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**UN GENERAL ASSEMBLY
SIXTH COMMITTEE**
26 October 2015

Administration of justice at the United Nations

**Statement by Ms Julia O'Brien, First Secretary
Permanent Mission of Australia to the United Nations**

(Check against delivery)

Chair

I have the honour of speaking on behalf of Canada, New Zealand and my own country, Australia.

We commend the progress over the last six years on the establishment of a system of administration of justice for the United Nations. The creation of informal and formal systems has improved transparency, fairness, efficiency and accountability of the rights and obligations of United Nations staff members. We continue to attach great importance to ensuring this system operates consistently with the relevant rules of international law and the principles of the rule of law and due process.

We take note with appreciation of the recent reports by the Secretary-General on the administration of justice at the United Nations (A/69/227) and on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/69/126), and of the report by the Internal Justice Council (A/69/205). We thank the Secretary-General in particular for his comprehensive detailing of statistics on the functioning of the system of administration of justice.

We also recognise that continuing efforts are required to ensure that the system delivers on the objective of providing a transparent, impartial, independent and effective system for the administration of justice.

Chair

CANZ acknowledges the ongoing positive contribution of the Office of Staff Legal Assistance in the internal justice system. We have taken note of the considerable growth in the Office's caseload since 2009 and the ongoing challenges it has faced in responding to the high volume of requests it receives. In this regard, CANZ fully supports current efforts to raise awareness among staff of the importance of financial contributions to the Office. In particular, we encourage the implementation of incentives for staff to *not* opt out of the automatic payroll deduction, and thank the Secretary-General for continuing to collect and examine data on this automatic payroll deduction initiative.

CANZ welcomes the Secretary-General's efforts to reduce the case backlog and to increase the use of informal dispute resolution mechanisms. We encourage the continued work to enable the settlement of disputes through informal pathways, which can avoid unnecessary, time-consuming and costly litigation. We also look forward to further reporting on the implementation of innovative measures to encourage the effective resolution of disputes through informal mechanisms.

Further, CANZ acknowledges the evolving nature of the system of administration of justice and supports initiatives to improve the current system. We look forward to the recommendations of the interim independent assessment, which the General Assembly in Resolution 68/254 decided would examine the system of administration of justice in all its aspects, including whether the aims of the system are being achieved in an efficient and cost-effective manner.

Chair

We support the request, in General Assembly Resolution 69/203, that the Secretary-General submit to the General Assembly a single code of conduct for all legal representatives appearing before the Dispute Tribunal or the Appeals Tribunal.

A common code will ensure that all individuals acting as legal representatives – whether they are staff members representing other state members, staff members representing themselves or external counsel representing staff members – are subject to the same standards of professional conduct in the United Nations system.

We note that, in 2014, a majority of staff members filing cases with the Dispute Tribunal and the Appeals Tribunal were self-represented, further highlighting the importance of a common code.

Similarly, CANZ believes a common code of conduct would affirm that all parties to a dispute are equal and that their legal representatives must conform to a common set of standards. Such efforts also compliment the imperative that any internal justice system is accessible to all UN staff members regardless of their duty station.

We note the Council's concern regarding the risk posed by the lack of privileges and immunities for judges in the Disputes and Appeals Tribunals. As requested in General Assembly Resolution 69/203, we look forward to the Secretary-General's submission of a

proposal on the issue of harmonising the privileges and immunities of these judges to clarify the scope of the immunities.

Chair

CANZ takes note of the remainder of the recommendations and proposals made by the Secretary-General in his reports. We look forward to engaging constructively on these issues, including with our colleagues in the Fifth Committee, to ensure that the UN upholds its special duty to offer its staff timely, effective and fair legal pathways for employment-related grievances.

Thank you.