

**Statement at the 74th General Assembly Sixth Committee  
Agenda Item Number 148: Administration of Justice at the United Nations  
Emily R. Pierce, Counselor  
United States Mission to the United Nations  
October 17, 2019**

Thank you, Chair.

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

This year marks ten years since the United Nations system of administrative justice – an independent, transparent, and professionalized system – commenced operation in July 2009. By many accounts in the reports, this anniversary has been marked by both progress and challenges. The United States appreciates the steadfast resolve of the UN Dispute Tribunal (UNDT) and UN Appeals Tribunal (UNAT) Presidents to lead the tribunals in reform, including through implementation of General Assembly resolution 73/276. We also commend the tireless efforts of the Principal Registrar and Executive Director of the Office of the Administration of Justice to provide independent and autonomous support of the tribunals through this critical period.

One of the goals of resolution 73/276 is to protect and foster staff trust in the administrative justice system by ensuring that the tribunal presidents have the tools and support they need to exercise their statutory mandates to enhance tribunal efficiency through effective case management. The General Assembly took steps in response to the growing backlog of pending cases in the UNDT, which led to unacceptable delays in delivering justice and undermined the credibility of the system. Credibility is the foundation of administration of justice.

We began to see results. Because of the data-based caseload disposal plan, case-tracking dashboard technology, and performance indicators, cases that had been pending for a long time – some for more than two years – were disposed of expeditiously. The case disposal rate of the UNDT for 2019 is already higher than that for 2018. We look forward to this continued trend and full implementation of resolution 73/276.

Despite the progress in judicial efficiency, we cannot ignore that the reports reveal deeply concerning issues related to judicial accountability. This session, the Sixth Committee should explore practical solutions so that effective and transparent mechanisms are in place to resolve issues before they become disruptive to judicial work. The administrative justice system was designed to help foster and protect a workplace that is consistent with UN values, including civility and respect for diversity and the dignity of all. We welcome the newly elected judges, and are optimistic about the future.

Chair, the United States welcomes efforts to improve the transparency of the system, in particular the revision of the staff member's guide to resolving disputes. As last year, however, there remains work to do in the area publicizing the workings of the system. We note that the judicial directives were not published or otherwise made available online. Transparency of the system is critically important so that UN staff, their representatives, and the General Assembly can better understand how the tribunals are carrying out administrative justice. Publication of such directives is a common practice among courts, and the UNDT and UNAT should take steps necessary to make this happen.

The Management Evaluation Unit and Office of Staff Legal Assistance (OSLA) also continued important work in helping to resolve requests before they reached the litigation stage, which is a crucial part of maintaining efficiency and effectiveness of the entire system. It is important that OSLA reports that it did not turn away any applicants because of a lack of resources, and we hope that trend continues.

Regarding accessibility for nonstaff, we note the Office of UN Ombudsperson and Mediation Services will be providing an assessment of the feasibility of institutionalizing the pilot project in its report for the 75<sup>th</sup> session. The United States appreciates the Office's work to proactively build competency in conflict resolution.

Finally, justifications to support recommendations to amend the UNDT and UNAT statutes should meet a reasonably high bar. In this regard, the United States is not convinced of the legal necessity of the statutory amendments recommended in the reports.

Thank you, Chair.