

Seventy-third session

Items 118 (h) and (i), 137 and 148 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 2018-2019

Administration of justice at the United Nations

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

**Introduction of the report of the Secretary-General on administration of justice
(A/73/217 and A/73/217/Add.1)**

Madam Chair,
Distinguished Members of the Committee,

It is my honour to introduce the report of the Secretary-General on the operation of the formal system of administration of justice in calendar year 2017 before this distinguished committee.

The report was coordinated by the Office of Administration of Justice and includes input from the Office of Staff Legal Assistance (or “OSLA”), the Principal Registrar of the Tribunals, and departments and offices engaged in the 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.

In respect of the current report, concerted efforts were made to streamline the presentation of information and move static information, such as the roles of respective offices within the system, to an Annex.

Regarding the substance of the report, it signals that, almost 10 years on – overall – the internal justice system is functioning well.

* A/73/150

In establishing the internal justice system, the General Assembly intended to provide a grievance mechanism to deal with work-related disputes within the Organisation. The goal of the system is to help the UN to be more efficient and effective in delivering on its mandates. To enable the system to deliver as intended, the General Assembly is requested to take four specific actions: (i) to create three permanent judicial positions in lieu of ad litem judges; (ii) to consider whether measures should be instituted to monitor the timely management and adjudication of cases; (iii) to extend – on an indefinite basis - the voluntary supplemental funding mechanism for OSLA; and (iv) to reaffirm the important role of the independent Office of the Administration of Justice in the internal justice system.

These actions will further stabilise the system and thus support the organizational efficiency and effectiveness.

I will address each of these requests in more detail as follows:

(i) It has been the consistent position of the Secretary-General (and of the Interim Independent Assessment Panel, the Dispute Tribunal, and the Internal Justice Council) that three permanent positions should be created instead of the ad litem positions. This measure is fully justified by the size of the Tribunal's caseload and the need to avoid undermining judicial independence through repeated extensions of the ad litem positions which are not envisaged under the Statute. The resource requirements related the three new permanent judges and support staff equals the amounts for the current ad litem judges and support staff as their remuneration level is the same.

Replacing ad litem with permanent positions would give the much-needed stability to the system without compromising its flexibility. Should the incoming caseload decrease on a continuous basis in the coming years, the Assembly may consider deferring the appointment of one or more judges or abolishing one of the two half-time judicial positions.

In the context of the Tribunal's caseload, it is important to make a distinction between the number of incoming applications and the number of disposed applications: the former determines how many judges the system needs; the latter is a matter of productivity and efficiency of the Tribunal and is to be considered separately.

(ii) In terms of case disposal - and noting a recent decrease in the productivity of the Dispute Tribunal - the General Assembly may wish to consider whether further monitoring of the Tribunals' outputs by the Assembly or by the Internal Justice Council would be necessary. Such reporting by the Council would be consistent with its mandate to provide its views on the implementation of the system of administration of justice to the General Assembly.

(iii) Regarding the third item, OSLA's funding is currently supplemented by voluntary contributions of staff members. This funding mechanism - established in 2014 - has been experimental and approved by the Assembly on an annual basis. The mechanism

has proved its usefulness in allowing OSLA to hire the much-needed additional lawyers. The Secretary-General therefore asks the Assembly to now extend the mechanism on an indefinite basis without prejudice to a final determination as to whether OSLA's expenditures constitute "expenses of the Organization" to be borne by Member States in accordance with Article 17 of the UN Charter.

(iv) Lastly, reaffirming the role of the independent Office of Administration of Justice will contribute to efficiencies in the system, as it will allow the different elements within the system to direct their respective efforts and resources to their assigned mandates.

By its resolution 61/261 (citing the Redesign Panel's report A/61/205, the Secretary-General's report A/61/758, and the ACABQ's report A/61/815), the General Assembly agreed to establish the Office of Administration of Justice (OAJ) – with operational and budgetary autonomy – to ensure the independence of the system and to provide, inter alia, substantive, technical and administrative support to the Tribunals.

OAJ is uniquely placed to provide such support, while simultaneously ensuring the independence of the Tribunals and compliance with the framework governing the financial and human resources of the Organization, as it was established as part of the Secretariat but with operational and budgetary autonomy. OAJ administers the staff members who comprise the registries of the Tribunals and is responsible for the budget and financial and human resources management in relation to the operation of the registries. The Executive Director of OAJ also has responsibilities for ensuring compliance with the Staff Regulations and Rules, the Financial Regulations and Rules, and other relevant administrative issuances, including those with respect to travel.

Regarding other particulars of the report, Section II of the report includes the trends and key observations on the operation of the formal system of administration of justice, and further reports on the activities and caseload of the entities involved in the system.

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

- Extensive outreach efforts;
- Organisation's regulatory framework, including the policy on protection against retaliation;
- Mechanisms for ensuring accountability of managers;
- Self-representation before the Dispute Tribunal; and
- Remedies available to non-staff, including a proposal for official extension of services of the Ombudsman's office to non-staff for informal resolution of disputes, and the simplification of the arbitration procedure for formal resolution of disputes.

The Secretary-General also:

- requests an amendment to the Statute of the Appeals Tribunal concerning jurisdiction of the Tribunal over decisions of the Standing Committee of the United Nations Joint Staff Pension Board (as further elaborated in the addendum A/73/217/Add.1);
- requests approval of an amendment to the Rules of Procedure of the Appeals Tribunal; and
- proposes that all reports on the administration of justice agenda item be submitted biennially once the General Assembly has decided on the status of ad litem judges.

Report of the Internal Justice Council

Apart from the Secretary-General's report, I would like to draw to your attention to the report of the Internal Justice Council (A/73/218), which includes the Council's views and recommendations on the system of administration of justice, as mandated by the General Assembly in resolution 62/228.

In accordance with resolution 72/256, the Council's report also includes the views of the judges of the Appeals Tribunal and the Dispute Tribunal, which are respectively annexed to the Council's report.

Madam Chair,
Distinguished Members of the Committee,

Thank you for your consideration of these reports, and for your support to the internal justice system at the United Nations. I and my colleagues from other offices and departments remain available to answer any questions you may have.