont suivi son entrée en vigueur, et qu'ils ont donc souhaité maintenir les mêmes buts et principes adoptés à la Conférence de San Francisco, qui orientent encore aujourd'hui l'action de l'Organisation, des Etats Membres et du Secrétariat, lequel continue d'être régi par les dispositions du Chapitre XV de la Charte (indépendance du Secrétariat, ses "devoirs", devoirs des Etats Membres, *"nomination par le Secrétaire général conformément aux Règles fixées par l'Assemblée générale"*, son *"affectation d'une manière permanente"*, conditions dominantes en matière de *"recrutement et de fixation des conditions d'emploi du personnel"*). Le GT a constaté que la Charte reste la norme suprême de l'Organisation, en matière de conditions de travail et d'emploi, telle que précisée par les instructions administratives du Secrétaire général, les résolutions de l'Assemblée générale, les jugements du Tribunal Administratif (ci-après "TA") et les rapports du Corps commun d'inspection (ci-après "CCI"), du Comité consultatif pour les questions administratives et budgétaires (ci-après "CCQAB"), et d'autres sources de droit administratif, notamment la doctrine internationale. Le GT a donc tenu compte de ces normes, qui sont partiellement reflétées dans la documentation du GT qui figure en annexe.

7. Le GT a noté que le SG fonde essentiellement ses propositions sur la constatation que les "activités opérationnelles ont connu une expansion spectaculaire, en particulier dans le secteur du maintien de la paix où quelque 80 000 personnes sont employées, dont des civils deux fois plus nombreux que les fonctionnaires du Secrétariat en poste au Siège. Autrement dit, l'ONU a cessé d'être une organisation à vocation essentiellement délibérante, présente dans un petit nombre de villes sièges. Sa mission s'étant largement diversifiée, elle doit désormais être présente partout dans le monde où son aide peut améliorer le sort des gens. Le GT a noté que le nombre de conflits armés internationaux et internes est plutôt en régression dans le monde, notamment depuis la fin du XX^{ème} siècle, que d'autres organisations intergouvernementales, telles que l'OSCE et l'UA contribuent au maintien de la paix, ce qui n'était pas le cas en 1945. Le GT a aussi relevé que le Rapport du SG contient "ses vues" ou "sa vision" personnelle quant à un processus de réforme qu'il ne pourra objectivement pas commencer à mettre en œuvre, faute de temps, et qui s'imposera donc à son successeur dès le début de 2007 sans qu'il ait pu développer sa propre vision. Le GT s'est donc interrogé sur l'urgence en la matière.

8. Le GT souhaite relayer la préoccupation du personnel à propos de certaines propositions du SG qui lui paraissent conjoncturelles, notamment le "programme de départs négociés [qui] est indispensable à la mise en œuvre des réformes envisagées" par le SG et qui vise "[la] ressource la plus précieuse" de l'Organisation, en l'occurrence les fonctionnaires représentant la mémoire institutionnelle de l'Organisation. Le GT a par ailleurs soutenu la préoccupation exprimée au sein de l'Assemblée de secteur des fonctionnaires du Service linguistique de l'ONU, qui a réaffirmé son attachement à la préservation de services de conférences de qualité et au maintien de la réputation de l'ONU en la matière. Ce même service a par ailleurs déploré que le coût humain de mesures telles que la délocalisation de centaines de fonctionnaires et de leur famille n'ait à aucun moment été pris en compte et que les suppressions de postes auxquelles ces mesures risqueraient d'aboutir, pour les agents de traitement de texte notamment, aient été passées sous silence. (cf. texte complet en annexe).

9. Le GT souhaite également relayer la préoccupation de nombreux fonctionnaires quant à la faiblesse du système interne d'administration de la justice et à l'impunité dont jouissent certains fonctionnaires qui ont manqué à leurs devoirs, au "respect de la déontologie et [au] principe de responsabilité". Dans ce contexte, le GT propose une analyse non exhaustive des principales mesures du SG qui lui paraissent menacer les buts et principes de la Charte et le fonctionnement de l'Organisation.

10. Le GT appuie les observations contenues dans le Rapport du CCQAB (A/60/735) selon lesquelles :

- Les détails de nombreuses propositions du SG restent à mettre au point et à affiner;
- "La saine gestion de toute organisation repose sur une série de principes de responsabilisation; il appelle l'attention sur la nécessité de définir clairement ce qu'on entend par responsabilisation dans le cadre de l'ONU et de préciser les modalités de son application ainsi que les moyens d'en assurer";
- Un rapport détaillé du SG est prévu pour septembre 2006 sur la gestion des ressources humaines, qui "devrait porter sur tous les domaines traités dans le A/60/692 et intégrer les divers rapports supplémentaires maintenant envisagés".

Chacune des propositions devrait notamment contenir :

- Un rappel de toute proposition antérieure semblable et comment celle-ci a évolué depuis, en mentionnant brièvement les résolutions et décisions pertinentes de l'AG et les recommandations pertinentes du CCQAB;

- Une évaluation de l'impact des réformes antérieures et des réformes en cours, dans la perspective des propositions actuelles;
- L'indication des incidences financières et administratives (y compris les modifications à apporter aux règlements, règles et procédures), assortie d'une analyse détaillée et de justificatifs;
- Une définition du principe de responsabilisation et les modalités de son application;
- Une prévision des effets de la proposition sur le renforcement de l'efficacité de l'action de l'Organisation, ainsi que du rendement de l'investissement;
- Le calendrier de mise en œuvre prévu.

II. "Investir dans le capital humain" (Chapitre I)

A) Instituer un système de recrutement plus anticipatif, mieux ciblé plus rapide (Proposition 1)

En pratiquant une plus large politique d'ouverture adossée à une planification stratégique des effectifs.

11. Le GT recommande : que le processus de sélection intègre la participation du personnel qui travaille sur le terrain ou qui possède une expérience du terrain; que la sélection se fonde sur des critères précis et sur des procédures de contrôle qui permettent d'engager des candidats répondant réellement aux exigences; que des moyens soient mis en œuvre, comme des contrôles effectués par des organes paritaires Administration/Représentation du personnel, pour vérifier la pertinence de ces engagements et empêcher tout abus.

En ayant recours à des fichiers de candidats présélectionnés

12. L'utilisation du « fichier » (« Roster ») est prévue par le ST/AI/2002/4 (par. 2) et consiste en une liste de candidats approuvés par un organe central de contrôle pour occuper un poste vacant donné sans toutefois avoir été sélectionnés à cet effet, et qui ont déclaré se porter candidats à tout poste équivalent qui deviendrait vacant à la même classe. Les candidats dont le nom est inscrit sur le fichier peuvent être choisis sans renvoi à un organe central de contrôle. La durée de validité du fichier est d'un an. Le GT recommande que l'information qui figure sur le "fichier" soit précisée aux candidats, qui seraient dûment informés de la période pendant laquelle leur inscription reste valable, ce qui n'est pas actuellement le cas dans "Galaxy".

Le GT note que le « Roster » n'est toujours pas opérationnel sous Galaxy. Il recommande que les candidats pré-sélectionnés soient automatiquement retenus pour les postes déjà affichés sous Galaxy et que le candidat puisse re-confirmer son choix.

En mettant en place un service de recrutement spécialement chargé d'aider les responsables à choisir leurs collaborateurs

13. Le GT est favorable à cette mesure, y compris pour permettre aux responsables sur le terrain de choisir leurs collaborateurs.

En ramenant à 30 jours la période d'affichage des avis de vacances de postes

14. Ce délai paraît trop court, le GT suggère de maintenir la période de 60 jours prévue par la ST/AI/2002/4 et de prolonger à 60 jours la période d'affichage pour les services généraux, afin de permettre aux meilleurs candidats, notamment les fonctionnaires qui travaillent sur le terrain dans des conditions ne permettant pas d'avoir facilement accès à "Galaxy"/"un.jobs" via Internet, de prendre connaissance des vacances de poste et de postuler à temps.

En instituant une procédure de recrutement accélérée en cas de crise

15. Le GT recommande que soient appliqués à cette procédure, en cas de crise, les mêmes critères de sélections et procédures de contrôle applicables au recrutement ordinaire, afin de ne pas instaurer de discrimination en matière de recrutement ni un recrutement de niveau plus faible.

En élargissant les perspectives de carrière des fonctionnaires, en enrichissant le vivier de talents, en éliminant les restrictions fondées sur le statut contractuel, la catégorie, le lieu d'affectation ou l'ancienneté, notamment celles qui frappent actuellement les candidats à des postes d'administrateur auxiliaire non pourvus par voie de concours

16. Le GT estime qu'il serait dangereux d'aller trop vite et d'offrir ainsi un « chèque en blanc », permettant un placement et des passe-droits sans réel moyen de contrôle.

En procédant à la révision du système des examens et concours et des profils d'emploi de façon à les adapter aux besoins actuels

17. Le GT recommande que la rapidité ne soit pas appliquée au préjudice de la qualité et estime qu'il faudrait d'abord réviser et améliorer la formation des recruteurs en respectant les règles et les critères de transparence.

*En imposant le **strict** respect des objectifs fixés en matière de répartition géographique et d'équilibre entre les sexes*

18. Le GT recommande que le mot "**strict**" soit supprimé de la phrase. Il estime qu'il s'agit avant tout d'appliquer l'Article 101 de la Charte qui stipule : "*La considération dominante dans le recrutement et la fixation des conditions d'emploi du personnel doit être la nécessité d'assurer à l'organisation les services de personnes possédant les plus hautes qualités de travail, de compétence et d'intégrité. Sera dûment prise en considération l'importance d'un recrutement effectué sur une base géographique aussi large que possible*" (voir aussi para.60 du Rapport), en y ajoutant le principe de non-discrimination qui figure à l'Article 1 (Chapitre I. Buts et principes) "sans distinction de race, de sexe, de langue ou de religion" et en se fondant sur la compétence égale entre hommes et femmes.

En raccourcissant de moitié les délais de recrutement

19. Le GT recommande que la rapidité ne soit pas appliquée au préjudice de la qualité et que soient respectées les règles de déontologie, auxquelles se réfère le SG dans l'encadré 1 de son rapport, dans l'exécution du processus, notamment pour protéger contre toute mesure de rétorsion quiconque signalerait des irrégularités.

B) Mobilité

Résumé (A/60/692, I.2) : Le régime de **mobilité** devrait s'appliquer aussi bien au personnel des **missions** qu'aux fonctionnaires du **Siège**; la mobilité devrait faire partie des conditions d'emploi et être une **condition nécessaire de l'avancement**, et le pouvoir conféré au Secrétaire général de procéder à des **transferts latéraux** de personnel devrait être réaffirmé et **étendu**.

Chapitre 1, proposition 2 : Instituer une **politique de mobilité** plus cohérente notamment :

- En donnant au Secrétaire général le **pouvoir de réaffecter** les fonctionnaires en fonction des **besoins**.
- En faisant **strictement** respecter la **durée d'occupation des postes** en vigueur, en instituant le principe de **roulement** pour la majorité des postes **d'administrateur** recruté sur le plan **international**, et en incluant le personnel des villes sièges et celui en poste sur le terrain dans un **même régime** de mobilité applicable dans toute l'Organisation.
- En accroissant les **chances** de mobilité des agents des **services généraux**.

Conclusions :

- Autoriser expressément le Secrétaire général à procéder à des **transferts** de personnel en fonction des besoins de l'Organisation;
- **Étendre l'obligation** de mobilité et approuver un **régime simplifié des engagements**;

Bonne foi, transparence, contrôle et recours

20. Le GT estime que l'application de la politique de mobilité souhaitée par le SG: ne doit pas nuire à la qualité du travail; doit s'appliquée de bonne foi; ne doit pas être appliquée pour mettre fin aux relations contractuelles entre l'Organisation et les fonctionnaires concernés; doit être transparente (comme recommandé par l'AG dans sa résolution 59/266, "il importe que le processus d'affectation de l'Organisation soit transparent", que le SG doit continuer "à consulter le personnel en élaborant les politiques de mobilité").

Notification

21. Le GT recommande que les "besoins" justifiant une proposition de réaffectation soient dûment communiqués aux fonctionnaires concernés.

Distinctions entre administrateurs et services généraux

22. Le GT s'est demandé pourquoi le "principe de roulement" s'appliquerait seulement à "la majorité" des "administrateurs" ; qui en serait exempté et s'il pourrait également s'appliquer aux fonctionnaires des services généraux, compte tenu de suggestions antérieures du SG visant à réduire ou abolir les distinctions entre P et G.

Retour à l'affectation précédente après la fin de besoins "temporaires"

23. Les postes des fonctionnaires volontaires pour une réaffectation en fonction de "besoins" temporaires devraient être bloqués pour leur permettre de revenir sur leur poste une fois ces "besoins" satisfaits.

Consentement exprès

24. Afin d'éviter tout risque d'abus de pouvoir, le GT estime qu'aucune ré affectation ne peut être effectuée sans le consentement exprès du fonctionnaire. Des dispositions et des procédures devront garantir que la mobilité ne sera pas utilisée comme un moyen de contrainte à l'égard des fonctionnaires.

Critères de sélection

25. La réaffectation devra viser à sélectionner le candidat le plus qualifié, en fonction des besoins identifiés et des critères d'évaluation admis (compétences requises par la Charte, le Statut et le Règlement du personnel, ST/SGB et ST/AI pertinents) pour exercer les fonctions attachées au poste concerné. Les mêmes critères devront être appliqués pour tous et dans tous les cas de figure.

Alternatives

26. Si un fonctionnaire refuse une ré affectation, des moyens d'incitation, une solution négociée ou une alternative lui seront proposées, notamment en facilitant aux conjoints les possibilités d'emploi et la délivrance d'un permis de travail.

Contrôle

27. Faute de solution, la proposition de ré affectation pourra être soumise au contrôle d'un organe paritaire Administration/Représentation du personnel, tel que l'organe central de contrôle prévu par le ST/AI/2002/4.

Annulation

28. Le pouvoir de réaffecter un candidat pour un poste donné sera annulé si l'organe central de contrôle constate que les critères d'évaluation n'ont pas été respectés ou que les procédures en vigueur n'ont pas été appliquées : le SG adjoint à la gestion ou le Sous-SG à la gestion des ressources humaines sera alors saisi (cf. ST/AI/2002/4, annexe I, par.2).

C) Planification des carrières

Résumé (d: I, 3) : *Pour rendre plus efficace la planification des carrières, il conviendrait d'organiser des formations ciblées, de définir les conditions nécessaires de l'avancement et d'offrir des parcours professionnels plus diversifiés.*

Chapitre 1, Proposition 2 : *Je propose de cultiver les **talents** et de favoriser les carrières. En établissant des profils de carrières types, offrant diverses filières et passerelles.*

Le GT a appuyé cette suggestion, qui devait s'appliquer également aux fonctionnaires des services généraux, et il recommande de remplacer le mot "talents" par "compétences", qui renvoie à des termes déjà approuvés et qui permet de mieux tenir compte dans la réforme proposée des "valeurs fondamentales" (intégrité, professionnalisme, respect de la diversité), des compétences de base (aptitude à la communication, esprit d'équipe, aptitude à planifier et à organiser, sens de responsabilités, créativité, souci du client, volonté de perfectionnement, ouverture à la technologie) et des compétences en matière d'encadrement, (qualités de chef d'équipe ; hauteur de vues, responsabilisation des subordonnés, aptitude à donner confiance, suivi du comportement professionnel, sûreté de jugement , aptitude à décider ainsi que l'obligation responsabilité redditionnelle).

D) Contrat unique. Engagements permanents/continus

Proposition 4 : Je propose de modifier le régime des engagements et d'harmoniser les conditions d'emploi de façon à répondre aux besoins d'une organisation appelée à opérer de plus en plus sur le terrain

- En instituant un type de **contrat unique pour tous les personnels de l'ONU**, qui seraient régis par un seul et **même Règlement du personnel**. Les **conditions d'emploi, calquées** sur celles prévues par l'actuelle **série 100** du Règlement du personnel, seraient modulées en fonction de la durée du service continu. Lorsque la durée de tel projet ou de telle mission n'est pas clairement arrêtée, les engagements seraient néanmoins limités dans le temps de sorte que les intéressés ne puissent compter à tort sur un emploi à long terme ;
- En remplaçant les engagements permanents par des « engagements continus » à durée indéterminée, comme je l'ai déjà recommandé à l'Assemblée générale (voir A/59/263Add.1).

29. Les "visions" du SG en la matière, si elles étaient mises en œuvre, consisteraient en un changement radical dans la pratique des organisations internationales, dont la pérennité se fonde, en grande partie sur l'indépendance et le statut permanent de leurs fonctionnaires internationaux. Ces "visions" pourraient amoindrir la confiance de l'opinion publique internationale dans la légitimité, la crédibilité et l'intégrité de l'Organisation et de ses futurs fonctionnaires, révocables sur pression de telle ou telle "influence extérieure" contraire à l'Article 101 de la Charte.

30. La fonction publique internationale ne saura préserver son indépendance qu'en s'appuyant sur une base stable que représente le contrat permanent prévu par la Charte, à l'Article 101, paragraphe 2, ainsi que par des résolutions de l'AG, le Statut et le Règlement du personnel.

31. Le Juge C.F. Amerasinghe confirme ce principe dans la doctrine (voir le tableau des publications consultées par le GT à la fin du présent rapport):

"The permanent appointment is fundamentally the type of appointment upon which a career in the international civil service is based whether the nature of employment is predicated upon status or contract and whether the appointment is described as permanent, regular or indefinite... The discussion of the contract between permanent employment and that which is not permanent has generally been in terms of ensuring independence of the international civil service and security of tenure, though much emphasis has been placed on the fixed term contracts as a means of attracting efficient national civil servants who are prepared to be seconded rather than resign from their civil service with a view to securing high levels of experience, efficiency and geographical representation. The fact that permanent appointment can somewhat less easily be terminated than other kinds of appointment has contributed to their being the foundation of independence as a result of the assurance of security of tenure."

32. Etant entendu que plusieurs catégories de fonctionnaires continueront à être recrutés sur des contrats permanents, notamment les jeunes fonctionnaires professionnels en début de carrière ayant réussi les examens nationaux (*National Competitive Examination*) et auront des engagements permanents jusqu'à la fin de leur carrière, le GT estime que la "vision du SG" ne peut garantir un engagement unique mais contribuerait au contraire à instaurer une discrimination entre les fonctionnaires disposant d'un ancien contrat permanent qui deviendrait continu, et les jeunes fonctionnaires NCE qui continueraient à bénéficier de contrats permanents. Le GT estime donc que, si la "vision" du SG d'un contrat unique devait être retenue, elle devrait s'aligner sur le contrat permanent.

33. Le GT recommande que le SG:

a) continue à appliquer les dispositions de la Charte et les résolutions de l'AG, applicables aux contrats permanents, réguliers et autres contrats à durée indéterminée;

b) n'amende pas les dispositions du Statut et du Règlement du personnel, ni les instructions administratives relatives aux contrats permanents, pour contribuer à maintenir et à garantir l'indépendance des fonctionnaires des Nations Unies, conformément aux Articles 100 et 101 de la Charte des Nations Unies, qui constituent "le personnel spécial affecté *d'une manière permanente* au Conseil économique et social... et s'il y a lieu à d'autres organes de l'Organisation", c'est-à-dire le "personnel (qui) fait partie du Secrétariat";

c) donne suite aux demandes émises par la représentation du personnel, accueillies favorablement par l'Administration, au sein du SMCC à sa XXVI^{ème} session, visant notamment à régulariser tous les fonctionnaires recrutés depuis 1990 en convertissant leurs contrats à durée déterminée en contrats permanents, comme demandé par le CC de l'ONUG;

d) tienne dûment compte, pour la nomination à des contrats permanents, de l'expérience que possèdent des fonctionnaires déjà au service de l'Organisation, garantissant ainsi la mémoire institutionnelle de l'Organisation, conformément à l'Article 4.4 du Statut et à la disposition 101.11 du Règlement du personnel;

e) mette fin à la précarisation (contrats à court terme) des autres fonctionnaires des Nations Unies conformément aux règles fixées par l'Assemblée générale, notamment des fonctionnaires internationaux en poste sur le terrain.

34. Le GT estime qu'une fusion entre les séries 100 et 300 imposerait que l'octroi d'un contrat type série 100 soit modulé selon la durée du service avec mention de la garantie d'emploi et de retour dans le poste d'origine. Sans cette mesure, il sera impossible d'avoir des volontaires. Les critères d'emploi concernant la sélection des fonctionnaires sur le terrain et au siège doivent être alignés sur les mêmes exigences.

E) Alignement du statut des fonctionnaires sur le terrain sur ceux des Fonds et Programmes

Propositions : *En alignant les conditions d'emploi des fonctionnaires du Secrétariat en poste sur le terrain sur celles des personnels des fonds et programme des Nations Unies, en classant les missions sur le terrain en fonction de la sécurité, en instituant, s'il y a lieu, le **régime Opération spéciale** dans les **lieux d'affectation formellement déconseillés aux familles**, et en renvoyant le régime des **périodes de repos** et rationalisant l'administration, notamment grâce à la **forfaitisation**. Cette harmonisation exigerait des dépenses renouvelables de l'ordre de 280 millions de dollars par an.*

Conclusions : *Aligner les prestations et indemnités auxquelles ont droit les fonctionnaires de l'ONU en poste sur le terrain sur celles accordées aux fonctionnaires des fonds et programmes des Nations Unies.*

35. Le GT a considéré favorablement cette recommandation, pour autant que les critères de sélection et de contrôle soient les mêmes que ceux applicables aux autres fonctionnaires de l'ONU. Le GT a recommandé d'examiner favorablement l'affectation de fonctionnaires des services généraux sur le terrain. (A/Res/52/12 (b)).

F) Investir dans la qualité de l'encadrement

Proposition 5: *Je propose de redéfinir les attributions du Vice-Secrétaire général, et de lui déléguer officiellement le pouvoir et la responsabilité de définir l'orientation générale des activités ayant trait au fonctionnement du Secrétariat et d'en diriger la gestion, le Secrétaire général continuant pour sa part à conduire la politique et à arrêter les choix de principe de l'action.*

36. Le GT propose que le SG continue à assumer sa responsabilité pleine et entière de « plus haut fonctionnaire » de l'Organisation conformément à la Charte, au Statut et au Règlement du personnel.

37. Le GT note que le poste de Vice-Secrétaire général n'est pas prévu dans la Charte et a été créé par le SG. Le GT note un manque de clarté quant au processus de sélection et de nomination du Vice-Secrétaire général.

Proposition 6: *Je propose que mon successeur regroupe les 25 départements et entités qui à l'heure actuelle relèvent directement du Secrétaire général en huit unités administratives ou groupes environ dont chacun serait dirigé par un secrétaire général adjoint.*

38. Le GT S'inquiète du fait que 17 départements sur 25 échappent à la responsabilité du SG, affaiblissant de ce fait davantage le système interne d'administration de la justice. Le GT suggère en conséquence que le SG reste le responsable ultime de cette administration et continue d'assumer pleinement sa responsabilité de « plus haut fonctionnaire de l'Organisation » dans ce domaine (Article 97 de la Charte).

39. Le GT estime que compte-tenu du fait que le Secrétaire général a déclaré que les gestionnaires ont perdu la capacité de gérer, leur donner des pouvoirs élargis serait déraisonnable et lourd de conséquences pour le personnel.

Proposition 7: *Je propose d'améliorer les procédures de recrutement des cadres et les programmes de formation et de perfectionnement afin de doter l'Organisation du corps de cadres supérieurs et intermédiaires, nécessité par les opérations complexes qu'elle mène de nos jours partout dans le monde.*

40. Le GT suggère d'améliorer les processus de recrutement des cadres supérieurs :

- a) en renforçant les obligations redditionnelles (*accountability*)
- b) en prévoyant des sanctions administratives et/ou financières en cas de non-respect de ces obligations, pour rester dans la logique du discours du SG relatif au combat contre l'impunité.

III. Formation et perfectionnement du personnel

Le GT a réuni sous cette section toutes les suggestions relatives à la formation et au perfectionnement du personnel.

Chapitre I : Formation et perfectionnement

- *En pourvoyant au perfectionnement **systématique** des **administrateurs en début de carrière**, érigé en **condition impérative pour l'avancement***
- *En astreignant les **cadres et responsables** à des **stages d'orientation et de perfectionnement**.*
- *En augmentant sensiblement les **ressources** consacrées au perfectionnement du personnel et à l'aide à **l'organisation des carrières***
- *En multipliant les chances de formation et en améliorant les conditions de vie et de travail ; le budget formation devrait initialement être multiplié par deux, ce qui nécessiterait 10 millions de dollars supplémentaires par an ;*

- *Conclusion : Investir davantage dans le perfectionnement et les programmes de formation; selon les besoins requis par les services et en consultation avec le personnel.*

41. Le GT estime qu'il est nécessaire de permettre une adéquation entre les formations offertes et les besoins réels du personnel et recommande que le personnel soit consulté sur les formations souhaitées. Il s'est demandé pourquoi le "principe de perfectionnement systématique" s'appliquerait seulement aux "administrateurs" et recommande que le perfectionnement soit aussi applicable comme mesure favorisant l'avancement des fonctionnaires des services généraux, compte tenu de suggestions antérieures du SG visant à réduire ou abolir les distinctions entre les fonctionnaires P et GS.

IV. Investir dans de nouvelles formules de prestation de service

A. Exploiter les options nouvelles

Proposition 11

- *Je demande à l'assemblée générale de modifier ses directives de manière à permettre au Secrétariat d'envisager toutes les formules nouvelles de prestation des services, notamment d'évaluer le potentiel de délocalisation vers des lieux d'affectation moins coûteux et d'externalisation.*

Proposition 12

- *Je propose que les coûts et avantages des formules de délocalisation d'externalisation et de télétravail fassent l'objet d'analyses rigoureuses et détaillées dans les délais indiqués ci-après :*
 - *Traduction, édition et production documentaire : septembre 2006 ;*
 - *Impression et services de publication : septembre 2006 ;*
 - *Administration des plans d'assurance maladie : septembre 2006-04-12 Services d'appui informatique : décembre 2006*
 - *Comptabilité et paie : mars 2007*
 - *Administration du régime des indemnités et prestations : mars 2007*

42. Le GT met en garde contre les graves et multiples conséquences que pourraient avoir l'externalisation qui, partielle ou totale, ouverte ou déguisée, immédiate ou progressive, pourrait, à terme, déposséder l'Organisation de pans entiers de son savoir-faire, de sa mémoire institutionnelle et de sa diversité. Une telle rupture serait des plus coûteuses à restaurer, si le modèle suggéré échouait.

43. Le GT prie le SG de tenir compte de la résolution 55/232 de l'AG, qui lui demande de veiller à ce que « en cas d'externalisation, les directeurs de programme soient guidés par les considérations fondamentales suivantes :

a) les compétences techniques recherchées doivent être des compétences qui font défaut à l'Organisation;

b) l'externalisation doit lui permettre de faire des économies;

c) elle doit lui permettre de bénéficier de prestations de meilleure qualité, ayant un meilleur rapport coût/efficacité ou fournies dans des délais plus courts;

d) les activités à externaliser ne doivent pas être de longue durée ;

e) la nécessité d'éviter "des effets néfastes éventuels sur le personnel" ».

44. Le GT prend note avec inquiétude de la phrase du paragraphe. 64 selon laquelle il faudra "prévoir des mesures de transitions en faveur des fonctionnaires dont l'emploi pourrait à terme être menacé".

V. Système interne d'administration de la justice

" Il importe que le Secrétariat et les États Membres rapprochent le réexamen du dispositif de contrôle interne de celui du système interne d'administration de la justice, actuellement menés en parallèle., et que ces réexamens tiennent compte des impératifs des réformes d'envergure étroitement liées entreprises dans six autres grands domaines. "

45. Le GT s'est interrogé sur la vision du SG en la matière et prie le SG de renoncer à utiliser son pouvoir discrétionnaire, de ne pas mettre en œuvre les recommandations des organes du système interne de l'administration de la justice, et bien au contraire, de donner force obligatoire aux jugements du TA, ainsi que d'ajouter au système interne d'administration de la justice de nouvelles méthodes de résolution de différends et d'appliquer des mesures de mises en œuvre équilibrées entre les droits et les devoirs qui ont pu être identifiés par la Commission de la fonction publique internationale.

46. De manière plus générale, le GT recommande que le SG encourage au sein du Secrétariat, comme il le recommande dans ses rapports à l'AG et dans ses relations avec les Etats Membres, 'une véritable culture de respect de la primauté du droit, de la bonne administration de la justice, de la promotion et du respect des droits de l'homme et de la femme, ainsi que des normes internationales du travail, applicables aux fonctionnaires internationaux, et qu'il encourage les fonctionnaires en charge de Départements à se former en la matière.

47. Le GT recommande au SG d'exercer son pouvoir de sanctionner, notamment lorsque le TANU ou un autre organe du système interne d'administration de la justice a relevé un abus ou harcèlement de la part d'un superviseur pour contribuer, comme il le recommande dans ses rapports à l'AG, à mettre fin à l'impunité.

48. Le GT recommande au CC d'inviter le SG à s'assurer que l'Administration nomme rapidement ses représentants aux organes paritaires du système interne d'administration de la justice et sanctionne tout fonctionnaire qui abuserait de son pouvoir pour empêcher des représentants du personnel élus d'exercer leurs fonctions dans des conditions normales.

VI. Intégrité

49. Le GT recommande au CC d'inviter le SG à demander aux superviseurs, y compris au plus haut niveau, de respecter les règles de déontologie, notamment l'obligation de réserve, et de s'abstenir de dénigrer le personnel des Nations Unies, en particulier à l'extérieur de l'ONU et notamment dans la presse.

50. Le GT recommande au CC d'inviter le SG à rechercher quels sont les responsables des échecs mentionnés dans son Rapport, notamment ceux des « précédentes initiatives de réforme, qui ...visaient, pour certaines, les symptômes plutôt que les causes des faiblesses de l'ONU, et n'ont pas donné à celle-ci les moyens de répondre à des attentes et sollicitations nouvelles », responsables de ne pas avoir su identifier et remédier à temps à l'allégation selon laquelle "les compétences des fonctionnaires de l'ONU ne répondent plus aux besoins".

51. The gravamen of the Secretary-General's letter dated 4 June 2004 was

- a) To provide a safe environment for far who feel unprotected from reprisals for reporting violations and abuses.
- b) Securing an adequate and transparent follow-up of investigations, including the provision of copies of investigation reports and detailed information on sanctions and disciplinary action taken as a result of the findings
- c) Ensuring that managers, particularly at the top level, give a personal example in connection with integrity, honesty and fairness.

Unfortunately, the latest report A/60/692 in a series of four (A/51/950, A/57/387, A/59/2205 and A/60/692) totally contradicts this philosophy as expressed in the letter to the staff and is an outright attack on the independence of the international civil service.

Conclusions

Le GT propose au Conseil de Coordination de recommander au Secrétaire général la création d'une section qui lui soumettrait des suggestions tenant compte de tous les rapports et recommandations antérieurs proposés ou adoptés par un organe des Nations Unies, à l'exemple de la section du DPKO Peacekeeping Best Practices Section (PBPS).

Le GT propose au Conseil de Coordination de recommander au Secrétaire général de tenir compte de l'ensemble des recommandations qui figurent dans le présent rapport.

Documentation du GT

Documentation de l'ONU	Documentation rédigée par les fonctionnaires
Charte des Nations Unies	Déclarations du "New York Staff Union" des 2 et 3 (au SG), 10 (à ACABQ), 16 et 20 mars 2006 (au Chef de cabinet, Res.76)
Rapport du SG : A/60/692	Position des fonctionnaires du Service linguistique
CCQAB. Rapport à l'AG: A/60/735 et Corr. 1	Note de la Section russe de traduction: "A story behind the move to "off-shore" UN translation"
5ème Commission de l'AG: A/C.5/59/4; Pratique de l'ONU en matière d'externalisation A/C.5/59/SR.34 A/C.5/58/SR.2 -	" Visions of Staff", par "Force intersyndicale"
Vice-Secrétaire général A/Res52/12(b)	
SGA/gestion. Système de sélection du personnel: ST/AI/2002/4	
SG. Lettre "On the management reform" du 24.3.2006	
Communication du GT du CC au personnel de l'ONUG / CC's WG broadcast to UNOG personnel	

Liste des fonctionnaires ayant participé aux travaux du GT

Membres du BE : Xavier Campos (Force Intersyndicale); Florence Chevalier (Alliance); Christian David (Alliance); Rachel El Haloui-Delégise (NewWood); Oleg Kiiamov (Alliance); Ridha Zargouni (Alliance).

Membres du CC: Kifah Bitar (New Wood); Abdelkader Boubakeur (Alliance); Ginette Courault (Alliance); Daniel Prémont (New Wood); Dominique Rames (New Wood); Hulan Tsedev (Alliance); Sébastien Vernay (Alliance); Janet Weiler (New Wood); David Winch (New Wood).

Observateurs fonctionnaires de l'ONUG : Mutoy Mubiala, Larbi Nefil, Darka Topali, Johannes Van Aggelen.

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Annexes

Nota . Les documentations mentionnées dans le rapport pourront être obtenues sur demande auprès bureau du Conseil de Coordination (C 527).

Position des fonctionnaires du Service linguistique de l'ONUG au sujet des propositions de réforme de l'Organisation présentées par le Secrétaire général dans son rapport publié sous la cote A/60/692

Les membres du Service linguistique de l'ONUG tiennent à réaffirmer leur attachement à la préservation de services de conférence de qualité et au maintien de la réputation de l'ONU en la matière et craignent que les réformes proposées dans le rapport du Secrétaire général n'entraînent une dépréciation du statut de la fonction publique internationale.

Ils regrettent que, contrairement à ce que prévoit la disposition 108.1 du Règlement du personnel, les organes représentatifs du personnel n'aient pas été consultés avant l'établissement du projet de réforme présenté par le Secrétaire général, qui concerne pourtant directement « les conditions de travail et les conditions de vie en général » des fonctionnaires.

Ils déplorent qu'à aucun moment le coût humain de mesures telles que la délocalisation de centaines de fonctionnaires et de leur famille, n'ait été pris en compte et que les suppressions de postes auxquelles elles risqueraient d'aboutir, notamment pour les agents de traitement de texte, aient été passées sous silence.

Ils relèvent avec consternation que les coûts financiers qu'entraîneraient des opérations d'externalisation ou de délocalisation n'ont pas été pris en compte dans leur totalité et, à cet égard, souscrivent à la note rédigée par le Service russe de traduction du Siège (doc. joint en annexe).

Ils rappellent que les activités du Service linguistique sont essentiellement fondées sur la communication entre les diverses parties prenantes (auteurs, missions, traducteurs, terminologues, assistants de références, assistants de traitement de texte, etc.). Dès lors, la qualité des traductions pâtirait inévitablement de l'éloignement des traducteurs des centres de décision ou de consultation (délocalisation) ou de leur dispersion (généralisation du télétravail).

Ils souhaitent à l'avenir être associés en tant que parties prenantes à l'examen de tous les moyens envisagés et envisageables pour accroître l'efficacité de leur activité à l'ONU, en concertation avec leurs collègues des autres lieux d'affectation. En temps utile, ils présenteront des propositions concrètes en la matière.

PROPOSAL 12: A STORY BEHIND THE MOVE TO “OFF-SHORE” UN TRANSLATION
Comments by the DGACM language staff on the SG report “Investing in the United Nations: for a stronger Organization worldwide” (A/60/692)

I. Background

1. Since the inception of the UN, translation and documents production, including typing, proofreading and printing, have been provided by in-house international staff serving under 100 series. To become UN translators, candidates are required to pass a rigorous multi-part UN examination. Achieving a translation career at the UN has been perceived as a pinnacle of a translator’s career, and throughout the decades, United Nations gradually developed a leading international school of diplomatic translation and a productive and efficient “translating factory” which produces daily hundreds of pages of high-quality translations from and into all six official languages. UN translation is a unique trade which reflects the uniqueness of the Organization itself: only here translators are required to be encyclopedic erudites that are competent in all subjects discussed by numerous UN bodies and, at the same time, possess expert knowledge in some of these fields.
2. The idea to move the major part of translation and documentation services out of Headquarters was for the first time put on record in June 2005, at a meeting between UN staff representatives with the freshly appointed USG for management Christopher Burnham. The new USG surprised the audience by his assertion that his primary loyalty was to the United States of America¹, as well as by his belief that UN translation could be ordered from US providers through “Yellow Pages” and that “prime real estate” at HQ should not be occupied by translators².
3. In January 2006, USG/DGACM Jian Chen informed staff representatives that at a request by Mr. Burnham, DGACM would retain outside consultants “*Epstein, Fass and Associates*” and “*Faulkner and Associates*” to prepare a report containing options of outsourcing translation. In February, the consultants produced an interim report and shared it with staff representatives. The interim report contained 3 following options: “virtualization” of documents production by in-house staff, including telecommuting from translators’ homes; contracting translation out to unspecified companies; and creating a separate non-UN company under the jurisdiction of one member state. In their comments to the interim report staff representatives showed that options 2 and 3 were unrealistic since they can not ensure the degree of quality, timeliness, security, reliability and consistency required from the UN translation by member states³.
4. During discussions with staff representatives, neither the consultants, nor the DGACM management even mentioned the forth option. It appeared in the final report by the consultants, and the staff representatives were not invited to provide their comments on it before the report was transmitted by DGACM management to USG/DM and DSG (who at that time were actively preparing the future SG report on the management reform). It was not hard to predict that the future report would propose to member states the “option 4”, which was hastily and secretly drafted by the consultants in a few last days of their assignment. This paper was prepared by a group of DGACM staff members to reflect, although belatedly, their opinion with regard to option 4, which in the SG report became “Proposal 12”. Since no substantive argumentation in favour of the off-shoring is provided in the SG report, its analysis should be based on the study of option 4 as presented by the consultants retained by DGACM⁴.

II. Factual mistakes and misleading figures

5. In his report “Investing in the United Nations: for a stronger Organization worldwide” (A/60/692) the Secretary-General states:

“My vision is of a United Nations which has achieved gains on several fronts by introducing new practices, such as **relocating activities to new work stations**. By so doing, it will disperse the economic and employment benefits of those activities more equitably among its Member States, while at the same time making it more effective and efficient. In particular, it will redistribute some of the very large share of those benefits that currently flows to the richest Member State of the United Nations because it hosts a large United Nations presence. **Redistributing and relocating the Headquarters workload to other parts of the world will benefit more countries and economies; allow the United Nations to widen and deepen the skills pool from which it recruits; and enable it to reduce the overall costs of its operations**”(see A/60/692, para.59). (Emphasis added)

“Other steps of the document production cycle, such as **translation, may be candidates for relocation to lower-cost duty stations** — but *not* necessarily for outsourcing because of quality control and other issues” (See A/60/692, para.63). (Emphasis added)

“Preliminary estimates suggest that possible savings from relocating the full range of document production services could approach **25 per cent of existing personnel and location costs, representing a net saving in the range of up to \$35 million per annum**” (see A/60/692, para.62). (Emphasis added)

II.A. Relocation/off-shoring and staff and related costs

6. The comments in this section deal only with the relocation/off-shoring of the translation and related services to “lower-cost duty stations”, as suggested in the report of the Secretary-General (A/60/692), particularly with economic and financial considerations relating to DGACM goal to provide services on a cost-effective basis. Such issues as quality, timeliness, productivity and other related issues are discussed in section III below.

7. Apparently, the estimated benefits of relocating translation and related services (“25 per cent of existing personnel and location costs, representing a net saving in the range of up to \$35 million per annum” (see A/60/692, para.62)) are derived from the report by consultants, *Epstein & Fass Associates* and *Faulkner and Associates*, retained by the DGACM to undertake a study on the aforementioned and other alternatives.

8. In their report, the consultants state that as a result of relocating the relevant services and creating a “new Centre in a relatively low-cost environment and yet one which has state of the art technology access and capability would immediately make it cost-competitive with the provision of those services in high-cost environments such as New York if one applies full-cost accounting principles to the provision of office space, other infrastructure and support (non-UN international staff) services. In our initial calculations we estimated maximum cost savings with full implementation (the transfer to the Centre of all DD functions plus text processing and Verbatim Reporting) on the order of 25% of existing staff costs. These savings come as a result of lower post adjustment for professional staff and for anticipated lower local salary levels for general service staff. This represents a net saving in the range of \$30 million per annum, with an additional saving of some \$4 million per year (depending on the local rent paid) in notional costs for rent. (Rent costs are notional since the UN does not at this time include attributed rent costs in its budgets.) We also estimate an overall net saving of approximately 70,000 square feet of prime midtown New York office space currently being used by DD staff and managers at UNHQ. Even if a relatively small number of these staff members (e.g., editors and a few translators in each language) must stay to service New York in person for a period of years, savings will still be substantial”(see para. 4 on page 27 of the report).

9. According to the consultants, the savings would come as a result of **lower post adjustment for professional staff and anticipated lower local salary levels for general service staff**. They claim that this would represent a net saving in the range of \$30 million per annum, with an **additional saving of some \$4 million per year (depending on the local rent paid) in notional costs for rent**.

10. Since this is a key statement the gist of which was used in the report of the Secretary-General it warrants thorough review and analysis. First, let us review the staff related costs and savings, if any.

11. Post adjustment classification at different UN duty stations is not directly related to such economic concepts as per capita GDP or standard of living. It is a relative cost-of-living indicator designed to provide comparable conditions for staff working in different locations and to reflect cost-of-living variations at different duty stations. Therefore, filling a basket with similar goods and services of comparable quality at locations with substantially different levels of economic development does not necessarily result in significantly lower expenditures.

12. This absence of direct correlation between cost of living of the general population of a country and the post adjustments of UN staff members stationed in the same country can be illustrated by the following examples from the ICSC Post Adjustment Circular.

Country/Duty Station	Post Adjustment Multiplier
USA, New York	63.7
Angola	61.3
Norway	60.7
Russian Federation	59.8
Congo, Brazzaville	59.6
Switzerland	57.9
Nigeria	57.7
France, Paris	48.1
Burundi	47.2
Ethiopia	42.9
Germany, Bonn	42.8
Austria	40.6
Belarus	40.6
Netherlands	40.0
Swaziland	39.5
Finland	35.5
India	29.9

Source: http://icsc.un.org/resources/html/cold/pac/pac_tab.htm.

13. It should be recognized, however, that post adjustment multiplier for New York (63.7) is indeed among the highest. At the same time, the post adjustment for New York is not necessarily much higher than in other locations which may be perceived off hand as less costly, such as Angola, Russian Federation and Congo (multipliers 61.3, 59.8 and 59.6, respectively). It remains unclear what assumptions were used by the consultants to be able to come up with their numbers.

In any case, under the existing UN practice **a survey of the best prevailing conditions should be undertaken to determine salary levels for locally recruited staff in a new location.**

14. Since the consultants state that the total estimated savings of \$30 million per annum include potential savings resulting from the anticipated lower local salary levels for General Service staff, their statement needs to be clarified and reviewed in detail. It will be recalled that conditions of service of the General Service staff are established on the basis of the Flemming principle, i.e. based on the **best prevailing local conditions**. Therefore, though it is reasonable to assume that local labour in most locations will be less expensive than in New York, with the Flemming principle in place it is hard to imagine that the difference would be considerable enough to warrant radical change in a model of operation.

15. More importantly, there are certain factors which the consultants did not, apparently, take into account, although those factors can very seriously affect the bottom-line. In addition to one-time relocation costs that could be roughly estimated at \$15 million (for 500 staff members with dependants), the Organisation will incur substantial costs because many General Service staff working in New York, particularly in TPUs, are now recruited locally. That means that they do not receive expatriate elements of the remuneration package which their internationally recruited colleagues receive. These include **education grant, home leave entitlements, rental subsidy, and other allowances**.

16. As a result of the relocation, locally recruited text-processor operators would be automatically granted international status and become entitled to the entire expatriate package, since it is hard to imagine that a qualified Spanish, French or Arabic text-processor operator will be found, for example, in Mumbai or Beijing.

17. Rental subsidy alone might be a substantial additional financial burden for the Organisation. Every relocated internationally recruited staff member or a staff member who would become an international recruit would be eligible for a rental subsidy. Depending on the number of staff, the additional expenses may set off a considerable part of the potential savings.

18. Another very important element that the consultants did not, apparently, take into account in their estimates relates particularly to the General Service staff. Off-shoring of hundreds of staff members, as suggested, to a new location and creation of a new Centre would require renting an office building or buildings, unless provided free of charge, and the provision of necessary maintenance and administrative services.

19. In the New York Headquarters such services already exist. They include the whole array of services from building maintenance and janitorial services to IT and systems support, to travel/visa support and payroll. Creation of similar services in the new Centre would require establishing dozens of new local posts. This, in turn, would lead to fragmentation and duplication which the Organization has been so adamantly trying to eliminate and would obviously involve costs which were not factored in by the consultants.

20. Under normal economic conditions, in order to cut administrative and staff costs entities are integrated or merged thus achieving economies of scale. Conversely, in our case fragmentation and duplication are proposed to improve efficiency.

II.B Office space

21. At the meeting with staff representatives on February 22, 2006 the Secretary-General confirmed that the proposals on relocation are linked to the office space issue, in particular the capital master plan. The existence of this linkage was later confirmed by USG Burnham in his presentation on March 17 at Heritage Foundation in Washington, D.C., although only several days earlier he had denied such a linkage at a meeting with DGACM staff representatives⁵. It is apparently assumed that by moving translation and related services out of the Secretariat building to a less costly location additional savings would be achieved. Indeed, the \$35 million of estimated savings per annum include "personnel and location costs" (see A/60/692, para.62).

22. The "estimated savings" of \$35 million include "some \$4 million per year (depending on the local rent paid) in notional costs for rent" (see para. 4 on page 27 of the report by Epstein and Fass Associates). The consultants based their estimates on the rate for rent in mid-town Manhattan at \$59/sq.ft. (see page 13 of the report by Epstein and Fass Associates).

23. However, in the report of the Office of Internal Oversight Services on the audit of the standard costs (A/60/682) **substantially lower rates applicable to the area in question are cited**. Table below shows that the rate which is used by the UN for relevant calculations for Headquarters is **\$45 but not \$59/sq.ft.**

**Comparison of base rent rate of \$45 per square foot with current
market rental prices in the Grand Central and East Side areas**

(United States dollars)

<i>Real estate company</i>	<i>Published average price per square foot</i>	
	<i>Grand Central area</i>	<i>East Side area</i>
CBRE		51.48
Studeley		53.55
Newmark		45.4244.92
	not available	
	44.01	
Minimum published average	45.4244.01	
Rate indicated in the standard cost guidelines applicable for 2005	45.00	

Source: Report of the Office of Internal Oversight Services on the audit of the standard costs applied to Headquarters overhead (A/60/682, para. 13).

Apparently, the projected savings on notional rent were inflated by the consultants by about one third. Unfortunately, this inflated "estimate" was used in the SG report. In this connection, a question of accountability arises: who should be held accountable for disorienting member states with the misleading and unsubstantiated financial information? Why the figures were not checked before they were included into the SG report? And who is interested in luring member states into a disruptive off-shoring project by inflating estimated financial benefits to the Organization?

24. It also seems important to note that at the aforementioned meeting with staff representatives the Secretary-General stated that a strategic decision by member-states on the capital master plan was yet to be taken. Therefore, though phased reconstruction of the Secretariat building was recommended by the Secretariat, the possibility still exists that the option providing construction of an additional building on the North lawn would eventually be favoured.

25. The member-states may wish to consider that this solution, though initially more costly at face value, would allow not only to implement the reconstruction project effectively, but also to resolve the office space issue for years to come and take rent (actual or notional) off the agenda altogether. Considering the movement of real-estate prices in Manhattan and construction costs, and based on the potential **recurring costs** for rent, the construction cost of the new office tower will be paid off in a few years and the United Nations will be the owner of a class A office space in a prime location on its land and will not depend on market and other factors.

II. C. Some conclusions

26. **The potential savings resulting from the proposed relocation of translation and related services estimated in A/60/692 at \$35 million per annum are not substantiated and are doubtlessly misleading. Many important factors are either factored in incorrectly or not considered at all. Inflated savings estimates may steer member states to an uninformed and potentially counter-productive decision.**

27. **Even rough estimates show that, with all one-time and recurring expenditures factored in, the personnel cost savings will be much less than those stated in the report A/60/692, if any (upon availability of certain data we could be more specific).**

28. **Notional cost savings that are expected to be achieved by vacating office space in the Secretariat building and off-shoring translators and their support staff are inflated by about 30 per cent because in their office space rental estimates consultants used higher rates than those used in the Headquarters for the relevant calculations. Omission of the fact that currently translators do not occupy any actually rented space leaves member states with an impression that estimated savings are actual rather than merely notional.**

29. **The issue of office space, with its questionable relevance to the management reform and the provision of essential documentation services to the parliamentary bodies, may be resolved if the construction of an additional building under the capital master plan is approved.**

III. Impact of relocation on the four goals of Conference Services: cost-effectiveness, productivity, quality and timeliness of document production

30. In their report the consultants recognize that relocation "might also lead to the necessity of a modest increase in staff to handle the coordination between clients and processing staff as well as in information technology areas" (see page 32). In reality this "increase in staff" will be quite substantial because of the extraordinary complexity of the technological chain

proposed by this option. For the first time in history of the United Nations, and indeed any organization, a single UN Language Centre located outside of the Headquarters is going to manage and coordinate the work of hundreds of “work cells” of various caliber – ranging from a single free-lancer to a big translation firm – spread around the globe and located in different time zones. The authors of the report do not realize that the work of UN translators is arguably the most contact intensive among all categories of UN staff, and their description of coordination needs is fundamentally deficient.

31. The translation services of DGACM can function with reasonable success only if daily face-to-face contacts are assured, in particular with client missions (which often seek and provide vital clarifications in the meeting rooms or in close proximity to them), author departments, colleagues from other language services, text-processing units, DHL staff, reference and terminology staff and experts working in many units of the Secretariat.

32. The list above is in no way exhaustive and does not include other necessary contact lines. Moreover, any relocation will increase the required number of contacts by an order of magnitude as a result of the creation of a confounding global maze of “work cells”. Moreover, it will increase communications costs dramatically because a very large share of these contacts will become international.

33. The minimal additional staffing needs of the Services can be conservatively assessed as follows:

- 12 posts of Coordinators (Programming Officers) at the P-5 level, that is two posts for each Service because the Centre will have to operate at least 14 hours a day like Translation Services in New York which function from 9AM till 11 PM;
- 6 posts of ICT Officers at the P-3 level (one for each Service).

This estimate does not include additional posts of translators and revisers which will be needed to offset a loss of productivity, as discussed below.

34. The financial implications of the creation of these posts will exceed \$3 million a year, to which we have to add an unknown cost of international telephone calls and other international communications, as well as inevitable increase in staff travel, recruitment, training and general welfare costs stemming from inability or unwillingness of a large number of the most qualified – and therefore “most wanted” by competing international organizations – translators and revisers to relocate.

35. Factoring in some additional costs which had not been considered by the consultants cuts the estimated savings at least in half. The member states might wish to question the advisability of risking the entire conference servicing of the United Nations and destroying a leading international school of diplomatic translation over such a comparatively small financial benefit. Let us compare the above mentioned figure with some UN expenses. According to the Joint Inspection Unit, UN organizations spent \$1 billion on management information systems over a 10-year period (JIU/REP/2002/9), and ACABQ is concerned that the Organization’s spending on ICT can be “in excess of \$1 billion in the next five years” (A/58/7, para. 125), and this figure does not include \$120 million for ICT sought by the Secretary-General in his report A/60/692. Even if saving of \$35 million a year on translation were achievable, these savings would be dwarfed by other expenses and should not be the reason for jeopardizing the whole Conference Servicing operation, especially its main parameter – quality of work.

36. Here we come to the most vulnerable element of the whole relocation concept: its implications for the quality of work. Here are some typical expressions of the attitude of Member States:

- In the opinion of China, “the quality of work should never be compromised merely in order to save costs” (A/C.5/60/SR.17, para. 90).
- In the opinion of Russia, “particular care must be taken in reforming the working methods of the language services, the core functions of which were not amenable to automation owing to their basically intellectual nature. The main purpose of such reform must be to raise the quality of translation in the six official languages” (Ibid., para. 46).

37. Only when it is too late the Department is going to discover that relocation has led to collapse of quality due to the following factors:

- massive resignations of the most talented and experienced staff and irreversible loss of institutional memory;
- necessity of recruitment and training of large numbers of new staff members with no prior UN experience from a very small and pool of talent available externally;
- acute shortage of qualified Training Officers due to the factors listed above;
- a long time lag in training, which means that training of a new staff member typically requires at least five years;
 - cutting-off ties with important resources such as numerous book collections and consultants at Headquarters.

38. The goal of productivity also deserves attention. Current level of productivity is sustained by a heavy reliance of translation services on self-revision. Only seasoned translators are able to provide self-revised translations at a required quality level. Massive resignation of the most talented and experienced professionals will critically reduce the services' capacity to provide self-revision, and more time of those revisers who decide to continue their service at the UN language centre will be spent on heavy revision of substandard drafts, quality control and training of new recruits. Thus the potential savings projected by the consultants for the relocation scenario would be further offset by the substantial loss of productivity which would have to be addressed by increasing the number of posts.

39. The impact of relocation on timeliness of documents production will also be heavily negative. The consultants correctly pointed out that DGACM does not have managerial capacity necessary "for coordination and managing the interface between remote clients and virtual and on-site processors". To increase this capacity to an adequate level, the Organization would have to hire more managers, both in HQ and the remote location(s). A clarification from an author or a client which now takes minutes to receive, will take hours or even days due to difference in time-zones and impossibility for translators or permanent missions staff simply to stop by a conference room or translator's office and discuss the issue on the spot. Many jobs will be delayed pending necessary clarifications/consultations/corrections.

40. Another important issue is security and integrity of information contained in UN documents. No security system guarantees against unsanctioned access by interested parties (parties on conflict, parties in diplomatic negotiations etc.) into UN documents, which in many cases are highly sensitive. This factor, which is an issue in its own right, will also impact timeliness and cost-effectiveness due to necessity to use secure channels of communication, such as UN pouch.

41. An internal logical contradiction leaps to the eye of the reader of the Secretary-General's report. Throughout the report the Secretary-General tries to convince the reader that excessive complexity of the existing systems in the area of ICT management (see Figure 5 on page 24), budgeting, reporting and many other areas is the primary reason for their being "dysfunctional", and he proposes to correct this situation by simplifying these systems. However, when it comes to DGACM, the Secretary-General proposes to abolish a simple and unified documentation processing located in one building and to replace it by a global document-production chain of mind-boggling complexity.

42. The Epstein report correctly points out that costs and benefits of any new operating mode can be accurately estimated only after rigorous and extensive testing. This observation is especially important due to the fact that costs and benefits do not amount to money only. They include such important "intangibles" as quality, morale of staff, client satisfaction, relations between administration and staff etc. These and other factors can be evaluated with any sufficient degree of accuracy only after the relocation actually takes place. It means that the United Nations will face a grave risk of serious and frequent disruptions of its work with consequences not known to anyone.

43. Redistributing wealth among nations has never been and should not be a function of the Documentation Division of DGACM. Giving it such an unusual political and economic role as in Proposal 12 could have profound negative consequences for the Department as a result of politicization of its work.

44. The relocation proposal fails to achieve the most important goal mandated to DGACM by the Member States – improving cost-effectiveness without prejudice to the other factors, such as quality, productivity and timeliness of UN documentation. Not surprisingly, this fundamental aspect of documents production is not even mentioned in the proposal because the counter-productive nature of these "revolutionary transformations" is too obvious.

1 See Washington Post, By Colum Lynch
Washington Post Staff Writer
Thursday, July 21, 2005; A21

2 Currently translation and documentation services occupy six floors in the main Secretariat building, which is owned by the UN. No commercially rented office space is used to accommodate such services.

3 Comments of staff representatives can be obtained in the UN Staff Council Office (S-525).

4 Final and interim reports can be obtained in the UN Staff Council Office (S-525).

5 Transcript of the presentation and notes from the meeting can be obtained in the UN Staff Council Office (S-525).

6 Consultants pointed out to the fact that there is practically no external market of UN-grade translators in a number of places in their report. They also explained that currently almost all translations contracted out to companies and free-lancers are performed by UN retiree

Visions of Staff

(To our employers)

INTRODUCTION

We welcome this opportunity to inform you, on behalf of the staff we represent, about our main concerns in connection with the (lack of) social dialogue at the United Nations as evidenced by the most recent unilateral initiative by the incumbent Secretary General in form of a document submitted for approval by the Member States containing his own “visions”. These unilateral visions entail a radical change in the very concept and the conditions of service of international civil servants working for the United Nations that if they were to be implemented would be tantamount to unilateral breach of contract with the whole International Civil Service. We shall do so by referring specifically to what we perceive as the main issues that it is imperative to tackle and to overcome at this crucial stage of UN reform, where fundamental interests of staff (as well as of Member States), indeed the very survival of our Organization, are at stake, namely, **lack of legitimacy, lack of credibility and lack of integrity**.

It is, of course, characteristic for the deficient and paternalistic approach to staff-management interaction and **(lack of)** social dialogue that characterize the present situation at the UN, that the top Manager of the Organization addresses his “visions” directly to the employers and “promises to take into account” *ex post facto* the views of employees. The truth is that his “visions” on fundamental conditions of employment have not only not been agreed by social partners - employers and employees - as it is the case all over the world in democratic societies abiding by the rule of law in terms of collective bargaining, **but they are not even representative of the positions and the views of his own management colleagues**. The fact that, as some among our managers pretend, the United Nations is **neither a - national - society, nor does it - technically - abide by the rule of law** cannot really be considered as a valid excuse to dispense with the most elementary due process and equality of arms in matters of fundamental concern for employees.

The sad truth is also that ours is a “system” that barely tolerates union activity and adamantly refuses to recognize collective bargaining rights for employees. But it is both fallacious and hypocritical to pretend that UN employees should even enjoy **elementary human and workers rights**. **The same fundamental rights** that the Secretary General demands in his Global Compact Initiative **for workers and employees all over the world**.

To put it bluntly: **UN employees are sick and tired of being referred to as “assets” and being treated as if they were a piece of furniture. And although there are international and quite civil, they do not want to be treated as servants either. We want to be treated as human beings and as citizens with real rights. In other words as “subjects” and holders of rights, including bargaining rights.**

Apparently, the fundamental human rights, justice and democratic governance guarantees and facilities UN system attempts to promote worldwide, including in the poorest and most backward countries, are too good for the very international civil servants that are the backbone of global developmental and human rights protection efforts. Inside the UN bureaucracy, not only are these international standards ignored, **but they are not even discussed in connection with basic “competencies” and “core values”, or taken into account for training and skills development efforts, particularly at management level.**

UN staff members (and particularly managers appointed on the basis of their geographical origin) come from countries with different political and legal systems.

This makes all the more necessary that a “common culture of justice and equity” based on shared UN proclaimed human rights and democratic social dialogue standards takes roots ALSO INSIDE the Organization.

At the present juncture, this **double standard can no longer be tolerated**. International organizations, and the United Nations and its incumbent Secretary General in particular can no longer afford to tell their interlocutors to **"do as they say and not as they do"**. They must "preach by their own example". In order to regain their credibility, the United Nations must take the lead and show that they are capable of **"doing to themselves** (that is, to their own staff members and employees) **what they say they want to do for everybody else**.

Universal human rights, justice and decency standards have been made explicit and justiciable **all over the world** to great extent **thanks to the United Nations**. It is imperative that the also the UN internal rules be upgraded to incorporate universally recognized (and UN proclaimed) independence, impartiality, competence and due process standards and guarantees to provide for swift, equitable and effective access to justice for all and to ensure accountability, as a strong incentive for early conflict resolution and as an essential deterrent against impunity.

It is time to provide for a **"most favored legal system clause"** for staff members of the United Nations, so that they can have the benefit not of **the lowest** but of **the highest human rights and labor standards**. If, we want the United Nations to be taken seriously (**as we do**), let us then be serious about making universal norms part of UN internal law. Adding a simple paragraph to the UN Staff Rules will suffice. It could simply state that:

"All international instruments containing universal human rights standards and erga omnes norms promulgated by and through the United Nations shall apply mutatis mutandis as part of the internal United Nations Staff Rules and Regulations".

We would like to ask the Member States agree by acclamation to the incorporation of such a "general clause" in the Staff Rules of the United Nations. By so doing, we shall also be contributing to raise our Organization's credit and its international credibility and, at the same time, promoting the self esteem of its staff. That would be our “vision”.

Let us not forget that the main conclusions contained in the report prepared by Deloitte about the results of the **Secretariat wide Survey on Integrity**, as emphasized in the present Secretary General's letter of 4 June 2004 informing the staff about the results of the survey, pointed to the need of:

- 1) Providing a safe milieu for staff who feel unprotected from reprisals for reporting violations and abuses.***
- 2) Securing an adequate and transparent follow up of investigations, including the provision of copies of the investigation reports and detailed information on sanctions and disciplinary action taken as a result of the findings.***
- 3) Ensuring that managers, particularly at the top level lead by personal example in connection with integrity, honesty and fairness requirements.***

Unfortunately, things have not improved since then.

The document submitted by the incumbent Secretary General containing his “visions” about a reform process that will necessary have to continue well beyond his departure from his post, fails completely to take into account the general state of malaise among UN staff and what is worst the real reasons for this

state of affairs. How is it possible that after decades of dedicated and patient work, those very staff members who are the real holders of the Organization's institutional memory have only one goal in mind: to be able to benefit from the expected "buy out" offer to leave the United Nations. Is this not the clearest evidence of the monumental failure by those responsible of the management of our Organization? Can it reasonably be expected that a "radical cure" changing the nature of the International Civil Service at the base what leaving intact or even accruing managerial privilege without accountability will solve our real problems?

Taking account of the above, the following specific comments on the document submitted by the Secretary General must only be understood as examples of the inadequate or even incongruous character of the suggested "reform measures". They should not in any way be construed as an exhaustive or closed list of the staff views in terms of the overall reform objectives.

CONCLUSION

The UN Charter predated the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenants on Human Rights, but it **specifically** refers to the **"highest standards"** and implicitly recognizes the existence and the applicability of *ius cogens* norms and *erga omnes* obligations. In the meantime, these **universal** human rights, justice and decency standards have been made explicit and justiciable **all over the world** to great extent **thanks to the United Nations**. It is imperative that the UN internal staff and administration of justice rules be upgraded to incorporate universally recognized, impartiality, competence and due process standards and guarantees to provide for swift, equitable and effective access to justice for all and to ensure accountability, as a strong incentive for early conflict resolution and as an essential deterrent against impunity.

Under the present conditions, any "reform" attempt to increase managers' powers or to create more avenues for abuse, favoritism and discrimination through "forced mobility" and other unreasonable and unnecessary experiments would be simply suicidal.

At this point it might be interesting to take into account what our social partners, our employers, are themselves saying about these and other acute problems the Organization is facing. Let us quote from a report entitled **"In Need of Repair: Reforming the United Nations"**, issued by the first contributor to the UN, the United States of America:

"The United Nations faces problems of oversight and accountability, management, agenda setting and resource allocation, and human resources management. Efforts to address these problems are frustrated by basic disagreement among member states as to what priorities the organization should serve, by enormous politization over every detail of budget allocation and personnel, and by a legacy of poor management practices that has left the organization vulnerable to inefficiency and abuse".

"Under pressure from the United States, the Secretariat has adopted a system of "results-based" budgeting. However, not enough attention has been given to defining the sought after "results" in a manner that makes them subject to measurement. And there does not appear to be an effective system to monitor the results nor to link these back to budgetary decisions...there is no comprehensive UN-wide effort to evaluate whether intended results are in fact being achieved. In part, the problem is that the desired improvements can be hard to define (e.g. should interpreters be required to speak more rapidly?)

"Morale is dismal. A recent survey of UN Secretariat staff, carried out by Deloitte on behalf of the OIOS, described a high level of discontent, distrust and pessimism among staff concerning the integrity of the organization"

"The Human Resources Department does not utilize basic standard management practices. The existing performance appraisal system is ineffective. Supervisors appraise their own staff, but there is no 360-degree appraisal to enable staff to provide feedback about their supervisors; and the Human Resources Department has no system in place to rate the performance of managers or to provide an independent assessment of employee's performance"

And then of course, there is the fundamental problem with the internal justice system, the crux of the matter, or, to put in "new American language", **the mother of all impunities**. In their disarming no-nonsense style, the US report refers to it as "**royally screwed up**".

The international civil service is presently at a crossroads. The system is stretched to its utmost limits. Many people seem to question the present system. We, international civil servants, do it too.

In spite of the recent unfortunate and misguided assertions of the Under Secretary General to some media journalists, most of us, presently working at the UN, belong to a generation that has never known the "fat cows" of the "good old times", but over our careers we have all experienced a clear deterioration in our status, our conditions of service and in staff morale. We are ready, indeed, eager to change things.

Let us elaborate on a few symptoms and, more importantly, on some fundamental causes for the present malaise.

What about our "remuneration" system? During the last 10 years there has been an enormous attrition in the work force of all international organizations belonging to the Common System. Since no official data are made public or are provided to staff representatives, we can only estimate it. We believe that there has been a decrease of at least 20 - 25% of staff, due to natural retirements and to an increased number of "unnatural" resignations, not to mention the impact of successive retrenchments, financial crisis and freezes. In quite a few cases, vacant jobs have not been filled, and in other instances posts have been reclassified downwards.

As a consequence of this, there has been a boost of per capita productivity in the international civil service, since the same or higher workload has been distributed among fewer people. We estimate the productivity increase at around 20%. Has this been matched by a corresponding increase in remuneration? Have individual salaries even kept up with the overall economies this productivity gain has brought about? Absolutely not. Quite on the contrary. By way of example, let us remember the meager "increases" in General Service pay obtained as a result of the last salary surveys.

In Geneva, the survey was biased *inter alia* by the refusal to take into account the female salary differential, in spite of the official evidence provided by known judicial experts **whose calculations have been confirmed by a judgment of the Tribunal fédéral in February 2004. We demand a retroactive increase of 6,8 % in GS salaries on account of the decision of the Swiss authorities and that, in future, it takes into account the official measures adopted by the Swiss authorities to avoid social dumping in connection with European salaries.**

Let us also speak of the notorious and inequitable "class minded" increases for **(managerial)** Professional staff, which ended up in a bizarre "anti-Robin Hood" operation of sorts, i.e. **withholding from the poor to give to the rich**. We demand immediate corrective measures to put an end to this unjustifiable class discrimination among international civil servants.

And what about the "other arm" of our remuneration package, our pension entitlements? What are the prospects for this important component of our remuneration system (to which we are legally entitled) that is **withheld** at the "source" but **belongs to us and to us only**?

What are the mid- and longer-term consequences of the change in the demographic base and the nature of the International Civil Service - and the added risk - of investments in more volatile shares and values that have now become unavoidable in order to generate sufficient profitability for the Pension Fund? What will happen if the Common System workforce continues to shrink under the impact of ever so frequent freezes, downsizing and the switch from permanent to "continuous" contracts that more often than not end up being prematurely "discontinued"? What about the rumbling noises foreshadowing the eventuality of some kind of "devolution" of our pension entitlements to national systems, possibly to the same countries that are now benefiting from staff assessment "grants"? Shall we be allowed to negotiate in due time a substantial increase in upfront take home salaries to compensate for the irreparable melting down of our pension entitlements? If change is unavoidable here, our employers must dare to negotiate with us. The old paternalistic approach will not do anymore. For any reform to succeed, Common System employees and their unions must be directly involved.

What about the wide area of the so-called "management of human resources" in the Common System organizations. Modern public administration, also in the Common System, involves much more than mere efficiency (or actually just cost-cutting) "improvements" through off-shoring and the like. In reality, it is closely related to the whole process of democratization. In theory, the goal of such "democratic management" should be that essential characteristics of the International Civil Service, such as impartiality, probity, equity and fairness and equal opportunity are safeguarded and promoted.

Let us start with impartiality and probity. How can "results based management", new contractual approaches, including broad banding and pay per merit be conceived in a system characterized by lack of accountability and impunity? Under the present conditions it is simply obscene to even entertain the thought of enlarging the toolbox that managers have at their disposal for arbitrariness, harassment and abuse of power. If you think I am exaggerating, let me refer to specific examples: during the last few years UNAT has passed judgments condemning managers and criticizing the UN Secretariat for instances of misconduct, favoritism, conflict of interest and negligence.

As a consequence, the UN - that is all of us working for the UN - will have to pay an astronomical bill to compensate the victims. But the managers who have been found guilty, who have abused the rules or misled the Secretary General or who have looked the other way instead of performing their oversight duties will have no sanctions imposed. What kind of justice is ours in the Common System when those recognized guilty by an Administrative Tribunal can simply ignore it and go on "managing" as if nothing had happened? What kind of "democratic management" can we expect if those who are in a position to make a difference to have justice and probity upheld seem to abide by the management "philosophy" of **"après moi le déluge"**?

This, of course, explains the present mood among international civil servants and also reveals why half of the total incapability cases of international civil servants who have to discontinue prematurely their contribution to the pension system are due to psychological problems. We might know the percentage of victims, but we shall never know the actual percentage of culprits, harassers and abusers, because no official records are kept. Even if the newly appointed ombudsmen or mediators in the organizations are successful in preventing or solving injustice, the names of the perpetrators disappear in a "dark hole". No "naming and shaming", and no public sanction. Whom can it wonder that in some organizations, like the UN, outside consultants must be brought on board to help ascertain what the employees think about integrity (or the lack of it)? What will be the next move? To outsource or to "off-shore" staff representation? The fundamental problem is that, even with the arrival of a few honest ombudsmen or mediators, our internal system of justice has no teeth. And under the guise of "delegation of authority", functional immunity has turned into monstrous impunity.

Most Common System headquarters are in countries with century old traditions of social dialogue and rule of law. It is intolerable and inconceivable that international civil servants are still deprived of the most elementary facilities in connection to access to fair, competent and efficient resolution of disputes.

Things must change. And change in this area would not even be that difficult to achieve. Everything has been invented. We can suggest many alternatives to the present system that can be implemented without any major costs. The JIU has asked for a change in the internal justice system. The GA too. We believe that a functioning impartial, independent and competent justice belongs to the prerequisites for democratic management and must be provided for as part of our fundamental conditions of service? The response is obvious. Unless, of course, the purpose of reform is to keep intact all the array of tools and procedures that allow **managing by fear** in the Common System organizations (and even to add a few more). Is that the case? Then we in the international civil service should stop pretending and refrain from telling the outside world how to behave and how to do things right. In that case, we should better not show up in Baghdad or in Kabul. Or even in Ferney Voltaire or Jersey City for that matter.

In this connection, we fully endorse the GA resolution that the system of justice in the UN as a whole should be **independent, transparent, effective, efficient and fair as an inseparable part of an independent, transparent, effective and fair international civil service**. Many members of the staff joined the UN in part for idealistic reasons: they believed in the Organization and its mission and feel betrayed by a management that does not practice what it preaches. They have no confidence in the present system. However supportive of the UN, their enthusiasm for its mission is daily soured by a working environment that offers them no effective protection against unjust promotion or discipline decisions, against harassment or mobbing or against retaliation. Many staff are on short term contracts: since justice delayed is justice denied, how can they have a confidence in a system that delays justice for years after their contract end? These problems overshadow our daily work. It is a Herculean effort to stay loyal to an institution that you know will not treat you fairly

What about equal opportunity and fairness? In the bigger and more densely bureaucratized organizations of the UN System, like the UN, men are openly discriminated against. The implementation of the so called "**clearly superior criterion**", as part of the Special Measures to Promote Gender Balance, flies in the face of the universally accepted and proclaimed - by the UN - principles of equality of chances and equality of treatment and makes a mockery of the Charter requirements in Article 101, not to mention the Standards of Conduct of the international civil service. Men cannot be recommended for promotion over **any** female candidate unless the recommending manager proves **in writing** that the male candidate is **clearly superior** (not just superior) and that his selection will **benefit** the service. This is direct, indirect and systemic discrimination all combined.

The Common System organizations are not national jurisdictions with the demographic composition of states. Men and women are not born as international civil servants; they are **hired** according to their capabilities and independently of their gender or sexual orientation. There is no room and no reason for distributive justice here. But there is plenty of room and an urgent need for corrective justice to sanction actual instances of discrimination (against both men and women). Of course equality of chances and treatment for women must be guaranteed, but not at the expense of their male colleagues' rights. The kind of social re-engineering that is going on at the moment (and has gotten way out of hand) is a monumental breach of contract. It is discriminatory, fraudulent and utterly demoralizing.

But this is not the only kind of discrimination presently going on in the Common System. Plenty of "creative networking" is flourishing and breeding as a result of favoritism, nepotism, cronyism, "back scratching", "revolving doors", mutual "spouse promotion" partnerships, "husband-wife joint-ventures", or involving friends, relatives, national "cliques", etc. I think that in this year of the bicentennial of Kant's death, we in the international civil service must strive to do better than that.

Therefore, when speaking of "results based management", the question we must ask is: What "management"? And what "results"? How do our employers intend to entice staff (particularly male staff members still surviving in the work force) to achieve the required - if any - results when there are no

"carrots" left in the international civil service? With "sticks" alone? Are we then opting for **management by fear**, after all?

It might be illuminating to quote again the above mentioned US report since it identifies at least one of the perceived solutions to the present malaise:

"Article 101 of the UN Charter states, "The paramount consideration in the employment of 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 should be paid to the importance of recruiting the staff on as wide a geographical basis as possible". Unfortunately this reasonable prioritization has been reversed and the emphasis on geographical balance for hiring decisions has become far too pronounced; The UN hiring practice must reflect the emphasis on competence laid out in the Charter, with geographical considerations taken into account only after the competence test is met"

So, what to do?

First of all, **stop taking the staff for granted**. Stop treating us simply as costs to be reduced. Treat us like grown ups, like human beings. We do not want to be called "assets" and be treated like amorphous "objects". We want to be considered full-fledged subjects and partners in a professional contractual undertaking.

The United Nations and with them the whole Common System played a remarkable role in promoting decolonization all over the world. Time has come now to decolonize the minds and the hearts of all those who work inside the international organizations.

We would like to say to our employers: Do onto us what you say you want to do for the outside world. Practice and enforce democracy, justice and decency. Let us together create a common culture of respect for human rights inside the international civil service, as a new "*ius gentium*" that binds our different national cultures together. Let us finally put the international organizations that make out the Common System on the side of the law.

Then let us re-discover, trust and nourish true social dialogue. Let us all together invest in the present, to build our common future. Let us together identify and implement the highest professional standards our employers expect from us. And then let us agree on a fair compensation. We, international civil servants, do not cling to old myths. We are ready to redefine our contractual relationship without taboos and preconditions. We are not afraid of reform. Together with our counterparts representing our employers we are ready to define our rights and duties on an equal footing. We are ready for the challenge. Give us a chance.

But we also need to include all the necessary good governance, including dispute resolution, adjudication and enforcement guarantees that provide for a just an equitable balance between rights and duties, as they exist in all the best national comparators identified as such by the International Civil Service Commission.

Let us together incorporate the highest standards of independence, competence and integrity (not the lowest common denominator or the average ones) and abide by our mutual obligations as employers and employees in good faith. Today the rule in most international organizations is that employees "shall uphold", while employers simply "will endeavor to uphold" their respective obligations. However, independence, competency and integrity come with a price. We must, once and for all put an end to arbitrariness, abuse and impunity. For if we don't, the whole reform discourse will be nothing but empty talk.