



**PERMANENT MISSION OF JAMAICA
TO THE UNITED NATIONS**

STATEMENT BY

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**ON BEHALF OF
THE CARIBBEAN COMMUNITY (CARICOM)**



ON

**AGENDA ITEMS 146:
*ADMINISTRATION OF JUSTICE AT THE UNITED NATIONS***

**IN THE SIXTH COMMITTEE
SEVENTY-SECOND SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY**

**9TH OCTOBER 2017
UNITED NATIONS, NEW YORK**

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Mr. Chairman,

I have the honour to speak on behalf of the fourteen (14) Member States of the Caribbean Community (CARICOM).

CARICOM aligns itself with the statements delivered by El Salvador on behalf of the Community of Latin American and Caribbean States (CELAC) and Iran on behalf of the Non-Aligned Movement (NAM).

We thank the Secretary General for his report contained in document SG/72/204 on “The Administration of Justice at the United Nations” and his report on “The activities of the Office of the United Nations Ombudsman and Mediation Services” in document A/72/138. We further take note of the report on “The Internal Justice Council on Administration of Justice at the United Nations” (contained in document A/72/210).

Mr. Chairman,

We recognize the efforts that have been made since 2009 towards the establishment of an independent, transparent, professionalized, adequately resourced and decentralized system that provides for the administration of justice at the United Nations in accordance with relevant General Assembly Resolutions (61/261, 62/228 and 63/253). The Member States of CARICOM firmly support any measures intended to strengthen the administration of justice and improve its effectiveness at the managerial and operational levels. In particular, we emphasize our support for efforts to ensure that well-established principles of law, such as separation of powers and judicial independence, govern the management of the system of administration of justice. These fundamental principles are critical to the success of the system. However, fidelity to these principles must be matched by a commitment to ensuring the highest standards of accountability of the administration of the internal justice system.

CARICOM attaches great importance to the functioning of a system of administration of justice which operates in a manner consistent with the rules and principles of international law and the rule of law and due process. This is fundamental to ensuring respect for the rights and obligations of staff members, as well as the accountability of staff members and managers.

We recognize that a variety of factors are involved in the system of administration of justice and likewise have an appreciation for the range of individuals and processes likely to be affected in the process.

We further note the considerable investments being made by the Secretariat to implement systems aimed at improving work relations between the organization and its staff. We recognize the work of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal in contributing to the promotion of justice at the UN. However, we note the relatively high rate of overturn by the Appeals Tribunal of cases coming from the Disputes Tribunal and would appreciate further analysis of the factors that give rise to this outcome.

We note that the caseload statistics contained in the present report of the Secretary General indicate a decrease in the number of cases being filed before these Tribunals in 2016. We further note that a significant percentage of cases have been resolved through efforts by the Management Evaluation Unit in the first instance and also by decisions taken by the Tribunals.

CARICOM recalls the important contribution of this Committee to codifying rules through the drafting of the Statutes of both Tribunals. We stand ready to collaborate in constructive dialogue to enhance mechanisms aimed at ensuring independence, accountability, transparency and fairness in the application of the systems of justice within the UN.

Mr. Chairman,

We take note of the trend regarding requests for legal assistance received by the Office of Staff Legal Assistance and that staff in peacekeeping missions represent a disproportionate percentage of clients who are being served by that Office. We further note that of the applications received, matters related to benefits and entitlements, as well as appointment related issues, represent a significant number of these cases. CARICOM underscores the need to obtain an in depth understanding of these trends and their significance to the operations of the UN, especially within the context of the continuous process of reform of the Organization.

Given this reality, the effective and efficient processing and administration of disputes, using both the informal and formal systems, are central to the ability of the Organization to fulfill its mandate to promote peace and security, human rights and development. We, therefore, welcome the report of the Secretary-General, which highlights the increasing involvement of the Office of the Ombudsman and Mediation Services in this regard.

Mr. Chairman,

It is important that staff and managers across the Organization are encouraged to seek informal resolution of conflicts, as we see this as a crucial element in the effective management of workplace disputes. Informal resolution mechanisms promote dialogue and foster harmony in

the workplace, avoid unnecessary litigation and enhance the productivity and efficiency of staff and managers, as well as the reputation and credibility of the UN.

We are confident that the discussions in this Committee will help to strengthen justice standards, taking into account basic principles of fairness, due process, transparency, professionalism and accountability of all actors in the internal system for the administration of justice.

CARICOM notes with concern the report of the Internal Justice Council regarding the friction in the relationship between some judges and some Registry staff, which has affected productivity and morale. Given that this centres on their respective responsibilities and lines of reporting, CARICOM supports the Council's recommendation that "The respective responsibilities of Tribunal judges and Registry staff should be clearly delineated".

We also note with concern the Council's observation regarding the inordinate length of time from filing to judgement which, in a number of cases, exceeds a year. We are mindful of the legal maxim that "Justice delayed is justice denied" and, therefore, urge that the durational period between the filing of a case and its resolution be expedited to ensure its timely disposition.

Mr. Chairman,

CARICOM remains committed to the process of institutionalization of sound management practices, given the importance of securing equity in the treatment of staff members and the UN administration. Further, we are confident that the jurisprudence, working methods and rules of procedures applicable in the administration of justice at the UN will combine to build confidence in the operations of the organization going forward.

I thank you.