



## UNITED STATES MISSION TO THE UNITED NATIONS

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Statement of the United States of America  
71<sup>st</sup> General Assembly Sixth Committee  
Agenda Item 145: Administration of Justice at the United Nations  
Statement by Stephen Townley, Counsellor  
October 11, 2016

Thank you Mr. President. We would like to thank the Secretary General, the Internal Justice Council, and the interim independent assessment panel for their reports. We welcome the conclusion of the panel that in general the new system of administration of justice has been an improvement over the prior system. I would like to focus my comments on three particular areas: (1) accountability; (2) efficiency; and (3) transparency.

With respect to accountability, we would be interested in learning more about how best to ensure protection for staff members who report misconduct. We take note of staff rule 1.2(g), but we also agree with the IJC that this issue may require further study, in light of the subtle ways in which retaliation can occur. We also look forward to learning more about improvements to investigations, an issue the panel highlighted was raised by a large number of stakeholders. We would welcome an update on the revisions to the administrative instruction as well as information on training provided by OIOS to lay panels.

With respect to efficiency, we are interested in the panel's recommendation that there is a need for the early resolution of receivability issues, although we agree with the Secretary General that it would appear that the Dispute Tribunal already has authority to address receivability at an early stage. We also agree with the panel's view that the Appeals Tribunal should be empowered to address urgent motions *in limine*. We agree in this regard with the Secretary General's emphasis on the importance of interlocutory motions and agree that the question of compensation for work on such motions should be given careful consideration in the Fifth Committee. Finally, we support the recommendation by the IJC to facilitate the Tribunal extending time limits to permit settlement discussions, although care will have to be taken to ensure that extensions of time are not abused. We take note of the report of the Secretary General indicating that this issue is under review and would welcome an update.

We generally agree with the interim independent assessment panel on the importance of transparency. While we agree with the Secretary General that a number of the panel's recommendations fall within the jurisdiction of the tribunals themselves, we fully agree on the

importance of publicizing the workings of the system, and making the Tribunals' jurisprudence more accessible. We are pleased that work has progressed on enhancing the jurisprudential search engine and we would welcome an update on whether that work has been completed. We would also be interested in the Secretariat's views on some of the proposals of the IJC with respect to rationalization and clarity of administrative issuances in this regard, an issue that was also elucidated by the panel. Such transparency can have knock-on effects. To give one example, the panel refers to a decision by the Appeals Tribunal regarding decisions of the Ethics Office. One immediate way to mitigate some of the concern expressed would be to better publicize that a staff member may pursue remedies before the Tribunals (after management evaluation) in parallel with review by the Ethics Office.

Finally, I would like to take the opportunity to note that with respect to several issues, we agree with the Secretary General that particular recommendation of the panel should not be pursued, including, for instance, with respect to the reasons given with respect to the proposal to expand access to the formal system to non-staff.

Thank you.