

REPORT OF THE STANDING COMMITTEE ON LEGAL QUESTIONS

Introduction

1. The Standing Committee on Legal Questions (see Appendix 1 for participants) met twice virtually to address its agenda and held a face-to face joint session with the standing committees on Human Resources Management and Conditions in the Field on flexible work and artificial intelligence (AI), with an intervention by Professor Aditya Jain, Nottingham University, United Kingdom.

Latest updates

2. The participants presented their concerns, lessons learnt and best practices. Concerns were expressed on the reluctance of administrations to cover the cost of the Office of Staff Legal Assistance (OSLA) as part of the legal package in the case of those organizations moving from the jurisdiction of the ILO Administrative Tribunal (ILOAT) to that of the two-tiered the UN Dispute Tribunal (UNDT)/UN Appeals Tribunal (UNAT) system. The reason given was financial.
3. Another concern was the lack of legal assistance for staff members, free or at reasonable cost. As a result of a recommendation of the 76th Council, a survey on legal insurance coverage was conducted. Most staff associations resorted to legal advisers (on retainer), former staff members with legal background acting on voluntary basis or private legal advisers. The high cost of specialized legal assistance affected the chances of genuine protection of staff members as they do not have a proper legal protection before or during the tribunal process. Also, the UNDT/UNAT system did not reimburse the fees for lawyers.
4. FICSA had a roster of legal advisers, accessible from its website. Inclusion on that list meant that the advisers agreed to provide FICSA member organizations with two free legal consultations per-year, each of which would pertain to a different work-related issue. Each consultation would not be less than 30 minutes long.

Conclusion

- The Standing Committee would continue to explore different options and opportunities for providing a professional legal assistance at a reasonable cost.

Recommendation

- The Standing Committee recommended that the FICSA Executive Committee should ensure that the information on the legal support accessible to members reflects the current evolution of the internal appeals mechanisms in each organization.

Review of the jurisdictional set-up of the UN common system

5. The FICSA President provided a summary of the conclusions of the review. She indicated that, after the surveys and assessments in which FICSA participated actively, a recommendation was made to maintain the status-quo. The report of the Secretary-General of the review of the jurisdictional set-up of the United Nations common system was accessible online ([Report A/78/154](#)). Following the consideration of the report by the UN General Assembly, the 5th Committee decided to take no action on the report.

Joint Inspection Unit (JIU) report on internal pre-tribunal-stage appeal mechanisms available to staff of the UN System Organizations

6. The Standing Committee discussed the *JIU Review of the internal pre-tribunal-stage appeal mechanisms available to staff of the UN system organizations* ([JIU/REP/2023/2](#)) and its recommendations. One of the problems indicated in the JIU report was the time extension in the decision-making process, especially in the peer system. This was also connected with the difficulty in proper follow-up of the pre-tribunal appeals for staff members, a concern raised by several participants.
7. To improve communication with staff members, particularly in cases when the appellants leave the organization and have no longer access to a UN email account from which they submitted the appeal, participants recognized the need to establish a digital tool to submit and follow the workflow of those appeals.

Conclusion

- **The Standing Committee decided to create a task force to prepare a technical/administrative document to be presented to the 78th FICSA Council, with proposals of potential mechanisms to be implemented in participants, to keep track of the internal appeal cases. The volunteers for the task force included: Joel Lahaye (CERN), Birahim Fall (UPU), Marc Brown (WFP), Muhammad Irshad Anwer (FUNSA Pakistan) and Giorgio Lalli (WFP).**

Review of the Legal Defence Fund guidelines

8. As requested by members, the review of the Legal Defence Fund guidelines was finalized, with some additions and clarifications, and published on the FICSA website. The FICSA Legal Adviser, Ms. Ludovica Moro, kindly accepted to join the session and answered participants' questions.

Requests for training courses – FICSA training catalogue

9. Participants highlighted the need for support and advice to navigate sometimes complex legal procedures and processes. To build capabilities and skills of staff representatives, participants requested access to specific legal training, to be determined during the year. FICSA's training catalogue was available on the FICSA website.

Recommendation

- **The Standing Committee recommended that the FICSA Executive Committee should organize some training sessions by legal experts on basic legal concepts, including information on the procedures pertaining to both tribunals, the ILO Administrative Tribunal (ILOAT) and the UN Dispute Tribunal (UNDT)/UN Appeals Tribunal (UNAT).**

- **Nomination of Standing Committee officers and Core group members**

10. The following participants were nominated as SC officers:

Maria del Rocio Martin Vargas and Andres Orias-Bleichner (WMO) as Co-Chairs

Salvatore Brunori (UNGSC) and Joel Lahaye (CERN) as Vice-Chairs.

11. **The following participants in the SC were nominated as members of the core group:**

Javier Sanchez (ICAO)

Susan Murray, Marc Brown and Giorgio Lalli from (FAO /WFP-UGSS).

Fares Kady (WHO/EMRO)

Isabelle Mardrossian (CERN)

Muhammad Irshad Anwer (FUNSA Pakistan)

Appendix 1. Participants

Officers

Chair/Coordinator	Andres Orias-Bleichner (WMO)
Vice-Chair/Vice-Coordinator	Maria del Rocio Martin Vargas (UNICTF), Salvatore Brunori (UNGSC)
Rapporteur	Maria del Rocio Martin Vargas (UNICTF)
FICSA President	Tanya Quinn-Maguire (UNAIDS)
FICSA General Secretary	Cosimo Melpignano (UNGSC)

Staff association/union

AP-in-FAO	Florence Tartanac
FAO/WFP-UGSS	Susan Murray, Giorgio Lalli, Mark Brown
IAEA	Anthony Alozie
ICAO	Helena Debussy, Javier Sanchez
IFAD	Monica Buggi
IOM	Berta Fernandez
UNAIDS	Evelyn Siula
UNESCO	Philippe Pypaert, Amani El-Sheikh, Viviana Zaccaria
UNIDO	Steven Eales, Osadolor Akpata
UPU	Birahim Fall
PAHO/WHO	Glenda Lopez
WHO/HQ	Christina Liu
WHO/AFRO	Christian Tounta, Prisca Blanche N'Dongo-Mombo, Bienvenue Amona
WHO/SEARO	Shah Earashadul Alam
WHO/WPRO	Modesto Beligan VI

Members with Associate Status

CERN	Isabelle Mardirossian, Joel Lahaye
OPCW	Mohammad Mehedi Hasan Khan, Begimai Sataeva, Oksana Tyshchenko

Members with Observer Status

FUNSA Guinea	Bangaly Kaba
--------------	--------------