

Draft resolution

*The General Assembly,*

I

**Reports of the Office of Internal Oversight Services on its activities**

*Recalling* its resolutions 48/218 B of 29 July 1994, 54/244 of 23 December 1999, 59/272 of 23 December 2004 and 60/259 of 8 May 2006, **adopted**

*Having considered* the reports of the Office of Internal Oversight Services on its activities<sup>1</sup> and the related note by the Secretary-General,<sup>2</sup> as well as the related section of the annual report of Independent Audit Advisory Committee,<sup>3</sup> **adopted**

1. *Reaffirms* its primary role in the consideration of and action taken on reports submitted to it; **adopted**
2. *Also reaffirms* its oversight role and the role of the Fifth Committee in administrative and budgetary matters; **adopted**
3. *Further reaffirms* the independence and the separate and distinct roles of the internal and external oversight mechanisms; **adopted**

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<sup>1</sup> A/63/302 (Part I) and Add.1.

<sup>2</sup> A/63/302 (Part I)/Add.2.

<sup>3</sup> A/63/328 (Section III, Part A, B and C).

3bis1. *Notes with appreciation* the work of the Independent Audit Advisory Committee; **adopted**

3bis2. *Recalls* its resolution 61/275 in which it adopted the terms of reference of the Independent Audit Advisory Committee; **adopted**

4. *Takes note* of the reports of the Office of Internal Oversight Services on its activities<sup>1</sup> and the related note by the Secretary-General;<sup>2</sup> **adopted**

5. *Stresses* the importance of full implementation of accepted recommendations of the OIOS and requests the Secretary-General to ensure that complete information is provided on the implementation of these recommendations and, where applicable, in cases where full implementation has not been achieved, detailed reasons therefore; **adopted**

Comment [UN1]: G77 and China  
14 Oct

6. *Requests* the Secretary-General to ensure that all relevant resolutions, in particular cross cutting resolutions, **such as inter alia the PKO crosscutting resolution (insert correct term)**, are brought to the attention of relevant managers, and that the Office of Internal Oversight Services also take those resolutions into account in the conduct of its activities; **adopted**

Comment [UN2]: G77 and China  
14 Oct

7. *Also requests* in this regards the Secretary-General to ensure that all relevant resolutions pertaining to the work of the Office of Internal Oversight Services are brought to the attention of the relevant managers; **adopted**

Comment [UN3]: G77 and China  
14 Oct

8. *Takes note* of the recommendations contained in the related section of the annual report of Independent Audit Advisory Committee in respect of the Office of Internal Oversight Services<sup>3</sup> and requests the Secretary-General to ensure the full implementation of these recommendations; taking into account the provisions of its resolutions 48/218B, 54/244, 59/272, **adopted**

Comment [UN4]: G77 and China  
14 Oct

Comment [UN5]: G77 and China  
14 Oct

9. *Encourages* the Organization's internal and external oversight bodies to enhance the level of their cooperation with one another such as joint work planning sessions without prejudice to their respective independence; **adopted**

Comment [UN6]: G77 and China  
14 Oct

10. *Notes* paragraph 17 of the Independent Audit Advisory Committee report and recalls that one of the responsibilities of the IAAC according to its Terms of reference is to advise the GA on the effectiveness, efficiency and impact of the audit activities and other oversight functions of the OIOS, **adopted**

Comment [UN7]: USA 14 Oct

11. *Notes* that the five year non-renewable term of the Under- Secretary-General for Internal Oversight Services will expire in July 2010 and in this respect urges the Secretary-General to ensure that timely arrangements are made to find a successor in full conformity with the provisions contained in paragraph 5b of its resolution 48/218 B. **adopted**

Comment [UN8]: USA 14 Oct

Comment [UN9]: G77 and China  
14 Oct

## II

### Investigations and the Procurement Task Force of the OIOS

*Recalling* its resolutions 48/218 B of 29 July 1994, 54/244 of 23 December 1999, section IV of its resolution 57/282 of 20 December 2002, 59/272 of 23 December 2004, 59/287 of 13 April 2005, 61/245 of 22 December 2006, 61/275 and 61/279 of 29 June 2007, 62/234 of 22 December 2007, and 62/247 of 3 April 2008, **adopted**

*Having considered* the reports of the Secretary-General on information requested in paragraph 17 of General Assembly resolution 62/247<sup>4</sup> and on information-sharing practices between the United Nations and national law enforcement authorities, as well as referrals of possible criminal cases related to United Nations staff, United Nations

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<sup>4</sup> A/63/369.

officials and experts on mission,<sup>5</sup> the report of the Office of Internal Oversight Services on the activities of the Procurement Task Force for the period 1 July 2007 and ending 31 July 2008,<sup>6</sup> the report of the Board of Auditors on the activities of the Procurement Task Force,<sup>7</sup> the related notes by the Secretary-General transmitting his comments thereon<sup>8</sup> and the related reports of the Advisory Committee on Administrative and Budgetary Questions,<sup>9</sup> **adopted**

1. *Takes note* of the report of the Secretary-General on information requested in paragraph 17 of General Assembly resolution 62/247;<sup>4</sup> **adopted**

2. *Takes note* of the report of the Secretary-General on information-sharing practices between the United Nations and national law enforcement authorities, as well as referrals of possible criminal cases related to United Nations staff, United Nations officials and experts on mission;<sup>5</sup> **adopted**

3. *Also takes note* of the report of the Office of Internal Oversight Services on the activities of the Procurement Task Force for the period 1 July 2007 and ending 31 July 2008,<sup>6</sup> the report of the Board of Auditors on the activities of the Procurement Task Force,<sup>7</sup> and the related notes by the Secretary-General transmitting his comments thereon;<sup>8</sup> **adopted**.

~~Approves the recommendations of the BOA (deleted)~~

4. *Endorses* the conclusions and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions;<sup>9</sup> (subject to provisions contained in the present resolution)

5. *Takes note* of the work of the Procurement Task Force; **adopted**

Comment [UN10]: USA

<sup>5</sup> A/63/331.

<sup>6</sup> A/63/329.

<sup>7</sup> A/63/167.

<sup>8</sup> A/63/329/Add.1 and A/63/167/Add.1.

<sup>9</sup> A/63/492 and A/63/490.

6. *Emphasizes* its commitment to preventing and deterring fraud and malfeasance within the Organization and recognizes that such efforts cannot be sustained in the long-term by an *ad hoc* body; **adopted**

Comment [UN11]: USA

7. *Recalls* the *ad hoc* nature of the Procurement Task Force; **adopted**

Comment [UN12]: G77 and China

8. *Notes* the intention of the SG to transfer the remaining caseload of the Procurement Task Force of the OIOS to the Investigations Division of this office at the beginning of 2009; **adopted**

Comment [UN13]: USA

9. *Requests* the Secretary-General to ensure that the Office of Internal Oversight Services has the expertise and capacity within its approved structure to effectively investigate allegations of fraud, corruption, and misconduct in procurement; **adopted**

Comment [UN14]: USA

10. *Emphasizes* article 101 of the United Nations Charter, and reiterates section II of its resolution 61/244 of 22 December 2006 and requests the Secretary-General to ensure the full implementation of the relevant provisions of the Staff Regulations and Rules of the United Nations governing the recruitment of United Nations staff; **adopted**

Comment [UN15]: Russian Federation

Comment [UN16]: Russian Federation

→ 11. Decides that the provisions of para 26 of resolution 51/226 shall apply to current and former members of the PTF of the OIOS with regard to their application and appointment to the Organisation, effective on the date of adoption of the present resolution. **adopted ad ref**

12. *Reiterates* that deliberate management decisions to keep a certain number of posts vacant should not be taken, as this action makes the budget process less transparent and the management of human and financial resources less efficient. **adopted**

*Expresses concern*

(13. Notes/ Regrets that 8 posts in the Investigations Division of the OIOS have been vacant since the ~~beginning of 2008~~ <sup>beginning of 2007</sup> and requests the SG to make every effort to fill these vacancies as a matter of priority.)

(14. *Stresses* the importance for the Office of Internal Oversight Services, <sup>E</sup>which was established with the purpose of assisting the Secretary-General in fulfilling his internal oversight responsibilities in respect of the resources and staff of the Organization ~~to~~ <sup>to</sup> lead by example, in particular in managing its staff and resources;)

Comment [UN17]: G77 and China

Comment [UN18]: G77 and China

15. *Stresses* in this regard that any changes (in the Office of Internal Oversight Services) involving administrative and financial implications shall be subject to the review and approval of the General Assembly in accordance with established procedures, including Regulation 2.9 of the Financial Regulations and Rules of the United Nations;<sup>10</sup> adopted

Comment [UN19]: G77 and China

16. *Recognizes* that investigations of fraud, corruption and misconduct in procurement, are often time sensitive. **adopted**

17. *Recalls* paragraph 18 of its resolution 62/247 in which it requested the Secretary-General to prepare for its consideration and approval, in close cooperation with the Office of Internal Oversight Services, a report providing detailed information on terms of reference with regard to the proposed comprehensive review of investigations in the United Nations before the General Assembly decides on the necessity of such a review, taking into account the role and mandate of the Office of Internal Oversight Services as established in its resolution 48/218B, the framework for investigation adopted in section IV of its resolution 57/282 and in its resolution 59/287, the reform of the system of administration of justice, the decisions of the Assembly to strengthen the investigation function of the Office of Internal Oversight Services and its decisions on the

<sup>10</sup> ST/SGB/2003/7.

accountability framework, results-based management, enterprise risk management and the internal control framework; **adopted**

Comment [UN20]: G77 and China

18. *Stresses* that the Office of Internal Oversight Services, in the conduct of its investigations, should fully address and respect the due process rights of staff concerned; **adopted**

Comment [UN21]: G77 and China

19. *Notes* the work by the Office of Internal Oversight Services to develop a comprehensive investigation manual, revise and expand the key standard operating procedures for investigations and develop a comprehensive investigation learning programme for managers and staff on the investigative process and *stresses* the importance that this work is completed and made available to all sUN personnel as soon as possible; **adopted**

Comment [UN22]: EU

20. *Requests* the Secretary-General to prepare as soon as possible standardized and consolidated rules and procedures applicable to all investigations in the United Nations other than the investigations conducted by the Office of Internal Oversight Services, and to ensure that such rules and procedures are made available to all UN personnel and to provide information thereon to the GA at its sixty-fourth session; without prejudice to paragraph 18 of its resolution 62/247. **adopted**

Comment [UN23]: EU

21. *Stresses* the importance of effective implementation, including referrals to national authorities and recovery actions where appropriate, of the accepted recommendations of the Office of Internal Oversight Services as well as of effective coordination between such Office and other parts of the Secretariat in this regard. **adopted**

Comment [UN24]: EU