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**STATEMENT
BY**

MR. JACOB ONDARI, MINISTER

DURING

**THE SIXTH COMMITTEE(LEGAL) - 80TH SESSION MEETING OF
THE GENERAL ASSEMBLY OF UNITED NATIONS
(ADMINISTRATION OF JUSTICE AT THE UN)**

21ST OCTOBER 2025

UN HEADQUARTERS, NEW YORK

Madam Chair,

1. Kenya aligns itself with the Statement delivered by Cameroon on behalf of the African Group and wishes to add the following in our national capacity:
2. The Kenyan delegation expresses its sincere appreciation to the Secretary-General for his comprehensive report on the administration of justice at the United Nations and for his report on the activities of the Office of the United Nations Ombudsman and Mediation Services.
3. Any judicial or quasi-judicial system of administration of justice should be independent, transparent, professional, adequately resourced and decentralized, and consistent with the relevant rules of international law and the principles of the rule of law.
4. Due process is important to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike and to be able to inspire confidence in the system.
5. The establishment of the Internal Justice Council was to, among others things, ensure independence, professionalism and accountability in the administration of justice within the UN. Kenya commends the efforts of the Council in this regard.
6. Madam Chair, it is imperative that sufficient information is provided on a continuous basis to the staff of the organization on the role and functioning of the various parts of the internal justice system and the possibilities it offers to address work-related complaints, including to affiliate personnel, paying particular attention to field missions and regional offices.
7. Easy and cheap access to justice is the cornerstone of any efficient justice system. Procedural complexities make the easy access to justice a mirage. Similarly, the use of technology in the legal system need to be alive to the realities of staff who may be having limited access to information technology and ICT services, such as access to reliable internet.

8. Although the informal dispute settlement system is a crucial component of the internal system of administration of justice within the Office of the United Nations Ombudsman and Mediation Services, where it does not compromise the confidentiality principles of the organization, the complaining parties should be provided with documents and other information relied upon by line managers in deciding complaints, just like any justice system.
9. Madam Chair, any arbitral justice system, justice must not only be done but must be seen to be done. Any person aggrieved by any administrative action should be able to avail themselves to a system that is administratively fair, procedurally easy and inherently transparent.
10. Kenya, as one of the UN stations has witnessed some cases where staff of the UN resort to unnecessary court litigation because they either felt that the justice system mechanism within the UN was unfair or did not consider their unique situation or showed their lack of understanding of the dispute settlement mechanism within the UN. This therefore calls for the strengthening and enhancement of outreach activities by the Secretariat.
11. The constitution of Kenya guarantees the right to protection of the law and affords any person the right to access to justice in courts of law. Every person can institute court proceedings if a right or freedom in the Bill of Rights has been denied, violated, infringed, or is threatened.
12. This therefore presents some challenges where UN staff who feel disgruntled by the administrative decision of UN agencies opt to file cases in courts of law despite the existence of internal dispute resolution mechanism. This is complicated when the specialised agency of the UN pleads immunity before courts of law considering that the host country may have entered into a Host Country Agreement/Headquarters Agreement Between the United Nations and the Government and is party to the Vienna Convention on the Privileges and Immunities of the Specialized Agencies, 1947.

13. Mradam Chair, even though the host country signs a hosting agreement with a specialised agency of the UN, it is imperative under the Convention above that the agency sets up a clear dispute resolution mechanism to avoid such eventualities. This is so because privileges and immunities accorded to the UN and its specialised agencies have some limitations within the Convention and the Hosting agreements. A country cannot therefore contract away the fundamental rights of individuals in a hosting agreement.
14. It is in this regard that Kenya aligns itself with resolution 76/242, in which the General Assembly reaffirmed that informal resolution of conflict is a crucial element of the system of administration of justice, and emphasized that all possible use should be made of the informal system in order to avoid unnecessary litigation, without prejudice to the basic right of staff to access the formal system, and encouraged recourse to the informal resolution of disputes.

I thank you

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