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United Nations
Educational, Scientific
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Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للترية والعلم والثقافة

联合国教育、
科学及文化组织

Executive Board
Conseil exécutif
Consejo Ejecutivo
Исполнительный совет
المجلس التنفيذي
执行局

The Chairperson

To Ministers responsible for
relations with UNESCO

Ref: GBS/SCX/2022/016

9 May 2022

Subject: ***Appointment of an Alternate Chairperson of the UNESCO
Appeals Board***

Madam/Sir,

I have the honour to refer to UNESCO Executive Board decision 214 EX/15 pertaining to the appointment of the Chairperson and Alternate Chairperson of the Appeals Board.

When the call for nominations was launched by my predecessor by his letter of 10 November 2021, one candidature was received by the established deadline for the position of Chairperson of the Appeals Board, and the Executive Board decided at its 214th session to appoint Mr Akuété Santos (Togo) to this position for a term of 4 years (1 May 2022-30 April 2026).

No candidates were received for the position of Alternate Chairperson and by the same above-mentioned decision, the Executive Board invited me to relaunch the call for candidatures for this position, by inviting Member States to suggest candidates who meet the requirements of the post for examination at the 215th session of the Executive Board (5-19 October 2022) with the aim of appointing a person to that position at that time. The term of office of the Alternate Chairperson would also expire on 30 April 2026.

In the light of the foregoing, I wish to hereby invite Member States to suggest suitable candidates for the office of Alternate Chairperson of the Appeals Board. Candidates proposed must have recognized legal qualifications and have considerable legal experience, notably as judges, prosecutors, arbitrators or lawyers with sound litigation experience. Previous experience of the functioning of international, inter-governmental organizations would be considered an asset. Furthermore, a thorough knowledge of either English or French and a working knowledge of the other language are also necessary.

Given its delicate role, it is imperative that such position be filled by a suitable candidate equipped with relevant experience.

I am attaching hereto a note describing the status and functioning of the Appeals Board. The office of Alternate Chairperson carries no monthly salary, but an annual honorarium is paid. During the incumbent's term of office, the amount of the annual honorarium will be US\$ 2,500 for the Alternate Chairperson. For sessions of the Appeals Board during which the Alternate Chairperson is called upon to represent the Chairperson, the Organization bears the travel expenses from the place of residence of the Alternate Chairperson to Paris and return and pays the appropriate daily subsistence allowance during his/her stay in Paris.

As regards privileges and immunities, the Alternate Chairperson of the Appeals Board is assimilated to the persons described in Article 25 of the Headquarters Agreement between the Government of the French Republic and UNESCO, and in paragraph 3 of Annex IV to the Convention on the Privileges and Immunities of the Specialized Agencies (please see annexes).

In order to enable me to examine the candidatures in good time and, if necessary, interview the candidates who may be placed on a short-list of potential appointees, I should be grateful if you would transmit to me any suggestions, with details of the professional qualifications and experience of the candidates, as soon as possible, and in any case not later than 01 July 2022.

Accept, Madam/Sir, the assurances of my highest consideration.



Tamara Rastovac Siamashvili

cc: Members of the Executive Board of UNESCO
Permanent Delegations to UNESCO

ANNEX I

NOTE ON THE UNESCO APPEALS BOARD

1. The system of appeals available to a staff member who wishes to contest a disciplinary measure or administrative decision is described in Chapter XI of the Staff Regulations and Staff Rules, and in its Annex A, Statutes of the Appeals Board. Regulation 11.1 requires the Director-General to “maintain an Appeals Board, with staff participation, to advise him when a staff member lodges an appeal ...”. Regulation 11.2 provides that “The Administrative Tribunal, approved from time to time by the General Conference, shall be the final court of appeal for staff members ...”. The General Conference has, for that purpose, approved the Administrative Tribunal of the International Labour Organization.
2. The function of the Appeals Board is consequently to advise the Director-General on appeals brought by staff members against his decisions. It is the Director-General’s final decision, taken after considering the advice of the Appeals Board, which is subject to the ultimate appeal before the Administrative Tribunal.
3. When it sits to hear a given case, the Appeals Board consists of the Chairperson or Alternate Chairperson, and of four staff members of the Organization, two of whom are appointed ad hoc by the Director-General or by his/her designated representative, and two by the Chairperson of the Board from a panel elected by the staff. Each member of the Appeals Board, including the Chairperson, has an equal vote. The Board adopts a Report, which includes its conclusions and recommendations. Secretarial assistance is provided to the Board by a staff member designated by the Director-General.
4. The jurisdiction of the Appeals Board is defined in its Statutes and consists broadly speaking in examining whether any disciplinary measure or administrative decision contested by a staff member conflicts either in substance or in form with the terms of his or her contract or with any relevant Staff Regulation or Staff Rule. Where the contested decision is based on grounds of performance, the Board does not have the jurisdiction to determine the substantive question of performance, but examines whether the decision was affected by prejudice or other extraneous factors, or whether there was a procedural flaw. In case of doubt, the Board itself decides whether it has jurisdiction.
5. The procedure of the Board commences by written pleadings in the form of a detailed appeal submitted by the appellant and a detailed reply submitted by the Administration. On request of the appellant, this is followed by a hearing in person or remotely. Only those persons whose presence is foreseen by the Statutes of the Appeals Board may attend the hearing, at which the appellant may be represented by a staff member of his or her choice and at which oral statements of the appellant or his or her representative and of the representative of the Director-General are heard. The parties may call witnesses. The Chairperson may request the disclosure of evidence from the Parties
6. On the completion of the hearing, the Board deliberates in private and adopts a report in which it summarizes the Board proceedings and advises the Director-General on any action he/she should take. Any member of the Board may request that his or her dissenting opinion, if any, be appended to the report. The Director-General then examines the report of the Appeals Board and takes a decision which he/she communicates to the Chairperson of the Board and to the appellant.
7. The proceedings and records of the Board are confidential.
8. In addition to their normal duties, the Chairperson of the Board or, if he/she is not available, the Alternate Chairperson, may be called upon to act as sole arbitrator in cases involving certain categories of the Organization’s auxiliary personnel.

ANNEX II

Convention on the Privileges and Immunities of Specialized Agencies

Annex IV (of the Convention)

United Nations Educational, Scientific and Cultural Organization

The standard clauses shall operate in respect to the United Nations Educational, Scientific and Cultural Organization (hereinafter called "the Organization") subject to the following provisions:

1. Article V and Section 25, paragraphs 1 and 2(l) of Article VII shall extend to the President of the Conference and members of the Executive Board of the Organization, their substitutes and advisers, except that any waiver of the immunity of any such person of the Executive Board under Section 16 shall be by the Executive Board.
2. The Deputy Director-General of the Organization, his spouse and minor children shall also enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law, which Article VI, Section 21, of the Convention ensures to the executive head of each specialized agency.
3. (i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:
 - (a) Immunity from personal arrest or seizure of their personal baggage;
 - (b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;
 - (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions.
- (ii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

ANNEX III

HEADQUARTERS AGREEMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND UNESCO

Article 25

1. While performing their functions or engaged on mission on behalf of the Organization, experts other than the officials mentioned in Articles 19 and 22 shall, insofar as is necessary for the effective discharge of their functions, and also during journeys made in the course of duty or for the period of their missions, be granted the under-mentioned privileges and immunities:

- (a) Immunity from personal arrest and seizure of personal baggage, except if caught in the act of committing an offence. The competent French authorities shall, in such cases, immediately inform the Director-General of the Organization of the arrest or of the seizure of baggage;
- (b) Immunity from judicial process in respect of all acts done by them in the performance of their official functions (including words spoken or written). Such immunity shall continue notwithstanding that the persons concerned are no longer performing official functions for the Organization or on mission on its behalf;
- (c) The same facilities concerning the regulation of foreign exchange as those accorded to officials of foreign governments on temporary official mission.

2. The Director-General of the Organization shall agree to waive the immunity of an expert in any case in which he considers that this can be done without damage to the interests of the Organization.