

**Statement of the Chairman**  
**Advisory Committee on Administrative and Budgetary Questions (ACABQ)**  
**1 November 2011**  
**Administration of Justice at the United Nations and**  
**the Activities of the United Nations Ombudsman and Mediation Services**  
*(ACABQ report: A/66/7/Add.6)*

Mr. Chairman,

I am pleased to introduce the Advisory Committee's report (A/66/7/Add.6) on the report of the Secretary-General on the administration of justice at the United Nations (A/66/275) and the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/66/224).

*Administration of Justice at the United Nations*

Mr. Chairman,

The Committee recognizes that the formal system of administration of justice is still evolving. However, while it has already had some positive impact - most notably the timeliness with which cases are processed - the Committee has some concerns with regards to aspects of its implementation and impact to date. As such, the Committee considers that caution is required to ensure that the system functions in the best interest of the Organization and remains within the parameters set by the General Assembly. For this reason, the Committee sees merit in a comprehensive assessment being undertaken on the evolution and functioning of the new system of administration of justice as soon as practicable.

Mr. Chairman, with regard to the proposal for the establishment of a second full-time judge at each of the United Nations Dispute Tribunal locations, the Committee does not recommend the establishment of these three new full-time judges. However, while it is unclear what the ongoing caseload and output of the Tribunals will be once the system stabilizes, any significant reduction in the current workload appears unlikely in the near future. As such, the Committee recommends that the three ad litem judges be extended for a period of two years.

With regard to staffing, the Committee has recommended approval of six of the twenty six new regular budget posts proposed by the Secretary-General, namely, one P-4 for the Registry of the Appeals Tribunal, two P-3 posts for the Administrative Law Section, Office of Human Resources Management and three posts, two P-4 and one P-3 posts, in the Office of Legal Affairs. In addition, the Committee has recommended thirteen of the other requested posts as positions funded under general temporary assistance. Approval of the reclassification from P-2 to P-3 requested for the Registry of the Dispute Tribunal in New York is also recommended.

With regard to the Office of Staff Legal Assistance, the Committee recalls that the General Assembly decided to revert to the mandate and functioning of the Office at its current session. The Committee considers that a decision on these issues is important. In this regard, while the Committee continues to support the provision of legal advice and guidance to staff in the processing

of their claims through the formal system of justice, it is of the view that the role of OSLA should not extend to the representation of staff before the Tribunals.

Pending decisions on the mandate and scope of functions of the Office of the Staff Legal Assistance and on a staff-funded mechanism to support its work, the Committee does not recommend approval of the new posts sought for the Office. In this regard, the Committee notes the options put forward by the Secretary-General on possible staff-funded mechanisms to support the activities of the Office. The Committee is of the view that a contribution from staff to the functioning of OSLA would give them a stake in the process and may discourage unnecessary litigation. The Committee therefore recommends that the Secretary-General be requested to put forward a proposal for a mandatory scheme for a staff-funded mechanism to support OSLA.

With regard to recourse mechanisms for non-staff personnel, the Committee has no objection to the proposal of the Secretary-General, which, it notes, would not entail an expansion of the existing scope of the system of administration of justice.

The Committee also has no objection to the short term measures proposed by the Secretary-General, which are designed to expedite the processing of disciplinary cases from the field.

The Committee took note of the issues raised by the Secretary-General for consideration by the General Assembly in its review of the statutes of the Dispute and Appeals Tribunals. The Committee is of the view that, as the system of administration of justice evolves, adjustments should be made, where deemed necessary, to ensure that it functions in the best interest of the organization and in line with its governing principles. As such, the Committee sees merit in the recommendations of the Secretary-General with respect to the review of the statutes of the Tribunals.

#### *Activities of the Office of the United Nations Ombudsman and Mediation Services*

Mr. Chairman,

In respect of the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services, the Committee continues to believe that the informal process plays a key role in the resolution of disputes and in doing so, avoiding unnecessary recourse to litigation. The Committee notes the continued increase in the number of cases brought before the Office, mainly attributable to the establishment of regional offices during 2010.

The Committee notes that the revised terms of reference for the Ombudsman have yet to be finalized and that this is delaying an agreement being reached on cost-sharing arrangements for the administration of justice system. The Committee urges their timely completion.

The Committee also notes the intention of the Office to establish an external review of its activities and impact. The Committee looks forward to considering its findings in due course.

With regard to resources, the Committee recommends approval of one new post for the Ombudsman's Office. The Committee is of the view that this post could carry out a combination of the functions outlined for the two posts being proposed.

Thank you, Mr. Chairman