



Declaration on behalf of the European Union and its Member States

by

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Delegation of the European Union to the United Nations

at the Sixth Committee

on the agenda item 149

“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 European Union and its Member States.

The Candidate Countries Turkey, the former Yugoslav Republic of Macedonia*, Montenegro*, Serbia* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

We take note with appreciation of the report by the Secretary-General on the Administration of Justice at the United Nations (A/73/217) and on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/73/167), as well as of the reports by the Internal Justice Council (A/73/203 and A/73/218).

We continue to attach great importance to the efficient functioning of the system of administration of justice at the United Nations as established in 2007 by Resolution 61/261. In this regard, we emphasise the importance for the United Nations to have an efficient and effective system of administration of justice, so as to ensure, through the remedies provided to staff, that individuals and the organisation are held accountable for their actions in accordance with rules in force within the Organisation.

We consider that the informal resolution of disputes is a crucial element of the system of administration of justice since all possible use should be made of the informal system in order to avoid unnecessary, costly litigation. We emphasise again the principles of independence, neutrality, confidentiality and informality which must guide the work of the Office. We welcome the activities of the Office of the United Nations Ombudsman and Mediation Services in this regard and support its efforts in promoting informal resolution, outreach activities and capacity building for managers. We note the significant increase of the opening of cases by the Office in 2017, mainly emanating from offices away from headquarters. As in previous years, the top three issues reported to the Office in 2017 remain the same. In this regard, it is satisfactory that there is a decline in the number of cases regarding evaluative relationships. With regard to mediation cases, we welcome that the resolution rate of cases mediated and closed across has remained high across all three pillars, namely Secretariat, Funds and Programmes and UNHCR. With regard to root causes of conflict, as rightly stressed in the Secretary General report, "*there is a lead-up and escalation when prevention and early warning systems have failed or are ignored*". In this regard, we are of the opinion that particular attention should be paid to the opportunities identified by the report with respect to causes of conflict lying in performance management and accountability, quality of service and reform implementation. We note the concerns expressed by the Ombudsman in the context of the first UN Staff Engagement Survey which took place from 4 to 8 December

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

2017 while welcoming the efforts of the Secretary General to promote full-mental health and well-being for staff in the UN system.

The first step in the formal process for contesting an administrative decision is to submit a request to the management. In this regard, the role played by the Management Evaluation Unit in the Secretariat General as well as by the administrative structures of UN funds, programmes and entities is crucial. We note the significant increase in the workload of the Management and Evaluation Unit, which received its highest volume of requests in 2017, totalising 1888, several stemming from the implementation of a unified salary scale and changes to the post adjustment for several duty stations. The fact that more than 91% of these requests were closed by 31 December is satisfying and we commend the MEU for the work done. We note the 480 decisions appealed to the United Nations Dispute Tribunal which remain an acceptable level compared with the 1201 Administrative Decisions that the Management Evaluation Unit decided to uphold during the same period.

We recognise the work of the UN Dispute Tribunal and the UN Appeals Tribunal that form an equally important part in the efficient functioning of the UN system of administration of justice. Concerning the Dispute Tribunal, we note that the number of new cases has stabilised compared to the previous year. Yet, we note also that the United Nations Dispute Tribunal applications disposed of in 2017 significantly reduced, while the number of applications pending increased. Regarding the UN Appeals Tribunal, we note the substantial decrease of appeals received in 2017.

Finally, we recognise the important work done by the Office of Staff Legal Assistance in supporting the UN staff worldwide and at all levels with legal guidance, counsel and representation. The quality of their work is instrumental in avoiding unnecessary conflicts and misunderstandings. We also welcome its outreach and training activities, raising knowledge of the internal justice system.

Mr Chairman,

We thank the Secretary General for the responses provided to the requests made by the General Assembly in its Resolution 72/256. We commend the Secretary General for his coordination efforts in outreach matters and the development of an outreach strategy, as well as for the comprehensive review of the regulatory framework of the Organisation, including staff regulations and rules. Concerning the establishment of three new permanent judicial positions in the Dispute tribunal, we take note of the remark made by the Secretary General in his report on the absence of financial implications of such a measure. This being said, we ask the question whether the transformation of temporary posts into permanent posts could prove to be inconvenient in the event that the number of applications received would continue to decrease in future years. On the issue of the legal protection of non-staff personnel, we take note of the Secretary General's proposal to initiate a pilot project that would explicitly offer access to informal dispute-resolution services to non-staff personnel as part of the mandate of the Office of the UN Ombudsman and Mediation Services. We continue to favour 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 Organisation should always provide answers to non-staff personnel and where appropriate should not refrain from proposing possible remedies. We can support the proposals made by the UN Secretary General relating to the conclusions and actions to be taken by the General Assembly with regard to the amendment to Article 7 of the Rules of Procedure and the responsibility of the Secretary General as Chief Administrative Officer of the Organisation.

Finally, Mr. Chairman, we take note of the recommendations made by the Internal Justice Council in its report A/73/218.

I thank you Mr. Chairman.