

Seventy-first session

Items 116 (l), 134 and 145 of the provisional agenda*

**Appointments to fill vacancies in subsidiary organs and other appointments:
appointment of the judges of the United Nations Dispute Tribunal**

Programme budget for the biennium 2016-2017

Administration of justice at the United Nations

**OPENING STATEMENT BY THE EXECUTIVE DIRECTOR
OF THE OFFICE OF ADMINISTRATION OF JUSTICE**

Introduction of the reports of the Secretary-General on administration of justice (A/71/164), and on findings and recommendations of the Interim Independent Assessment Panel on the system of administration of justice at the United Nations and revised estimates relating to the programme budget for the biennium 2016-2017 (A/71/163)

Madam Chairperson, Distinguished Members of the Fifth Committee,

It is my privilege to introduce the report of the Secretary-General on findings and recommendations of the Interim Independent Assessment Panel on the system of administration of justice at the United Nations and revised estimates relating to the programme budget for the biennium 2016-2017 (A/71/163), together with his report on administration of justice at the United Nations (A/71/164).

The first report contains the Secretary-General's comments on the report of the interim independent assessment panel together with his recommendations for action and the resources required to implement his recommendations. The second report focuses on the operation of the internal justice system in calendar year 2015 and responds to the requests of the General Assembly set out in resolution 70/112.

Report of the Secretary-General on findings and recommendations of the Interim Independent Assessment Panel on the system of administration of justice at the United Nations, and revised estimates relating to the programme budget for the biennium 2016-2017 (A/71/163)

In resolution 69/203, the General Assembly decided that an interim independent assessment of the system of administration of justice in all its aspects should be conducted, including an analysis of whether the aims and objectives of the system set out in resolution 61/261 were being achieved, and whether they were being achieved in

* A/71/150

an efficient and cost-effective manner. The Assembly emphasized that the objective of the interim independent assessment was the improvement of the current internal justice system.

The report of the Interim Independent Assessment Panel (A/71/62/Rev.1) is now before the General Assembly. The Secretary-General welcomes the Panel's report and is pleased to note the Panel's findings that the system has made a good start and is an improvement over the previous system, and that the aims and objectives of the system have been achieved to a very great extent.

The Secretary-General prepared his comments and recommendations on the basis of the Panel's findings and recommendations and on consultations with stakeholders, including staff. While the Secretary-General has commented on each of the Panel's 58 recommendations in his report, his own recommendations focus on those areas that, in his view, require attention now, in order to enhance the system. In that regard, the Secretary-General concurs with the Panel's recommendations to:

- Add three new permanent full-time judges to the United Nations Dispute Tribunal in lieu of the current three ad litem judges, together with the staff required to support them, in order to keep abreast of the case load in a way that does not undermine judicial independence;
- Increase the mobility of the Dispute Tribunal by holding hearings in the field, in order to enhance decentralization, transparency and access to justice;
- Provide summaries of the Tribunals' judgments, in order to enhance access to justice, especially for self-represented staff members;
- Encourage the use of mediation to resolve disputes;
- Train managers in conflict management; and
- Review the Tribunals' referral for accountability power in a process convened by the Internal Justice Council.

The Secretary-General also concurs with the Panel's findings that the Management Evaluation Unit, the Office of Staff Legal Assistance and the United Nations Appeals Tribunal Registry are under-resourced. The Panel said that this should be remedied. The Secretary-General makes specific recommendations in response, aimed at strengthening each of these entities, in order to remedy the concerns associated with the under-resourcing and improve the efficiency, fairness and effectiveness of the system.

With regard to the Appeals Tribunal, the Secretary-General notes the Panel's finding that its workload is "heavy and burdensome". In his view, this is due largely to the absence of remuneration for judicial work related to interlocutory motions and necessary organizational matters, and requires a partial amendment to the remuneration structure for Appeals Tribunal judges. The Secretary-General makes specific

recommendations to remunerate the adjudication of interlocutory motions and the administrative work of the President.

The Secretary-General further recommends amendment of the Statute of the Dispute Tribunal to add impartiality and written and oral fluency in either English or French as qualifications for judges, in order to align it with the Statute of the Appeals Tribunal, and to empower the President to monitor the timely delivery of judgments.

A number of the Secretary-General's recommendations for action are set out in the alternative, depending upon the decisions the General Assembly takes, and the timeline for some of the recommendations is also dependent upon those decisions.

The resources required to implement the Secretary-General's recommendations are set out the report.

The Secretary-General does not concur with some of the Panel's recommendations, and notes that others are for the Tribunals to consider.

Report of the Secretary-General on administration of justice at the United Nations (A/71/164)

The second report covers the operation of the formal system of administration of justice in calendar year 2015. As requested by the General Assembly, the report contains observations about the system drawn from the experience of the departments, offices and other entities engaged therein, as well as statistics and information on their activities in 2015 and since its inception in 2009.

The report also provides a consolidated response to the requests of the General Assembly in resolution 70/112.

The review of the formal system in Section II of the Report begins with observations on the operation of the formal system of administration of justice in 2015, including the following:

- There continued to be a discernible link between decisions that impacted large numbers of staff members and recourse to the formal system in the form of clusters of or group applications brought by large numbers of staff members. This appears to have become a trend in the formal system, although the particular causes may vary from year to year;
- In 2015, the link related to retrenchment exercises that resulted in an increase in requests for management evaluation by MONUSCO and UNAMID staff; and a periodic salary survey outcome which led to a temporary remuneration freeze for some staff that resulted in a group of applications before the Dispute Tribunal in 2015;

- There was an overall decrease in the number of requests for management evaluation in 2015, although there was an increase in the number of requests from staff in peacekeeping and special political missions, largely due to retrenchment exercises. The latter increase reflects a trend of increasing numbers of requests from staff in such missions since 2013;
- There was an increase in applications to the Dispute Tribunal and appeals to the Appeals Tribunal, largely due to cluster or group cases;
- The applications to the Dispute Tribunal included a second group of applications related to the aforesaid periodic salary survey and a group of applications from staff in MONUSCO related to abolition of posts;
- The increase in appeals to the Appeals Tribunal was largely due to the first group of periodic salary survey applications, filed before the Dispute Tribunal in 2014, being appealed to the Appeals Tribunal in 2015;
- There was a decrease in the percentage of self-represented staff members before the Dispute Tribunal, and an increase before the Appeals Tribunal;
- There was an increase in requests for legal assistance by staff members to the Office of Staff Legal Assistance;
- The Administrative Law Section, which represents the Secretary-General before the Dispute Tribunal, experienced an increase in the number of applications transmitted to it in 2015;
- The Office of Legal Affairs, which represents the Secretary-General before the Appeals Tribunal, experienced an increase in the number of submissions it filed in 2015; and
- Efforts to informally resolve disputes within the formal system continued in 2015, resulting in the resolution of a significant number of applications without the need for adjudication on the merits.

Section II further reports on the activities of the Management Evaluation Unit and management evaluation in the funds and programmes, the Tribunals and the Registries, OSLA, the Office of the Executive Director, and the Legal Offices representing the Secretary-General as respondent. Statistics and information concerning the activities of these entities are set out in the report.

Section III provides responses to specific requests by the General Assembly and the Advisory Committee on Administrative and Budgetary Questions, including information on:

- Recourse by non-staff personnel in 2015;
- Progress made in the implementation of recommendations to address systemic and cross-cutting issues contained in the report on the activities of the Office of the Ombudsman and Mediation Services;

- Promulgation of revised terms of reference and guidelines for that Office;
- Outcomes of matters involving the accountability of managers where gross negligence has been established;
- Effectiveness of the Management Evaluation Unit;
- Voluntary supplemental funding mechanism for staff contributions for additional resources for the Office of Staff Legal Assistance;
- Proposed single code of conduct for all legal representatives appearing before the Tribunals; and
- Implications of amendments the General Assembly made to the Tribunals' Statutes relating to the appeal of orders of the Dispute Tribunal.

Section V indicates that resource requirements arising from the report of the Panel are contained in the Secretary-General's report A/71/163.

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

Turning to the Annexes, Annex I is a revised flow chart depicting the process by which a staff grievance can be addressed in the system of administration of justice and showing the linkages between the informal and formal components of the system.

Annex II provides information on progress made in the implementation of recommendations contained in the report of the Secretary-General on the activities of the Office of the Ombudsman and Mediation Services.

Annex III provides data on the voluntary supplemental funding mechanism for additional resources for the Office of Staff Legal Assistance.

Annex IV contains the proposed single code of conduct for all legal representatives appearing before the Tribunals that was requested by the Assembly.

Annex V sets out the compensation recommended by the Management Evaluation Unit and awarded by the Tribunals or paid in 2015.

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/71/158), which includes the Council's views and recommendations on the system of administration of justice, and the Council's consideration of the Interim Independent Assessment Panel report.

In accordance with paragraph 42 of resolution 70/112, the report also includes the views of the judges of the Appeals Tribunal and the Dispute Tribunal, which are set out in Annexes IV and V thereto, respectively.