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United States Statement
73rd General Assembly Sixth Committee
Agenda Item 147 – Administration of Justice at the United Nations
Emily R Pierce, Counsellor
United States Mission to the United Nations
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Thank you, Chair.

We would like to thank the Secretary-General, the Internal Justice Council, and the Office of the United Nations Ombudsman and Mediation Services for their reports.

The Secretary-General dedicates a significant portion of his report to recommendations that would help to bring the structure of the Dispute Tribunal more in line with the tribunal's statute. The United States notes the potential legal implications and long-term impacts of continuing the ad hoc arrangement as presented in the Secretary-General's report. We support adjusting the tribunal's structure to align with the structure set out in the tribunal's statute. We encourage the Fifth Committee to consider the Secretary-General's recommendations in this regard.

With respect to accountability, we were pleased to see the Secretary-General's revised bulletin on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations remained under close scrutiny by management and staff representatives, and was further revised and strengthened in November 2017. We note, however, that the IJC continues to suggest that there are gaps in protection, and we are interested in receiving more detailed information about such possible gaps. We also join the IJC in encouraging the Secretary-General to strengthen his efforts to improve the UN's response to allegations of sexual harassment in the work place. Relatedly, we welcome the efforts of the Office of the UN Ombudsman and Mediation Services to promote a culture at the UN in which all UN staff are treated with more civility and dignity.

With respect to efficiency, the United States is concerned about the significant drop in productivity, as the Dispute Tribunal issued its lowest number of judgments since the establishment of the system. We welcome practical proposals to improve judicial efficiency, and if proposals including those regarding monitoring by the General Assembly or IJC, case management conferences, case disposal plans, and enforcement of the code of conduct, would help to improve the situation, then we support them.

The United States welcomes efforts to improve the transparency of the system, including through outreach and website redesign. We note, however, that there is additional work to do in the area publicizing the workings of the system. While implementation of recommendations related to judicial directives is within the jurisdiction of the tribunals themselves, we believe efforts should be made to publish or otherwise make available online such directives. Transparency of the system is critically important so that UN staff can better understand how the tribunals are carrying out administrative justice. We underscore that publication of such directives is a common practice among courts.

With respect to independence, we are not convinced of the recommendation related to the tribunal's location and we welcome further information in this regard. We note the salary scale recommendation is aimed at addressing issues of conflict of interest, and we are interested in studying these issues, and possible options to address them, further in future sessions.

In addition, we note with interest the increased workload of the Office of Staff Legal Assistance, which carries out critical work in representing the rights of UN staff. The recommendation to regularize the voluntary supplemental funding mechanism for OSLA should be considered by the Fifth Committee.

Regarding accessibility for nonstaff, we understand that the recommended pilot program would regularize the access to the informal system that nonstaff already enjoy within existing resources, and in this respect, we welcome the recommendation.

Lastly, I note that the United States has no objections to two proposed amendments to the Statute of the Appeals Tribunal.

Thank you.