



Office of Internal Oversight Services

INTERNAL AUDIT DIVISION

AUDIT REPORT

Use of General Temporary Assistance in the International Criminal Tribunal for the former Yugoslavia

**Improvements are required in the management of
General Temporary Assistance to ensure
compliance with instructions and the efficient
and effective use of funds and posts**

25 September 2009

Assignment No. AA2009/270/03

United Nations  Nations Unies

INTEROFFICE MEMORANDUM

MEMORANDUM INTERIEUR

OFFICE OF INTERNAL OVERSIGHT SERVICES · BUREAU DES SERVICES DE CONTRÔLE INTERNE

INTERNAL AUDIT DIVISION · DIVISION DE L'AUDIT INTERNE

TO: Mr. John Hocking
A: The Registrar
International Criminal Tribunal for the Former
Yugoslavia
The Hague

DATE: 25 September 2009

REFERENCE: IAD: 09- 02912

FROM: Fatoumata Ndiaye, Acting Director
DE: Internal Audit Division, OIOS

SUBJECT: **Assignment No. AA2009/270/03 - Audit of the use of General Temporary Assistance in the**
OBJET: **International Criminal Tribunal for the former Yugoslavia**

1. I am pleased to present the report on the above-mentioned audit.
2. Based on your comments, we are pleased to inform you that we will close recommendation 3 in the OIOS recommendations database as indicated in Annex 1. In order for us to close the remaining recommendations, we request that you provide us with the additional information as discussed in the text of the report and also summarized in Annex 1.
3. Please note that OIOS will report on the progress made to implement its recommendations, particularly those designated as high risk (i.e., recommendations 1, 4, 8 & 10) in its annual report to the General Assembly and semi-annual report to the Secretary-General.

cc: Mr. Jorge Benito, Chief Budget Section, ICTY
Mr. Antonie Vermeulen, Chief Human Resources Section, ICTY
Mr. Raad Alkhalili, Chief of Recruitment, ICTY
Mr. Robert Reid, Office of the Prosecutor, ICTY
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INTERNAL AUDIT DIVISION

FUNCTION

“The Office shall, in accordance with the relevant provisions of the Financial Regulations and Rules of the United Nations examine, review and appraise the use of financial resources of the United Nations in order to guarantee the implementation of programmes and legislative mandates, ascertain compliance of programme managers with the financial and administrative regulations and rules, as well as with the approved recommendations of external oversight bodies, undertake management audits, reviews and surveys to improve the structure of the Organization and its responsiveness to the requirements of programmes and legislative mandates, and monitor the effectiveness of the systems of internal control of the Organization” (General Assembly Resolution 48/218 B).

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EXECUTIVE SUMMARY

Audit of the use of General Temporary Assistance in the International Criminal Tribunal for the former Yugoslavia

OIOS conducted an audit of the use of General Temporary Assistance (GTA) in the International Criminal Tribunal for the former Yugoslavia (ICTY). The overall objective of the audit was to assess whether ICTY had used GTA funds efficiently and effectively, in a manner consistent with instructions. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

The creation of GTA posts was often not adequately justified and internal controls over the monitoring and use of GTA were weak. ICTY uses GTA funds to create continuing posts in a manner inconsistent with instructions. There were no cogent procedures regulating recruitment and competitive selection could not always be ensured. The main areas of concern included the following:

- Requests for GTA funds were not accompanied by detailed justification including probable workload, indication of anticipated time for completion and the norms used for estimating the outputs per staff. The related risk that arises is that ICTY creates GTA posts for which adequate justification has not been presented, thereby possibly incurring unnecessary expenditure.
- The absence of UN-wide guidance or instructions has led to the lack of clarity and consistency for GTA recruitments in ICTY. Professional and General Service vacancies were often not advertised or recruited competitively and this had an impact on transparency in recruitment. Given the lack of systematic vacancy announcements or advertisement, knowledge of vacancies was known largely by word of mouth thereby restricting competition.
- ICTY's use of GTA funds was against ST/AI/295 of 19 November 1982. As a result, the original intent of the instructions (i.e., to replace staff on sick or maternity leave and for periods of peak workload) has been lost sight of and GTA funds are now used with the purpose of financing de facto continuing or regular posts. There was little to distinguish between regular budget posts and GTA posts and staff that came on board on GTA contracts continued for several years without break in service. ICTY need to review current practices in the light of the new human resources framework.
- ICTY may not be adequately prepared for the implementation of the new human resources framework. The lack of clarity surrounding the application of this framework increases the risk that faulty or incorrect decisions could be taken by ICTY management during the time of transition.

- Attention needed to be focused on developing a coherent downsizing strategy that includes GTA posts.

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I. INTRODUCTION

1. The Office of Internal Oversight Services (OIOS) conducted an audit of the use of General Temporary Assistance (GTA) in the International Criminal Tribunal for the former Yugoslavia (ICTY). The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

2. GTA refers to staff hired temporarily from the GTA budget allocation. The purposes for which such staff are appointed in terms of ST/AI/295 of 19 November 1982 are: (a) to assist in dealing with peak workloads, particularly when necessary to meet deadlines for the production of reports and other work, or when the work is not evenly distributed over the year; (b) to assist in dealing with unexpected demands on the regular staff which could not be foreseen; (c) to cover essential work which, as a result of vacancies, cannot be performed by regular staff; or (d) to provide services required for conferences and other short-term purposes that cannot be provided by regular staff. ICTY has emphasized that while the term 'GTA posts' is widely used, these are not posts in the conventional sense, but the term has been created solely as a control mechanism to ensure that funds are not overspent.

3. There has been an increasing trend in the GTA expenditures and as ICTY moves towards its completion phase (Table 1), it is expected that GTA will be the preferred means for achieving the desired extent of flexibility in managing staffing resources.

**Table 1: Expenditures on GTA - Regular Budget (RB)
(in millions of United States dollars)**

	2004/05	2006/07	2008 (one year)
OTP	10.78	11.82	5.10
REGISTRY	2.85	3.37	2.14
TOTAL GTA	13.63	15.19	7.24

4. Comments made by ICTY are shown in *italics*.

II. AUDIT OBJECTIVES

5. The overall objective of the audit was to assess whether ICTY had used GTA funds efficiently and effectively in a manner consistent with relevant instructions. This included assessing whether:

(a) The requirement for GTA resources were based on an assessment of ICTY needs;

(b) GTA staff had been used in accordance with relevant United Nations instructions;

(c) The recruitment of GTA staff has been carried out in accordance with existing instructions; and

(d) ICTY had used GTA resources efficiently and effectively in support of divisional and operational objectives.

III. AUDIT SCOPE AND METHODOLOGY

6. Included in the remit of the review was the requirement to examine the procedures for recruitment and selection of temporary staff hired on GTA contracts in order to confirm that robust procedures are in place. The audit methodology comprised review of statistics on GTA obtained from the Budget Section and the Personnel Information Management System (PIMS), review of recruitment cases, observation and verification of processes, review of documents and interviews with responsible personnel. Extra-Budgetary (XB) GTA posts were not included in the scope of the audit.

IV. AUDIT FINDINGS AND RECOMMENDATIONS

A. Assessment of GTA resources

Staff requirements under GTA funding were not properly assessed

7. Staff requirements under GTA funding were not accurately and empirically assessed. Existing ICTY procedures require that every request for GTA posts needs to be justified in writing using the GTA Request Form. The funding source needs to be indicated as well as the job description if this is a new post. Only if the justification is adequate will the ICTY Budget Section agree to create a new GTA post. The parameters used should be concrete and measurable and contain an estimation of the workload and the time and personnel required to complete the task as well as specific norms of outputs. This approach finds support in the Advisory Committee on Administrative and Budgetary Questions (ACABQ) report A/55/643, where the committee observed that there is a 'need to relate workload data to resource requirements. Performance and workload related data need to be analyzed and the results of that analysis would then form the basis to support the resources required for the budget estimates'.

8. Review of GTA files in the Budget Section and relevant reporting sections showed that the GTA Request Form was not used in requests for GTA funds and/or posts. In general, there was inadequate justification for the creation of GTA posts. In some cases, justifications for post creation were available, albeit incomplete and provided through emails and occasionally through memoranda besides finding mention in budget documents. Overall, however there was no consistent evidence that GTA-funded posts or resources were based

on an assessment of ICTY needs. Hence, there is a risk that GTA recruitments may be unjustified.

Recommendation 1

(1) The ICTY Administration should ensure that all requests for GTA funding are submitted through the GTA Request Form, duly completed in accordance with relevant instructions and accompanied by detailed justification including probable workload, indication of anticipated time for completion and the norms used for estimating the outputs per staff.

9. *The ICTY Administration accepted recommendation 1 and stated that the ICTY Administration will ensure that all future requests for GTA will only be processed if they are accompanied by the form specifically designed for this purpose. Recommendation 1 remains open pending review by OIOS of selected GTA proposals to confirm that requests are in compliance with instructions.*

B. Pattern of GTA use in the Tribunal

ICTY's use of GTA funds is at variance with United Nations policy

10. The original intent of GTA instructions and as reiterated by the ACABQ from time to time is that GTA is associated with the temporary replacement of staff on extended sick leave or maternity leave, or the engagement of additional staff during peak workload periods. At ICTY, for the last four years, the GTA component of the workforce has ranged from 10-20 per cent of the total staff strength of around 1200, which represents a significant part of the staff resources. With such large scale use of GTA, the original intent of the instructions as stipulated in ST/AI/295 of 19 November 1982 has been lost sight of and GTA funds are now used with the purpose of financing de facto regular posts that are of a continuing nature. GTA should be used to meet only legitimate non-permanent staffing needs and it is important to underline that temporary agency staff be used only when the need for the help is temporary and that the position continues only as long as that need remains. GTA-funded staff should not be used when the need for the position is of continuing nature or long term.

11. From a review of GTA posts for the last five years, it was apparent that there were no clear and consistent criteria for determining which posts should be funded through GTA or through RB posts. Staff, whether under RB posts or under GTA, were continuing in their positions for equal length of time. Hence, there appeared little differentiation between contract type/length and funding basis. For example, as of January 2009, there were 107 staff members on GTA who had contracts exceeding nine months. Of these, 26 staff members had been in service for more than seven years, 25 for more than three years, while the remaining 56 had between nine months and three years of service. The duration that these staff members have been on GTA posts indicates that these are posts required on a continuing basis and not, as per GTA instructions, to handle work surges or for leave replacements.

12. *ICTY stated that while the ICTY Administration shares the view that the use of GTA should be consistent with the relevant instructions, in the Tribunal, GTA has been used for a number of projects of a longer duration than short-term requirements. This has been in response to peak workload period generated by surges in requirements as a result of the specific characteristics of the Tribunal's work. ICTY added that it is worth noting that the projects financed by GTA have been included in the Tribunal's budget submissions in an open and transparent manner and approved by the Budget Division and the General Assembly. Given that ICTY accept that the Tribunal is not using GTA in accordance with instructions and in view of the special circumstances, in particular the fact that ICTY is in its completion phase, OIOS is not raising a related recommendation. Nonetheless, OIOS would like to highlight the departure from the United Nations policy.*

Generation of savings under GTA by charging expenditures to vacant regular posts

13. In their management of GTA fund and posts, ICTY often charges GTA-related expenditures to vacant posts. This has the effect of creating savings and additional GTA funds over and above the allocations previously approved, and give Administration the freedom to either extend GTA posts beyond previously agreed durations or to create new GTA posts. It is unclear whether ICTY has obtained the required approvals from UN Headquarters for this practice. For example, on one occasion in May 2006, OIOS noted that the salaries of 43 GTA staff were reversed to RB posts for five months (43*5=215 times). It is quite evident that when such large scale reversals occur, they can have a significant impact on increasing the availability of funds under GTA. Conservatively assuming an average monthly salary of approximately \$5,000, the reversals can have the impact of generating over \$1 million as surplus funds that are available for spending under GTA, over and above the initial allocations. ICTY needs to obtain clarification if such reversals and the consequent generation of surplus GTA funds are in accordance with commonly accepted budgetary practices.

Recommendation 2

(2) The ICTY Administration should seek clarification from the Office of Programme Planning, Budget and Accounts if the practice of large scale charging of General Temporary Assistance to vacant posts is in accordance with commonly accepted budgetary practices.

14. *The ICTY Administration accepted recommendation 2 and stated that the reversal of charges from GTA to temporary posts was approved in a reduced number of occasions. In all of these cases, the Administration ensured that the reversal took place between positions in the same organ and division and for similar functions. ICTY will, as requested, discuss with the Budget Division the adequacy of previous reversal of charges. While OIOS confirmed that reversals did occur within the same organ, there were cases where P-2 or P-3 GTA posts were charged against P-5 regular budget posts or general service GTA posts*

against professional regular posts. Recommendation 2 remains open pending discussions between ICTY and the Budget Division to confirm that similar large scale reversals are no longer taking place.

Impact of new human resources framework on existing GTA staff

15. The new human resources framework has come into force on 1 July 2009. As stated in the draft policy, an essential component of the new framework is to streamline the contractual arrangements for staff by creating three types of appointments: temporary, fixed-term and continuing. Under the proposed arrangements, a temporary appointment can be granted for less than one year to meet seasonal or peak workload and specific short-term requirements and will have a specified expiration date. This type of appointment may be renewed for a period not exceeding 12 months when warranted by surge requirements and operational needs. It would appear that existing GTA staff would be converted to such temporary appointments although the overall duration cannot exceed two years, which could pose problems as the tribunal is expected to function until at least 2012 if not later. Moreover, the temporary appointments cannot be converted to any other form of appointment. The lack of clarity surrounding these issues raises the risk that inappropriate decisions could be taken by ICTY management. Given that ICTY places heavy reliance on short-term appointments which will increase as the Tribunal moves into its completion strategy, the matter requires guidance from OHRM.

Recommendation 3

(3) The ICTY Administration should seek guidance and advice from the Department of Management/Office of Human Resources Management about the impact of the new human resources framework on the contractual status and service conditions of staff on GTA-funded posts.

16. *The ICTY Administration accepted recommendation 3 and stated that they are engaged in regular consultation with DM/OHRM via videoconference and regularly follow up with UNHQ regarding the rules and regulations that govern temporary contracts, which will mostly affect GTA staff.* Based on the action taken by ICTY and given that there is regular consultation with OHRM, recommendation 3 has been closed.

C. Recruitment for GTA posts

Lack of clear guidelines on GTA recruitment

17. The Staff Regulations recognize that the paramount consideration in the appointment, transfer or promotion of staff shall be the necessity of securing the highest standards of efficiency, competence and integrity, and that as far as practicable, selection shall be made on a competitive basis. Although these broad guidelines exist, there were no specific UN-wide guidelines or instructions that regulate the manner in which GTA-funded staff are to be recruited. On the other hand, there are clear instructions on recruiting staff for vacancies that are

expected to last for one year or longer. Since GTA posts comprise a significant proportion of the total ICTY posts, the absence of guidelines or policy has led to lack of clarity and consistency in matters governing GTA recruitments. ICTY agreed that there was no standard way of recruiting staff on GTA-funded posts. Each case would depend upon whether the need was maternity replacements, loan replacements and replacements for staff leaving on short notice or other requirements.

Recommendation 4

(4) The ICTY Administration should formulate internal guidelines for the recruitment of GTA-funded staff, which should contain applicable key controls found in the system for the recruitment of regular staff.

18. *The ICTY Administration accepted recommendation 4 and stated that since the use of GTA at ICTY often entails the employment of staff for longer periods of time, ICTY Administration will document a standard way of recruiting GTA staff, noting that the procedure would contain controls appropriate to the type of appointment, for example maternity replacements, loan replacements and replacements for staff leaving on short notice or other requirements. Finalization of these guidelines may depend on guidance that would be received from UNHQ in relation to the new Staff Rules regarding short-term appointments. Recommendation 4 remains open pending the formulation of internal guidelines on the recruitment of GTA staff at ICTY.*

Selection of candidates from earlier recruitment exercises for appointment to GTA posts

19. ICTY information circular ICTY/IC/2002/03 dated 8 December 2001 provides that candidates for GTA posts should be selected from earlier recruitment exercises, in which they were found suitable for the short list but in the end were not selected. There was no evidence that ICTY took advantage of previous recruitment exercises, which could have provided assurance that the principle of competitive selection had been broadly satisfied.

Recommendation 5

(5) The ICTY Administration should ensure that, where feasible, candidates for GTA posts should be selected from the roster in which they were found suitable but in the end were not selected.

20. *The ICTY Administration accepted recommendation 5 and stated that will, to the extent possible, endeavour to recruit candidates from the roster, noting that the timeframe to fill these vacancies differ between organs, which may impact on the ability to recruit locally or from the roster. This will be implemented quickly and fully described in the proposed internal guidelines on GTA recruitment. Recommendation 5 remains open pending confirmation that to the extent possible candidates are recruited from the roster.*

Professional GTA vacancies are not consistently advertised on the Recruitment System

21. Although the recruitment process for temporary positions should mirror the one used for regular budget posts, funding and time constraints make this unworkable in many cases. The recruitment process for GTA-funded staff is therefore not consistent across the Tribunal, both for Professional and General Service (GS) posts. OIOS reviewed 17 recruitments of professional staff on GTA posts and observed that only four were advertised and interviews held. Of the remaining 13, three were translators and the remaining ten were Legal/Associate Legal Officers (ALO) in the Chambers and the Office of the Prosecutor (OTP). OIOS reviewed 10 recruitment cases of ALOs in the Chambers and the OTP and noted that, with the exception of one case where an interview was conducted, the recruitment files contained no evidence that the posts had been advertised or that an interview had been conducted. Since most of these vacancies were not advertised, the fact that such vacancies existed was known only through word of mouth, which could have an impact on the transparency of recruitment.

22. ICTY stated that it is not practical to recruit all professional GTA-funded staff competitively if the posts are funded only until the end of the year. Moreover, the process was costly and time-consuming, and that very few candidates would be willing to leave their present employment to work with ICTY only for a few months. OIOS understands that for vacancies that could last only 3-6 months, it would be impractical to enforce detailed recruitment procedures. The matter of concern, however, is that even for posts that have durations of more than one year, and should be considered as continuing posts, the required procedures are not followed. In addition to the examples of ALOs, the three translators were not recruited competitively and these posts too are of a continuing nature.

Recommendation 6

(6) The ICTY Administration should ensure that the GTA-funded posts of Associate Legal Officers and other Professional posts that are of a continuing nature are competitively recruited.

23. *The ICTY Administration accepted recommendation 6 and stated that posts of a continuing nature (i.e., one year or longer) will be recruited on a competitive basis. This aspect would be covered in the internal guidelines on GTA recruitment that are proposed to be issued.* Recommendation 6 remains open pending confirmation that Professional level GTA posts with duration of one year or longer are competitively recruited.

Recruitment of Trial Attorney under special GTA

24. One post of trial attorney was not advertised as the OTP wanted to bring staff on board quickly. Education requirements for the post include a university degree in law (or equivalent), with specialization in criminal law (both

substantive and procedural). Experience requirements indicate seven to nine years of progressively responsible professional legal experience, such experience should have been as a prosecutor or criminal defense lawyer. OIOS noted that the candidate chosen possessed a law degree but had no specialization in criminal law. Experience was mainly in the family law field, divorce and custody cases. It was unclear how this background was relevant to a P-4 Trial Attorney at an international criminal tribunal. Cumulative experience in criminal law (combined with family law practice) was less than four years. The OTP stated that they were satisfied that the candidate had sufficient criminal law and prosecutorial experience to do the job expected of her. An interview was conducted by the OTP and the candidate was deemed suitable for the job, even though it was noted throughout the interview report that experience was primarily in family law litigation. In OIOS' assessment, the candidate did not possess either the required specialized educational background or experience and her profile was not suitable for a Trial Attorney's post. OIOS observed that the staff member's initial appointment from January 2009 to June 2009 was extended until 31 January 2010 and if such extensions continued, the appointment could extend beyond one year.

Recommendation 7

(7) The ICTY Administration should review the recruitment procedures for the OTP Trial Attorney post to assess whether the requisite procedures have been followed and the candidate recruited met the minimum criteria stipulated for the post.

25. *The ICTY Administration accepted recommendation 7 and stated that they are further reviewing the recruitment process to determine if the candidate met the minimum criteria.* Recommendation 7 remains open pending the further review of the appointment in question.

Recruitment of General Service staff

26. ICTY's recruitment of General Service staff on GTA was often not compliant with their own internal guidelines. ICTY clarified that in the absence of instructions on GTA recruitments, the recruitment criteria and requirements applicable to regular budget (RB) posts will also apply to GTA posts. General Service vacancies under GTA are normally advertised only internally. For recruitments to G-5 and above, instructions issued by the Chief Administrative Officer (CAO) on 5 July 2007 in ICTY/IC/2007/40 also provide for interviews and other appropriate evaluation mechanisms, such as written tests or other assessment techniques including competency-based interviews. OIOS' review of 48 GTA-funded recruitments conducted from 2006 to January 2009 and from the documents available in the file, showed that only 21 out of 48 posts were advertised and interviews were conducted for 30 out of the 48 posts.

27. OIOS' review of three recruitments to the post of Trial Support Clerk showed that the posts were not advertised and it was likely that the candidates got to know of the impending vacancy only through word of mouth. While the three

candidates passed the clerical test and were also interviewed on telephone, the telephonic interview did not cover many aspects relating to the core competencies mentioned for similar posts such as knowledge and familiarity with the UN structure and documentation, and relevant experience and focused mainly on computer skills. None of the candidates met the specific condition that ICTY Trial Support Unit experience was considered essential. Two of those appointed were related or acquainted with current staff members and although no inference is drawn that this had any bearing on the appointment, the fact remains that because of lack of publicity to the vacancies, other qualified and interested candidates were not equally considered. ICTY stated that the circulation of the posts was waived due to the need for filling the vacancies in a timely manner. In OIOS' assessment, with proper advance planning, it should be possible to ensure compliance with internal instructions and give wider publicity to the vacancies as well.

28. If there are continuing instances of non-competitive recruitment, a perception of backdoor recruitment may arise as some GTA staff could have undergone less stringent recruitment procedures, i.e., no vacancy announcement and in some cases no interview. Furthermore, their contracts were usually extended repeatedly beyond the usual eleven months for GTA staff. This could also result in poor employee morale and dissatisfaction.

Recommendation 8

(8) The ICTY Administration should ensure that recruitments of General Service GTA staff are conducted in compliance with internal instructions contained in ICTY circular ICTY/IC/2007/40 dated 5 July 2007.

29. *The ICTY Administration accepted recommendation 8 and stated that they had put in place guidelines that govern the recruitment of staff as referenced by OIOS. Considering that the situation has evolved since the implementation of those guidelines, a new practice is being developed which better services the requirements. Recommendation 8 remains open pending the formulation of internal guidelines on the recruitment of GTA staff at ICTY.*

Role of appointments and promotions bodies in GTA appointments

30. Staff recruited on GTA contracts should not be kept in service beyond eleven months. In 2000, ICTY was faced with a situation where the application of this rule 'would have resulted in a significant amount of disruption to ongoing projects and an untenable amount of administrative work' and a request was accordingly made to OHRM for an exemption to retain staff on a more continuing basis. OHRM agreed to ICTY's request in January 2000, stating that the concerned staff members should be presented to the local Appointment and Promotion (AP) bodies; and if selected to continue in that capacity, their letters of appointment would have to stipulate that such assignment is limited to the duration of that project. Staff members who were recruited against GTA-funded posts and whose initial appointments were extended beyond eleven months, and approved by the Registrar upon the recommendation of an appointment and

promotion review body, are considered internal candidates when applying for RB positions.

31. However upon a review of such presentations to the appointment and promotion bodies OIOS noted that the exercise appeared to be a formality done by circulating emails that was endorsed by the AP members in a routine manner and there was no record of any candidate being rejected. The presentations were not individually made but combined to include several candidates (on one occasion, 27 cases were submitted together). The minutes were approved by circulating emails and not at a meeting. While the presentation to the Appointment and Promotion Board (APB) seems to fulfill the procedural requirement, the lack of careful scrutiny by these bodies is a matter for concern as upon clearance by the APB, the candidates become internal and also eligible to apply for ICTY vacancies.

Recommendation 9

(9) The ICTY Administration should ensure that the appointment and promotion bodies at ICTY give detailed and proper consideration to GTA cases presented before them for extension beyond eleven months.

32. *The ICTY Administration accepted recommendation 9 and stated that the central review bodies take their tasks seriously and the cases presented before them are scrutinized carefully. Management will reiterate to the members the importance of their roles and their terms of reference. Recommendation 9 remains open pending reiteration of the roles and responsibilities of the members of the appointment and promotion bodies.*

D. Efficiency and effectiveness of the use of GTA in ICTY

33. Overall, GTA has been used to provide surge capacity where required and is also being extensively used during the downsizing phase. GTA has provided ICTY the requisite flexibility as the organization nears its completion phase. A few areas for concern however persist and are mentioned in the following paragraphs.

ICTY should evolve a coherent downsizing strategy

34. Since there are several categories of posts such as regular budget posts, GTA posts, XB GTA and Special GTA posts, it is unclear at this point how these different categories stand in relation to the planned downsizing measures. The 'comparative review formula' envisaged for use for downsizing and staff reduction is still under negotiation and a mutually acceptable dispensation to management and staff continues to be elusive. A major step taken recently has been to convert 258 regular budget posts to a new category of posts called 'Special GTA'. The criteria used for deciding on the conversion of posts to GTA (in consultation with the Staff Union) is as follows: vacant posts will be converted to GTA followed by occupants of posts at the required level, who have

been extended beyond retirement; and the principle of seniority, with those joining the organization most recently assigned to the converted posts.

35. Staff assigned to Special GTA posts were informed that the essential change involved was only that the funding source had changed, but according to feedback from staff, the manner in which the change was carried out and the possible implications of the move were not adequately explained. Numerous staff members voiced their concerns to the Staff Union. Overall, the process is seen by staff as lacking in fairness and objectivity. The proliferation of GTA categories and their increased use as downsizing approaches could bring in their wake unforeseen complications and presently, ICTY is inadequately prepared to meet the challenges. OIOS notes that scarcely any progress has been made with regard to downsizing criteria since the OIOS audit of the completion strategy undertaken in 2008, with the same issues still being debated in 2009. While there has been a dialogue between the Administration and the Staff Union, tangible progress is not evident.

Recommendation 10

(10) The ICTY Administration should consider carefully the implications and manner of downsizing for all categories of staff including those on GTA and work toward a coherent downsizing strategy in conjunction with staff representatives.

36. *The ICTY Administration accepted recommendation 10 and stated that proposals for downsizing have been reviewed by the Joint Negotiation Committee and are presently under consideration by the Registrar. Recommendation 10 remains open pending the development and articulation of a downsizing strategy for ICTY.*

V. ACKNOWLEDGEMENT

37. We wish to express our appreciation to the Management and staff of ICTY for the assistance and cooperation extended to the auditors during this assignment.

STATUS OF AUDIT RECOMMENDATIONS

Recom. no.	Recommendation	Risk category	Risk rating	C/O ¹	Actions needed to close recommendation	Implementation date ²
1	The ICTY Administration should ensure that all requests for GTA funding are submitted through the GTA Request Form, duly completed in accordance with relevant instructions and accompanied by detailed justification including probable workload, indication of anticipated time for completion and the norms used for estimating the outputs per staff.	Compliance	H	O	Review by OIOS of selected GTA proposals to confirm that requests are in compliance with instructions	September 2009
2	The ICTY Administration should seek clarification from the Office of Programme Planning, Budget and Accounts if the practice of large scale charging of General Temporary Assistance to vacant posts is in accordance with commonly accepted budgetary practices.	Operational	M	O	Clarification is sought and obtained from the OPPBA regarding charging of GTA funds to vacant approved budget posts.	December 2009
3	The ICTY Administration should seek guidance and advice from the Department of Management/Office of Human Resources Management about the impact of the new human resources framework on the contractual status and service conditions of staff on GTA-funded posts.	Operational	M	C	Action completed	Implemented
4	The ICTY Administration should formulate internal guidelines for the recruitment of GTA-funded staff, which should contain applicable key controls found in the system for the recruitment of regular staff.	Governance	H	O	Formulation of guidelines for the recruitment of GTA staff.	December 2009
5	The ICTY Administration should ensure that, where feasible, candidates for GTA posts should be selected from the roster in which they were found suitable but in the end were not selected.	Human Resources	M		Confirmation that to the extent possible candidates are recruited from the roster.	October 2009
6	The ICTY Administration should ensure that	Human	M	O	Confirmation that Professional level GTA	October 2009

Recom. no.	Recommendation	Risk category	Risk rating	C/ ¹ O ¹	Actions needed to close recommendation	Implementation date ²
	the GTA-funded posts of Associate Legal Officers and other Professional posts that are of a continuing nature are competitively recruited.	Resources			posts with duration of one year or longer are competitively recruited	
7	The ICTY Administration should review the recruitment procedures for the OTP Trial Attorney post to assess whether the requisite procedures have been followed and the candidate recruited met the minimum criteria stipulated for the post.	Operational	M	O	Further review of the appointment in question.	December 2009
8	The ICTY Administration should ensure that recruitments of General Service GTA staff are conducted in compliance with internal instructions contained in ICTY circular ICTY/IC/2007/40 dated 5 July 2007.	Human Resources	H	O	Formulation of new practices on the recruitment of GTA staff at ICTY	December 2009
9	The ICTY Administration should ensure that the appointment and promotion bodies at ICTY give detailed and proper consideration to GTA cases presented before them for extension beyond eleven months.	Strategy	M	O	Reiteration of the roles and responsibilities of the members of the appointment and promotion bodies.	October 2009
10	The ICTY Administration should consider carefully the implications and manner of downsizing for all categories of staff including those on GTA and work toward a coherent downsizing strategy in conjunction with staff representatives.	Strategy	H	O	Pending the development and articulation of a downsizing strategy for ICTY	Not provided

¹ C = closed, O = open

² Date provided by ICTY in response to recommendations