



Statement on behalf of The Kingdom of the Netherlands

By Mr. Sidney Kemble

First Secretary Permanent Mission to the United Nations

on

agenda Item 147

Administration of Justice

at the Sixth Committee

-Check against delivery-

Thank you for giving me the floor Chair,

Let me start by thanking the Secretary-General for his reports of the Administration of Justice 73/217, the report of the Ombudsman 73/167, report of the Internal Justice Council 73/218. In addition, we have also assessed the report of the ethics Office 73/89, practice of the SG in disciplinary matters 73/71 and the review of the whistle-blower policies and practices in United Nations system organizations JIU/REP/2018/4.

We align ourselves with the statement given by European Union on behalf of the EU and its Member States.

[UN Ombudsperson]

I would like to extend our appreciation to the United Nations Ombudsperson for all the work done during the reporting period. We cannot but emphasize the importance of an adequate functioning informal system, aimed at preventing and resolving workplace related conflict, and at promoting workplace harmony.

We note with appreciation that the Secretary-General is in the process of implementing much of the recommendations of the Ombudsperson, aimed at changing the culture of the organization.

[Protection against retaliation]

Last year we discussed the '*Protection against retaliation*'. We note with appreciation that in November 2017 a new Administrative Instruction came in effect.

We however note with concern that as a protective measure, the official filing a complaint of misconduct, incl. sexual harassment, can be reassigned or be sent on paid leave. My delegation fails to see the logic behind this, as this can be seen as a punishment for reporting misconduct.

When an investigation is initiated, the official being investigated should be the one who is either sent on paid leave or reassigned. We would therefore encourage the Secretary-General to consider other protective measures, that do not *de facto* punish the official reporting misconduct.

[Accountability of Managers]

According to para 78 of SG report 73/217 no findings of gross negligent of managers in a decision leading to litigation and subsequent financial loss, were found. We note however that the United Nations Dispute Tribunal in para 34 made three referrals for accountability. We would therefore appreciate further clarification on this issue.

[Remedies available for non-staff personal]

We thank the Secretary-General for the information provided on the remedies available for non-staff personal, and his proposal to start a pilot project that would explicitly offer access to informal dispute-resolution service. This proposal however fall short to what we would expect. My delegation does not see any valid reason to with hold non-staff member access to the system of Administration of Justice.

[Formal Proces]

We note with concern that the United Nations Dispute Tribunal was only able to render a verdict in 100 cases. Looking at table 6, pg 9, the two full-time and two part-time judges in Geneva rendered 35 verdicts, the two full-time judges in Nairobi rendered 46 verdicts and the two full-time judges in New York rendered 19 verdicts. We are interested to the reasoning how this is possible and the issues at hand.

We note the letter send by the judges of the Dispute Tribunal and will address it during the informal consultations, as we do not find it appropriate to address it in this statement.

We would welcome information how the current backlog in cases will be addressed.

Thank you Chair.