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POSTAL ADDRESS - ADRESSE POSTALE : UNITED NATIONS, N.Y. 10017

CABLE ADDRESS - ADRESSE TELEGRAPHIQUE : UNATIONS NEWYORK

EXECUTIVE OFFICE OF THE SECRETARY-GENERAL
CABINET DU SECRETAIRE GENERAL

REFERENCE:

19 July 2010

Dear Mr. Lynch,

The Secretary-General has received the end-of-assignment report of the Under-Secretary-General of the Office of Internal Oversight Services (OIOS), Ms. Inga-Britt Ahlenius.

We welcome constructive advice aimed at strengthening the work of the Organization. At the same time, it is regrettable to note that many pertinent facts were overlooked or misrepresented in the document. It may thus be appropriate to provide some general clarifications.

Let me begin with an important over-arching point. We are living in a dramatically changing, constantly evolving world. Any modern Secretary-General must adapt to its challenges. By definition, this job will reflect both the personal style and vision of the incumbent as well as the nature of the problems he confronts.

Secretary-General Ban Ki-moon would be the first to recognize that this Organization has a long way to go in embracing change and adapting itself to today's world. But one thing needs to be emphasized: this Secretary-General, like his recent predecessors, has had to strike a balance between acting as a Chief Administrative Officer of the United Nations on the one hand, and providing truly global leadership on the other. A look at his record shows that Secretary-General Ban has provided genuine visionary leadership on important issues from climate change to development to women's empowerment. He has promoted the cause of gender balance in general as well as within the Organization. He has led from the front on important political issues from Gaza to Haiti to Sudan. And today, he is in Afghanistan.

Mr. Colum Lynch
New York

Change is difficult, especially in an organization as large and diverse as the United Nations. Change often meets with resistance. Not everyone will agree on the right policies or direction of this change. Almost inevitably, some will attack the Secretary-General's efforts as "interference" or an infringement of their privileges or powers. But change is necessary. In our current situation, business as usual is not an option. That, more than anything, is a prescription for irrelevance.

We perceive Ms. Ahlenius' report in this context. We are naturally examining the substantive elements of the report very closely for what lessons we can learn from it.

Turning to the points you raised, you state that your article will focus on her assertions that the Secretary-General undermined her work and her independence on two fronts: firstly, by seeking to establish a new investigations apparatus under the authority of the UN Secretariat; and secondly, by blocking her ability to recruit senior staff, particularly Robert Appleton as Director of the Investigations Division, OIOS.

i) The investigations apparatus

OIOS was established by the General Assembly in 1994 and, as set out in its founding resolution, only the Assembly can amend the mandate and structure of OIOS. The current process to review the investigative function was one initiated by Member States during the 2005 World Summit when it was decided that the expertise, capacity and resources of OIOS in relation to audit and investigations should be significantly strengthened. This resulted in OIOS conducting a review of its Investigations Division. The results of that review were presented to the General Assembly as an annex to the Secretary-General's report in December 2007 (A/62/582). The Secretary-General's report commented on some of OIOS' proposals and suggested that a complementary review be conducted to ensure that the strengthening of the United Nations' investigative function take into account lessons learned and best practices of similar bodies which also conduct investigations within the wider United Nations system. It was anticipated that the results of such review would then be presented to Member States for their consideration. This would be a long-term and forward-looking process. The Secretary-General is keen to assist Member States in their structural review of OIOS. Accordingly, in the interim, the Secretary-General has been working internally with relevant departments, in close consultation with OIOS, to look at possible improvements in the investigative function beyond OIOS, in areas not within its purview. This reform process is ongoing with the full support of OIOS.

We would add, in response to your question regarding the impact of the closure of the Procurement Task Force (PTF) on the state of United Nations investigations, that it was a decision of the General Assembly not to renew the PTF's mandate. This decision was based on an acknowledgement by the Assembly that the specific capacities of this *ad hoc* body should be incorporated into the permanent framework of OIOS Investigations Division. The manner in which such mainstreaming has been implemented, and the resulting impact on the operations of OIOS, are the responsibility of the Under-Secretary-General for Internal Oversight Services.

ii) Appointment of Senior Staff in OIOS

You refer to Ms. Ahlenius' contention that the Secretary-General has undermined her work and her independence by blocking her ability to recruit senior staff. She cites, in particular, "efforts of the Secretary-General and the Senior Review Group to twice block her efforts to hire a Chief of Investigations: Robert Appleton" as Director of the Investigations Division.

The Secretary-General fully recognizes the operational independence of OIOS and the role of the Under-Secretary-General for Internal Oversight Services in this context. However, it is important to note that such independence relates only to the performance by OIOS of its oversight functions as clearly set out in its founding resolution. It does not, however, excuse OIOS from the application of the United Nations Staff Regulations and Rules and other policies and practices applicable to recruitment, which apply uniformly to all offices of the United Nations. Indeed, in view of OIOS' independent functioning, it becomes all the more important that the Secretary-General, as the Organization's Chief Administrative Officer under Article 97 of the United Nations Charter, exercises his obligations to ensure compliance and ensure that all appointments conform with the necessary processes, applicable rules and policies.

All regular appointments within the Secretariat are subject to a procedural review prior to the appointment being made. The review body chosen by Ms. Ahlenius in relation to the recruitment exercise involving Mr. Appleton, the Senior Review Group, advised the Secretary-General that the exercise for this post was not in accordance with the United Nations' policies on geographical and gender distribution. If, as in this case, the Secretary-General is on notice that a recruitment exercise is flawed, he has an obligation as Chief Administrative Officer under the Charter to address this. This is not an interference with the independence of the Under-Secretary-General for Internal Oversight Services but a correct action by the Secretary-General to ensure that the requirements of the relevant rules and policies to which OIOS is subject are adhered to. Despite repeated requests, Ms. Ahlenius failed to address the procedural flaws in this

recruitment exercise. We consider such failure to be damaging to OIOS, the integrity of this recruitment exercise and the interests of the Organization.

We would note that the Secretary-General is also concerned about the delay in filling the post of Director of OIOS' Investigations Division. However, the Under-Secretary-General for Internal Oversight Services allowed the post to remain vacant since mid-2006 and we do not consider OIOS' own delay to be sufficient reason to compromise the integrity and transparency of this recruitment exercise. The Secretary-General is looking forward to filling the post of Director in accordance with all applicable rules, regulations and policies as soon as possible.

iii) Accountability

While the accountability system of the United Nations envisaged under the Charter has been kept continuously updated, Secretary-General Ban Ki-moon undertook significant measures since he assumed office. He had declared early in his tenure that transparency and accountability would be "the cornerstone" of his tenure. Among the initiatives put into action were: the strengthening of the Ethics Office and of whistleblower protection; the implementation of a voluntary public financial disclosure programme; the introduction of a new internal justice system; the establishment of a framework to address misconduct in peacekeeping missions; and the strengthening of the independent oversight bodies, including the establishment of the Independent Audit Advisory Committee.

Continuously strengthening and updating accountability tools is a dynamic process. In the last few years, the Secretary-General has presented several proposals to the Member States and several initiatives are currently underway, including a comprehensive review of delegation of authority, the strengthening/establishment of capacities relating to Results-Based Management and Enterprise Risk Management; as well as a comprehensive review of the performance assessment system.

The practice of Annual Accountability Compacts signed by Senior Managers is also a relatively new tool in the Secretariat that establishes the critical link between institutional accountability and individual accountability. These compacts identify the highest programmatic priorities for a given year and associated performance measures that are specific to each department under the strategic framework and programme budget. They also specify various managerial targets that attest to a good record in the work performance in each Department. While Senior Managers are "partners" of the Secretary -General in building and shaping a better functioning and more efficient United Nations, they are also accountable to him for the discharge of their functions with efficiency,

effectiveness and honesty even as the Secretary-General is accountable to Member States. The ACABQ in its report A/64/683 recognized “the compact system as an improved method to record the achievements expected of Senior Managers with a view to evaluating Senior Managers Performance”.

At the end of each assessment cycle, the Management Performance Board – under the Chair of the Deputy-Secretary-General - assesses each senior manager’s performance against the targets set in their compacts and advises the Secretary-General of its findings. It is the Secretary-General who decides how to act on the results of this review.

The Secretary-General is committed to continuously strengthening the Compact tool. Under his direction, and in an effort to strengthen transparency and accountability, the Compacts and the Compact Assessments were published on the United Nations Intranet that all staff can access. The usage of Compacts has been broadened to encompass not only Under-Secretaries-General but also Assistant-Secretaries-General (as of 2009) and Heads of Peacekeeping/Political Missions and Special Representatives of the Secretary-General (as of 2010).

All the above are measures that underscore the serious commitment of the Secretary-General to accountability. They are not *pro forma* measures. They are the essence of effective management.

iv) Human Resources Reform/Mobility

Upon assuming office, the Secretary-General emphasized that the role of the Organization has changed from a conference-servicing focus to a more field-oriented Organization. It is based on the following principles: flexibility to respond to evolving organizational needs; clear ethical standards; contractual reform; talent management, including workforce planning and staff selection and recruitment; career development; compliance with geographical distribution and gender balance mandates; accountability of managers and staff; and integration of Headquarters and field staff into a global Secretariat.

The Secretary-General is convinced that to further these principles it is necessary to have a work force that is both multi-functional and mobile. In response to the request by the General Assembly for proposals to promote mobility, the Secretary-General has identified a range of new mobility requirements. They are being discussed in detail with all offices and departments through senior management meetings, as well as with staff via staff-management consultations. A voluntary exercise, called VINE (Voluntary Initiative for Network Exchanges) has been introduced to promote mobility among professional staff laterally across departments and duty stations within Job Networks to help

build career-advancing skills and experience, and to increase the pool of talent that can be drawn upon by the Organization. The issue of mobility continues to be before the General Assembly. We recognize that some of the changes that the mobility policy will bring about are likely to cause anxiety and unease. We are therefore proceeding with deliberation and care. But the Secretary-General is fully committed to building a modern, flexible and global work force.

Yours sincerely,



Vijay Nambiar
Chef de cabinet

