



**Declaration on behalf of the European Union and its Member States**

by

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**First Counsellor**

**Delegation of the European Union to the United Nations**

**at the Sixth Committee**

**on the agenda item 146**

**“Administration of Justice at the United Nations”**

**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 the Republic of North 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.

1. We take note with appreciation of the report by the Secretary-General on the Administration of Justice at the United Nations (A/74/172) and on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/73/171), as well as of the reports by the Internal Justice Council (A/74/169).

We continue to attach great importance to the efficient functioning of the system of administration of justice at the United Nations as established by Resolution 61/261, 62/228 and 63/253. In this regard, we emphasise the importance for the United Nations to have an efficient and cost 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.

Mr. Chairman,

2. Concerning the review of the formal system of justice, 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.

We recognise also 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 note that the Management Evaluation Unit received its third highest volume of requests in 2018, indicating, as pointed out by the report, the crucial role played by this Unit, together with the Office of Staff Legal Assistance, in providing resolution to staff members.

We are concerned about the low number of judgements issued by the Dispute Tribunal in 2018 the high number of pending applications at the end of 2018 and the subsequent number of cases brought forward to 2019. We note also that the average length of time required for the United Nations Dispute Tribunal to process cases has not decreased significantly despite the amendment to the statutes of the Disputes and Appeals Tribunals whereby the President of each Tribunal has the authority to monitor timely delivery of judgements. Yet, the establishment of targets for the number of judgements and disposals per month per dispute Tribunal as initiated by one of the Presidents of the Tribunal is a step in the right direction. In this regard, as noted in responses provided by the

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

Secretary General to the requests of the General Assembly, the implementation of the case disposal plan saw a reduction of both the Tribunal's caseload and the caseload pending over 401 days.

We hope that the General Assembly will be able to remedy the situation described in paragraph 17 of the report and resulting in having two presidents at the head of the Tribunal. We note that this situation has unfortunately delayed the implementation of the case disposal plan.

Concerning the United Nations Appeals Tribunal, we note that for the first time since 2013, the proportion of appeals filed against Dispute Tribunal Judgements on behalf of the Secretary-General exceeds those filled by staff.

Mr. Chairman,

3. We thank the Secretary-General for the responses provided to the requests made by the General Assembly in its resolution 73/276.

We commend the Office of Administration of Justice for continuing its efforts with a view to implementing the outreach strategy. This is indeed crucial in order to raise awareness and improve the knowledge of the staff regarding the internal justice system, including staff in field locations or of other entities, such as funds and programmes or peace-keeping operations. We also praise the outreach actions carried out by the Office of the United Nations Ombudsman and Mediation Services, the Management Evaluation Unit and the Ombudsman for the funds and programmes. The availability of the handbook "A staff member's guide to resolving disputes" in all six official languages of the United Nations is an important step forward which improves the knowledge of staff on the way to resolve disputes. We look forward to the implementation of the system used for managing Dispute Tribunal and Appeals Tribunal cases in order to better track and manage the Tribunals' cases.

On the root of conflict, we note the response of the Secretary General to the observations contained in the report on the activities of the Office of the United Nations Ombudsman and Mediation Services.

We welcome the approval by the United Nations System Chief Executives Board of a model policy on sexual harassment for United Nations system entities and note that during 2018 the number of sexual harassment investigations increased significantly.

In relation to concerns of retaliation against staff members who lodge cases before the United Nations Tribunals, we support the proposal of the Secretary General whereby Heads of Office of the Secretariat be given, within existing resources, prevention, monitoring and protection responsibilities.

We note with satisfaction the creation of a toolkit for self-represented applicants.

The EU and its member States welcome the initiatives, within existing resources, aimed at prevention and resolution of disputes involving non-staff personnel as well the Secretary General's proposal to explore more cost-effective means of engaging a neutral entity to ensure tasks of

arbitration support for consultants and individual contractors, noting that OLA considers remedies available to non-staff members are sufficient.

Mr. Chairman,

4. We thank the Secretary-General for his report on the activities of the Office of the United Nations Ombudsman and Mediation Services. 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 stress the importance of multilingualism within the Office's ombudsmen and mediators which allows individuals to communicate in their preferred language.

We welcome the activities of the Office of the United Nations Ombudsman and Mediation Services. We note the significant increase by 10 % of the opening of cases by the Office in 2018, mainly emanating from offices away from headquarters. As in previous years, the top three issues reported to the Office in 2018 remain the same, while noting that there was an increase in the number of cases related to evaluative relationships and to compensation of benefits.

With regard to mediation, we are well aware that the presence of a neutral, third party mediator can facilitate resolution of the immediate issue cases. We find the mediation examples very informative, as well as the statistical overview of mediation cases. We welcome that the resolution rate of cases mediated and closed has remained high (83 %) across all three entities, namely Secretariat, Funds and Programmes and UNHCR. We note the continuing increase in cases from non-staff personnel which would require, according to the Secretary-General, additional resources should the on-going implementation of the pilot project lead to an increase in cases from non-staff personnel beyond 350 cases per year

5. Finally, Mr. Chairman, we take note of the recommendations made by the Internal Justice Council in its report A/74/169.

I thank you Mr. Chairman.