


Date: 15 May 2017

To: Representatives of the General Assembly  
Representatives of the Secretary General  
United Nations Staff Pension Committee (UNSPC)

Through: Mr. Sergio Arvizu, Secretary

From: *for* Participant Representatives  
United Nations Staff Pension Committee 

Subject: Access for UNSPC Participant Representatives

1. We are writing in accordance with Article 48 of the Fund's Regulations, to request that the UNSPC recognize and implement the results of the elections held in accordance with Article 6 (a) of the UNJSPF Regulation and promulgated by CCISUA Polling Officers on 14 April 2017.
2. We the four duly elected participant representatives, Mary Abu-Rakabeh, Michelle Rockcliffe, Ian Richards and Bernadette Nyiratunga and two alternates Ibrahima Faye and Ndeye Aissatou M. Ndiaye, have humbly accepted the responsibility given us by more than 85,000 constituents from the UN Family to represent their interests on the UNSPC; to be their fiduciaries and be the fiduciaries of all participants and beneficiaries as members of the Pension Board. We look forward to working with you, members of the General Assembly and representatives of the Secretary General to fulfill this fiduciary duty.
3. Three elected participant representatives have written to the UNSPC Secretary Mr. Sergio Arvizu, our joint requests for access and reminders on 19 April 2017, 24 April and 4 May 2017 respectively. (A copy of the email thread is attached for ease of reference.) Additionally on 28 April 2017, the Deputy CEO Paul Dooley, who appeared at the plenary of SMC VI on behalf of Mr. Arvizu, acknowledged to that body, that the non-accreditation was merely an oversight which would be immediately rectified.
4. To date we have not received any acknowledgement of our requests from the Secretary of the UNSPC. Non-recognition of the newly elected participant representatives violates our rights under the regulations and rules of the Fund and serves to disenfranchise more than 85,000 of 125,000 plus active participants of the Fund and violates their rights. We are also the voices of thousands of former staff recently or soon to be separated, who await their pension entitlements.
5. Participant representatives were also informed that the Chairman of the Board has written to the ASG-OHRM with regards to a possible perceived *conflict of interest* for the one elected participant representative and one elected alternate who work in the Pension Fund Secretariat. We appreciate the Chairman's attempts to find a resolution to the perception.

6. We are reminded however, that the Tribunals have opined on several occasions that a conflict of interest cannot override or take precedence over the rights of the individual. Article 6(a) of the Regulation is clear that there shall be *four members and two alternate members, who shall be participants in the Fund and on the staff of the United Nations, elected by the participants in service in the United Nations by secret ballot*. On the rare occasion where a conflict might be perceived, we have been advised by the Ethics Office that mitigating measures such as recusal would be used to easily eliminate the conflict.
7. This inaction on the Secretary's part prevents the UNSPC from having the legal tripartite representation in the Pension Board action, and is not in accordance with the Pension Fund Regulations and Rules. To ensure that representation on the UNSPC is complete and the Committee is able to function as regulated, and thereby fulfill its fiduciary duties, we are sure you would agree, that this matter must be resolved and resolved quickly, and in a manner that would gain the trust of the Fund's stakeholders and ensure that they are represented at the Pension Board this coming July.
8. All UN Family Staff Unions were present at the SMC on 28 April 2017 when this matter was brought to light. They are anxiously awaiting news in these regards. In view of the urgency of this matter, it would be appreciated if you, our fellow members on the UNSPC would direct the secretary to recognize us as new and duly-elected members and integrate us into the UNSPC in line with the Regulations and Rules right away or by 19 May 2017 at the latest, in order that we can effectively represent the participants and beneficiaries of the UNJSPF to whom we owe the highest standard of care.