

Proposed U.S. Statement on agenda item 143: Administration of Justice  
Before the Fifth Committee of the General Assembly  
1 November 2011

Thank you, Mister Chairman.

My delegation would like to thank Mr. Andrei Terekhov, Director of the Office of Administration of Justice, for introducing the Report of the Secretary General (A/66/275); Ms. Kate O'Regan, Chair of the Internal Justice Council, for introducing the Report of the Internal Justice Council (A/66/158); and Mr. Johnston Barkat, Assistant Secretary-General and UN Ombudsman, for introducing the Report on the Office of the Ombudsman (A/66/224). My delegation would also like to thank the Chairman of the Advisory Committee on Administration and Budgetary Questions (ACABQ), Mr. Collen Kelapile, for introducing the Committee's report on these matters (A/66/7/Add.6).

Mr. Chairman,

The General Assembly, through its resolutions 61/261, 62/228 and 63/253, decided to establish "an independent, transparent, professionalized, adequately resources and decentralized system of Administration of Justice." These resolutions represent a landmark achievement for the Administration of Justice at the United Nations, constituting a major milestone in the reform of the United Nations. The resolutions, among other things, created a new formal system of justice consisting of two new judicial bodies, the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, and an expanded and reinvigorated system administered by the Office of the Ombudsman for informally resolving staff disputes with staff. These measures, along with other innovative reforms, have brought the United Nations' internal justice system into the 21<sup>st</sup> Century. The new Administration of Justice system is already having a significant positive impact on the transparency, fairness, efficiency, and accountability of the United Nations personnel system.

My delegation is impressed by the professionalism and productivity of the new system, and wants to particularly thank the Judges and all of the UN staff who worked on these issues for their tireless efforts. Collectively, they have all contributed to making the new system a success. However, the system is still evolving and there remain problems to be addressed. Indeed, the General Assembly anticipated that there would be such problems when it established the



new system, and indicated that the progress in implementing the new system would need to be carefully monitored. To that end, the General Assembly decided that it would conduct a comprehensive review of the implementation of the new system at its 66<sup>th</sup> Session, after the system had been in place for some two years. This agenda item, and thus this review, have been allocated to both the Fifth and the Sixth Committees.

The Secretary General's report covers important issues relevant to the review by the General Assembly of the formal system of justice including, among others, a number relating to statutes and rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunals, as well as proposals requested by the General Assembly to address a number of outstanding issues. These include issues relating to a recourse mechanism for non-staff members to obtain relief regarding their disputes with the Organization and for staff funded mechanisms to support the Office for Staff Legal Assistance. The Report also includes a request for substantial additional resources to strengthen key areas in the system.

The report from the Internal Justice Council addresses many of the same issues. However, it also addresses the outstanding issues of a code of conduct for the judges of the tribunals as well as a mechanism for dealing with allegations of misconduct by the judges.

The report on the Office of the Ombudsman highlights a number of developments relating to the activities of the Office during the past year including in regard to the establishment of regional branches of the Office of the Ombudsman and Mediation Services, and the implementation of new initiatives to encourage recourse to informal resolution of disputes. The report also includes a request for additional resources.

We think that all of these recommendations deserve careful consideration. We welcome the views of the Sixth Committee on the legal aspects of issues that the Secretary General has identified in relation to the statutes of the Tribunals and the rules of procedure, and other matters raised by these reports.

We also welcome the recommendations of the ACABQ regarding proposals to strengthen key areas of the new system. We agree with the ACABQ that the new system is still evolving; a number of aspects have yet to be settled; and that we should proceed cautiously. In this respect, while noting the Secretary General's proposals for additional resources is justified in the report by what he perceives to be a trend for a continuing heavy caseload facing the Administration at all levels in



the new system, my delegation has concerns regarding the underlying analysis presented in the report, particularly in the area of regularizing temporary or adding new posts. In this respect, we recall the expectations and hopes repeatedly expressed by all concerned that the new system would encourage more reliance on informal dispute resolution and reduce reliance on litigation in the formal part of the system.

In the current fiscal crisis, while fully respecting the need to adequately resource the new system, it is incumbent on the Secretary General and Member States to carefully scrutinize all requests to ensure that they are fully justified and reflect the best use of the limited resources of the Organization. In that respect, we look forward to working closely with our colleagues in the Secretariat and the Committee in conducting a thorough and careful review of the Secretary General's requests.

While we are still studying the reports, we would like to take this opportunity to make a few preliminary comments. Initially, we welcome the Secretary General's proposal for a recourse mechanism for individuals who are not United Nations staff. We believe that, in principle, the proposal provides a fair, effective and efficient recourse mechanism for such individuals. We look forward to the discussion of that proposal as well as the Secretary General's proposals for a staff funded mechanism for Office of Staff Legal Assistance. Those proposals address the important issue of the mandate and scope of functions of that office. In this respect, my delegation finds much merit in the views of the ACABQ on this difficult and important subject.

Mr. Chairman,

In conclusion, my delegation looks forward to working with our colleagues in the Committee on the many and important issues raised by these reports to advance the common goal of ensuring that the new system is achieving the objectives we set out for it some two years ago, effectively and efficiently and within the parameters set out by the General Assembly.

Thank you, Mr. Chairman.

