

## **Seventieth session**

### **Items 133, 143 and 148 of the provisional agenda\***

#### **Programme budget for the biennium 2014-2015**

#### **Administration of justice at the United Nations**

#### **Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations**

#### **Introduction of the report of the Secretary-General on administration of justice (A/70/187)**

Distinguished Members of the Fifth Committee,

It is my privilege to introduce the report of the Secretary-General on administration of justice at the United Nations.

#### **Report of the Secretary-General on administration of justice at the United Nations**

The report of the Secretary-General covers the functioning of the formal system of administration of justice in calendar year 2014. As requested by the General Assembly, the report contains observations about the operation of the system, drawn from the experience of the departments, offices and other entities engaged therein, and information and statistics on their activities in 2014 and since the inception of the system on 1 July 2009.

The report also provides a consolidated response to the requests of the General Assembly in resolution 69/203.

The report is the result of coordination between the Office of Administration of Justice and departments and offices engaged in the internal justice system, such as the Department of Management, including the Management Evaluation Unit, the Office of Human Resources Management, the Administrative Law Section and the Office of Programme Planning, Budget and Accounts, the Office of Legal Affairs, Offices away from Headquarters, participating Funds and Programmes, and the Office of the Ombudsman and Mediation Services.

The report is divided into six sections: (I) an overview; (II) a review of the formal system; (III) consolidated responses to requests made by the General Assembly in resolution 69/203; (IV) other matters; (V) resource requirements; and (VI) conclusions

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\* A/70/150

and recommendations for action to be taken by the General Assembly; and includes six annexes.

The review of the formal system in Section II begins with observations on the operation of the formal system of administration of justice in 2014. These observations include the following:

- There were several groups of staff members who challenged certain administrative decisions which impacted all of them in the same way, and this was reflected in the caseloads of the Management Evaluation Unit, the Dispute Tribunal, the Appeals Tribunal and the Office of Staff Legal Assistance;
- Apart from these cases, the underlying number of cases being filed in the formal system stabilized; that was the experience of all offices engaged in the formal system in 2014;
- The majority of incoming cases related to benefits and entitlements, appointment-related matters, and separation from service;
- A slight majority of staff members filing cases with the Tribunals were self-represented;
- Over 200 cases pending in the formal system were resolved in 2014 without the need for a final adjudication on the merits, due to the efforts of all actors in the internal justice system; and
- The Office of Staff Legal Assistance acted on behalf of staff members in 110 cases settled in the formal and informal systems in 2014.

Section II reports on the activities of the Management Evaluation Unit, the Dispute Tribunal and the Appeals Tribunal and their Registries, the Office of Staff Legal Assistance, the Office of the Executive Director, the Legal Offices representing the Secretary-General as respondent, and the participating Funds and Programmes. Statistics and information concerning the activities of these entities are set out in the report.

The Secretary-General recommends that the three ad litem judge positions in the Dispute Tribunal, including the sitting judges and their current staffing complement, be extended for one year, to the end of 2016, in order to maintain the ability of the Dispute Tribunal to manage its caseload. The Secretary-General also recommends that the experimental period for the voluntary supplemental funding mechanism to provide additional resources for the Office of Staff Legal Assistance be extended for one year, to the end of 2016. Both recommended extensions are pending the interim independent assessment of the internal justice system, which will help to inform future consideration of these and other matters relating to the system of administration of justice at the United Nations.

Section III provides responses to specific requests by the General Assembly, including:

- A report on progress made in the implementation of recommendations to address systemic and cross-cutting issues contained in the Secretary-General's report on the activities of the Office of the Ombudsman and Mediation Services;
- Information on the settlement of disputes within the formal system as a result of pro-active case management by judges of the Dispute Tribunal;
- Information on incentives for staff not to opt out of the voluntary supplemental funding mechanism to provide additional resources for the Office of Staff Legal Assistance;
- Data on the operation of the voluntary supplemental funding mechanism to provide additional resources for the Office of Staff Legal Assistance and a recommendation to extend the experimental period for one more year, to the end of 2016;
- A report on the status of further lessons-learned guides;
- A report on the implementation of amendments to the Statutes of the Dispute Tribunal and the Appeals Tribunal;
- Review of the issue of harmonization of the privileges and immunities of the judges and a recommendation with respect thereto;
- Information on incentives to enable and encourage qualified staff to volunteer in the work of the Office of Staff Legal Assistance;
- A refined proposal with respect to the mechanism to address complaints under the code of conduct of judges; and
- A report on steps taken with reference to the accountability of all individuals where violations of the Organization's rules and procedures have led to financial loss.

The General Assembly had also requested the Secretary-General to submit a single code of conduct for all legal representatives, without prejudice to other lines of disciplinary authority. Preparation of such a code is underway but it was not possible to finalize it in time for this session. It is anticipated that it will be ready for submission at the next session.

Section IV of the report refers to Annex IV which provides information on compensation paid in accordance with recommendations of the Management Evaluation Unit and awarded by the Tribunals.

Section V indicates that no additional resources are being requested in the context of the report, as provision for the continuation of the three ad litem judges and their supporting staff in 2016 is reflected in the proposed programme budget for the 2016-2017 biennium budget.

In Section VI, the Secretary-General sets out his conclusions and recommendations for action to be taken by the General Assembly.

### **The Annexes**

Turning to the Annexes, Annex I is a flow chart depicting the process by which a staff grievance is addressed in the formal system of administration of justice.

Annex II contains responses to the recommendations in the report of the Secretary-General on the activities of the Office of the Ombudsman and Mediation Services.

Annex III provides information on staff contributions and opt-out rates under the voluntary supplemental funding mechanism to provide additional resources for the Office of Staff Legal Assistance to June 2015.

Annex IV sets out a proposal for the harmonization of the privileges and immunities of the judges of the Dispute Tribunal and the Appeals Tribunal.

Annex V elaborates a refined proposal with respect to the mechanism for addressing complaints regarding alleged misconduct or incapacity of the judges of the Tribunals.

Annex VI lists the compensation recommended by the Management Evaluation Unit and awarded by the Tribunals in 2014 or paid in 2014 in respect of previous awards.

### **Report of the Secretary-General on amendments to the rules of procedure of the Appeals Tribunal**

I would also like to bring to the Committee's attention a second brief report of the Secretary-General concerning amendment of the Rules of Procedure by the Appeals Tribunal (A/70/189).

### **Report of the Internal Justice Council**

In closing, I would like to draw the Committee's attention to the report prepared by the Internal Justice Council (A/70/188), which includes the Council's views on the implementation and functioning of the system of administration of justice, pursuant to its mandate elaborated by the General Assembly in resolution 62/228.

In accordance with paragraph 47 of resolution 69/203, the report also includes the views of the judges of the Appeals Tribunal and the Dispute Tribunal, which are annexed thereto.

Thank you.