



UNITED STATES MISSION TO THE UNITED NATIONS

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**Statement of the United States of America
68th Session of the UN General Assembly
Agenda item 143 – Sixth Committee
Administration of justice at the United Nations
Stephen Zack, Public Delegate-Designate
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Thank you, Mister Chairman.

In 2008, the United Nations General Assembly established an independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice. This was not only a landmark achievement for the administration of justice at the United Nations but also a major milestone in the ongoing process of reform at the United Nations. The new United Nations Dispute Tribunal and the United Nations Appeals Tribunal, together with a number of other innovative reforms, have already had a significant impact on the transparency, fairness, efficiency, and accountability of the United Nations personnel system.

My delegation is impressed by the professionalism and productivity of the new system of administration of justice, and wants to particularly thank the Judges and all of the UN staff who work on these issues for their tireless efforts. They have all contributed to making the new system a success. However, as the General Assembly recognized in the comprehensive review of the system held during the 67th Session, both here in the Sixth Committee and in the Fifth Committee, the system is still evolving.

In light of developments, there are a number of issues that remain to be monitored, including judgments issued, and addressed where appropriate. These include ensuring that the Dispute Tribunal and Appeals Tribunal do not exercise powers beyond those conferred under their respective statutes and ensuring that recourse to general principles of law and the Charter, by the Tribunals, takes place within the context of, and consistent with, statutes and relevant General Assembly resolutions, regulations, rules, and administrative issuances. Of course we respect the independence of the Tribunals, but we also believe that these issues continue to be of legitimate concern to this Committee.

My delegation remains keenly interested in an independent assessment of the entire administration of justice system and its performance and impact on accountability and transparency at the United Nations. This is why my delegation strongly supported the General Assembly's request last year for the Secretary-General to present a proposal for conducting an

interim independent assessment of the formal administration of justice. We would like to explore further how the Secretary-General could form an independent panel to conduct the assessment in a cost-efficient manner that stays within existing resources.

We continue to believe that the range of informal dispute resolution mechanisms form a crucial element of the administration of justice system. All possible use should be made of the informal system in order to avoid unnecessary litigation. We welcome the report on the progress made on the implementation of the recommendations to address systemic and cross-cutting issues as advised by the Ombudsman (A/68/158). At the same time, we call upon the Secretary-General to promulgate the revised terms of reference and guidelines for the Office of the Ombudsman and Mediation Services as soon as possible.

Furthermore, we appreciate the reports of the Secretary-General (A/68/346), Internal Justice Council (A/68/306), and Ombudsperson (A/68/158) for helping identify these issues and for providing a great deal of background information and, in some cases, recommendations for our consideration as we deal with them. Finally, we appreciate the Internal Justice Council's views on appropriate options for effective measures against the filing of frivolous applications. We hope that the General Assembly will be able to reach an appropriate outcome to deal with this issue. We also look forward to a discussion of the code of conduct for legal representation. In conclusion, the administration system for the United Nations should be an internal justice system that constructively resolves employment and labor disputes between UN employees and management. We must address these issues to ensure that the current administration of justice system continues to represent an improvement over the former system. We look forward to participating actively in discussions within the Committee on these subjects.

Thank you, Mister Chairman.