



## UNITED NATIONS PARTICIPANTS' REPRESENTATIVES

12 December 2020

Dear Secretary-General,

Subject: S-G Representative/Chair of the Board statement to the General Assembly

We are writing to you, an open letter with regards to a statement issued on [8th December](#) to the General Assembly by the Assistant Secretary-General for Human Resources (ASG/OHR) who is one of your representatives appointed to the Pension Board. The statement was made in her capacity as current Board Chair, regarding communications between members of the Pension Board and the Fifth Committee on areas of concern in the Pension Board report.

The communications in question relate to concerns raised by United Nations Participants' Representatives, in the process of discharging their fiduciary duty to the Fund and their constituents, on mis-spending of the budget, attempts to remove the Fund from the jurisdiction of the UN Appeals Tribunal, reporting of fraud, delayed reconstitution of the Executive Office, management of the Geneva Office, matters concerning our investments, and Board governance. For this, the statement variously accused us of unethical conduct, breach of confidentiality, breach of the code of conduct, breach of procedure and violation of Pension Board governance.

Apart from the statement's numerous factually erroneous and misleading points, the attempt by the SG Representative/Chair to silence elected representatives on the Pension Board is alarming and deplorable. This attack was neither authorized by a decision of the Board nor of the Standing Committee, and no Pension Fund regulation or rule gives the Chair this unilateral authority, as all members of the Board have equal rights and privileges. We clearly identified ourselves as a group and know of no directive that could be interpreted as prohibiting elected representatives expressing views to the delegations of the General Assembly on a public document, particularly as we are members of a subsidiary organ of the General Assembly.

We believe the statement constituted an abuse of authority, intimidation and a threat of retaliation against elected representatives of staff. As you will be aware, this is specifically prohibited by the ICSC Standards of Conduct and can entail consequences with member states.

The letter states, "*The five United Nations Participants' Representatives (UNPRs)... represent a small sub-group of the participants' representatives constituent group.*"

While constituting a small number of Board seats, UN Participants' Representatives represent a majority, two-thirds of active participants (86,000+) on whose behalf currently an estimated \$50 billion of the Fund is entrusted. We are all duly elected. Our work does not start and end with the Pension Board's annual meeting. We regularly issue broadcasts and hold town halls to gather the views of UN participants around the world, which we bring to the Board. We are clear about who we represent and what we represent. We take our work of representation and advocacy seriously and do it to the best of our ability.

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The letter continues, *“The five United Nations Participants’ Representatives... did so without the knowledge or authority of the Pension Board and, therefore, committed a breach of their confidentiality obligations as members and alternate members of the Pension Board, i.e., the “Declaration by Members of the Pension Board”..., a breach of the Pension Board’s code of conduct, and a breach of the Pension Board’s statutory requirement to report to the General Assembly and its intergovernmental bodies solely through the Pension Board Report... Having breached the Pension Board’s procedure, all five UNPRs have, in their capacity as members or alternate members of the Pension Board, violated Pension Board governance.”*

We commented on the Pension Board report, which is a public document downloadable from the UN [website](#) and the [UNJSPF website](#). Most of our comments provided additional information on our interventions in the Board document. There is no breach of confidentiality nor is there a requirement to advise the Board if not speaking on behalf of the Board. Members are independent and individually entrusted to do what is best for the Fund and its beneficiaries.

In addition, we are members of a subsidiary organ of the General Assembly with a fiduciary duty towards all participants and beneficiaries and the Fund itself. As such, General Assembly members have welcomed our views, as they have sought the views of other Board members and observers, on areas of concern (including the areas of dissent expressed in the [Board report](#)), and to understand how the Fund and Board operate. We would not be fulfilling our legal fiduciary duty if we did not make our concerns clear, both to the General Assembly and those who elect us.

At the same time, in order to exercise effective oversight of the Board, General Assembly members are sovereign and can choose whom they consult from their subsidiary bodies, in order to get the full picture. The General Assembly is mature and resilient enough to hear multiple views. Transparency is a legal requirement and not unethical as alleged.

Recently the Office for Administration of Justice reported judgement no. [UNDT/2020/206](#) rejecting a similar attempt by the former CEO of the Fund to repress our voices. The ASG’s own Office opposed this and argued, “the staff representatives have a right to comment on matters of interest to their constituents...”

The letter of 8<sup>th</sup> December directly contradicts this clear policy statement.

It goes on to assert, *“The only official, authentic and representative submission on all matters pertaining to the UN Pension System currently before the Fifth Committee is contained in the Pension Board Report in accordance with Article 14 of the Fund’s Regulations.”*

Article 14 sets out what the Board needs to include in its report, not that the report is the sole and exclusive means of communication between individual Board members and the General Assembly. Information on our Pension Fund would be very limited if restricted to the annual report of the Pension Board as set out in the article. There is no suggestion that the Board Report be the only means of communication and nor should there be. Indeed, the Chair herself has been answering questions at the Fifth Committee without consulting the Board.

Since the founding of the United Nations, staff representation has been an established right and a recognized official function. Staff Regulation 8.1 guarantees “effective participation” of staff in identifying, examining and resolving issues relating to staff welfare and staff rule 8.1 (e) strictly

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prohibits retaliation against a staff representative in exercising his or her functions. The Standards of Conduct of the International Civil Service provides in paragraph 32: 'Staff representatives must be protected against discriminatory or prejudicial treatment based on their status or activities as staff representatives, both during their term of office and after it has ended. Organizations should avoid unwarranted interference in the administration of their staff unions or associations.'

These principles have also applied to elected representatives of the United Nations Staff Pension Committee/Board from its inception in 1949.

The UNJSPF is a public pension fund. A veil of silence is neither a good idea nor is it a good management technique. Our [Board meetings should be open](#) to the current and future beneficiaries of the fund as they are in similar pension funds referred to by the independent entity "Mosaic" in its report, Annex XIV to the Board document.

It should be recalled that consensus does not preclude the expression of contrary views, and we Participants' Representatives, are within our right to express these to the General Assembly as the ultimate decision-maker in public or private discussions.

We therefore request you, as Chief Administrator of the Organization, to take appropriate action with regards to this statement, and reaffirm your support for a free and open dialogue on matters that affect staff of the United Nations Secretariat, Funds and Programmes.

Sincerely,

*United Nations Participants' Representatives*