



**Statement on behalf of the European Union and its Member States**

**By**

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**at the Sixth Committee**

**on**

**Agenda item 143  
"Administration of justice at the United Nations"**

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**- CHECK AGAINST DELIVERY -**

Mr. Chairman,

I have the honour to speak on behalf of the Member States of the European Union.

The Candidate Countries Turkey, the former Yugoslav Republic of Macedonia\*, Montenegro\*, Serbia and Albania\*, and the EFTA country Iceland, member of the European Economic Area, as well as Armenia and Georgia, align themselves with this statement.

We continue to attach great importance to the functioning of the system of administration of justice at the United Nations. The continuous progress made since 2009 represents a collective achievement and should be commended.

We take note with appreciation of the two recent reports by the Secretary-General on the administration of justice at the United Nations (A/70/187) and on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/70/151), as well as of the report by the Internal Justice Council (A/70/188). The processing of cases through all phases of both the informal and formal systems continues to demonstrate improvements in efficiency and fairness of procedure. However, some challenges still remain to be addressed. 2016 will be an important year in this regard. We welcome the appointment by the Secretary-General in April 2015 of a Panel of independent experts which is examining the UN system of administration of justice in all its aspects. We look forward to receiving the recommendations of the panel at the main part of the seventy-first session of the General Assembly. We reiterate our call for a thorough analysis not only of the managerial functioning of the Tribunals, but also of their jurisprudence and working methods under the statutes and the rules of procedure. The interim assessment should also represent an opportunity to evaluate the impact of the case law on the work of UN managers, in order to verify if and to what extent the principles enshrined in the jurisprudence of the Tribunals are implemented in the practice of the Organization. This is a demanding task for which legal expertise and sufficient time is needed. We welcome any additional measures or suggestions that would strengthen the system of administration of justice and improve its effectiveness.

We reiterate that the Internal Justice Council has a key role in promoting independence, professionalism and accountability in the system of administration of justice, and we note the view of the Internal Justice Council that the independent review panel in charge of the assessment of the system is well placed to consider the whole spectrum of issues at stake.

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\* *The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*

The informal resolution of conflicts is one of the most crucial elements of the system of administration of justice, helping in particular to avoid expensive and time-consuming litigation. It minimizes the negative impact of conflicts and mitigates associated risks. We welcome the activities of the Office of the United Nations Ombudsman and Mediation Services in this regard and support its efforts in advancing and encouraging the use of informal conflict resolution. We note the 7% increase in the number of cases that the Office of the Ombudsman opened in 2014, and we recognize that the increased rate of self-referrals signals a heightened awareness of the benefits of mediation as a conflict resolution mechanism.

As far as the Management Evaluation is concerned we note with appreciation the high number of complaints disposed of every year. We commend the MEU for the work done. The fact that a large majority of MEU decisions were eventually confirmed in whole or in part by the Tribunals is a good indicator of the accuracy of the decisions taken by the Unit. We also welcome the fact that the MEU systematically tries to identify the requests that have potential for settlement through informal resolution, and attempts to settle those cases in such manner whenever appropriate.

In this regard, all the components of the system must be aware that alternative resolution of disputes and non-judicial settlement must be encouraged and efforts to avert litigation should not be spared. The institutionalization of good practices by the Management Evaluation Unit and mainstreaming and disseminating the jurisprudence of the Tribunals have an essential role in shaping administrative and management practices. This is also important to enable the Office of Staff Legal Assistance to better provide preventive legal advice and prevent unmeritorious claims at the outset.

Concerning the UN Dispute Tribunal, we note that the number of new cases has increased by 42% compared to the last period, and that an increasing number of cases are pending. However, the report of the Secretary-General shows that this increase is linked to requests related to decisions that affect large numbers of staff members, and that apart from those requests the number of cases received has otherwise stabilized. We would welcome information from the Secretariat on the mechanisms available within the Tribunal system to deal with single decisions leading to many staff complaints.

Concerning the work of the UN Appeals Tribunal, we note the increasing number of new cases received, and the stabilization of the number of pending cases. We are however concerned by the important increase in the number of interlocutory motions presented in 2014.

We note that the UN Appeals Tribunal has reduced awards of moral damages in a number of cases. We would welcome information on the Appeals Tribunal's approach to these awards, and support the Internal Justice Council's suggestion that better guidelines would assist the UN Dispute Tribunal and the parties.

Concerning the Office of the United Nations Ombudsman and Mediation Services, we urge the Office to promulgate its revised terms of reference, as requested in the General Assembly Resolution 69/203.

I will now turn to some issues addressed in the Secretary-General's report A/70/187.

We see the mainstreaming of good performance management practices, as confirmed or corrected by the case law of the Tribunals, and proactive case management by the Tribunals as an essential element. In particular, we underline the importance of good communications. We commend the work done so far in various areas of the UN administration of justice system, including the lessons learned exercises and the good work of the Office of Staff Legal Assistance. We encourage the full implementation of lessons learned and the issuing of lessons learned guides as soon as possible.

We note that in paragraph 135 of its report, the Secretary-General considers that, at this point, it is too early to identify measurable administrative effects on the timely disposal of cases or the ultimate disposition of applications for orders, or any costs saved, as a result of the amendments to Article 11(3) of the statute of the Dispute Tribunal and to Article 7(5) of the statute of the Appeals Tribunal. Potential effects should continue to be monitored and information in this regard should be included in next year's report of the Secretary-General.

We are disappointed that a single code of conduct for all legal representatives has not yet been prepared, while welcoming the fact that preparation is under way. We note that this code is expected to be ready for presentation at the seventy-first session of the General Assembly.

We also welcome the refined proposal submitted by the Secretary-General with regard to the scope of application and title of the mechanism to address complaints under the code of conduct of judges. We note in particular that the scope of application of this refined proposal is not limited to the performance of official duties.

We further note that the Secretary-General states in his report that any reduction in the judicial capacity of the Dispute Tribunal would result in a significant increase in the length of time required for adjudicating cases, and we therefore welcome the proposal to extend the three ad litem judge positions until the end of 2016.

With regard to the privileges and immunities of judges, we welcome the Secretary-General's proposal for harmonization set out in Annex IV of his report, and we note that this proposal is fully consistent with the recommendation of the Sixth Committee that any changes concerning the immunities of the judges should not entail a change in their current rank or conditions of service.

We thank the Secretary-General for the answers provided in his report with regard to the issue of accountability where violations of rules and procedures have led to financial loss. We note that to date, no instances where a financial loss resulted from gross negligence have been identified, and that the Organization continues to monitor the outcomes of cases in order to refine the measures taken towards personal accountability.

Mr. Chairman,

We commend the staff of OSLA to whom staff members turn for advice and whose counsel helps to avoid mistakes and misunderstandings, and ultimately a lot of unnecessary work and time. OSLA remains an important “filter” in the system. We strongly support that OSLA continues to represent staff in the proceedings before the Tribunals and we further encourage their activities across the whole spectrum of justice at the level of the UN.

We keep encouraging recourse to informal resolution of disputes; we believe that incorporating best practices and mainstreaming principled approaches deriving from the case law of the Tribunals will help doing that. Moreover, transparency and accountability, coupled with legal certainty should in the long run decrease the number of cases.

Finally, on the issue of the legal protection of non-staff personnel, we continue to favor a differentiated system that provides an adequate, effective and appropriate remedy. In this regard, and in line with the broad preference for non-judicial mechanisms whenever possible, we would like to reaffirm that the Organization should always provide answers to non-staff personnel and where appropriate should not refrain from proposing possible remedies. In this regard, we thank the Office of the Ombudsman for the information provided in paragraph 21 of its report with regard to number and nature of cases brought forward by non-staff personnel.

I thank you Mr. Chairman.