



Misión Permanente de Chile  
ante las Naciones Unidas

**PRESIDENCIA  
PRO TEMPORE**



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67<sup>o</sup> Período Ordinario de Sesiones de la Asamblea General de las Naciones Unidas

**INTERVENCION DE LA REPRESENTACION PERMANENTE DE CHILE ANTE LAS NACIONES UNIDAS  
A NOMBRE DE LA COMUNIDAD DE ESTADOS LATINOAMERICANOS Y CARIBEÑOS, CELAC**

Tema 141

**Administración de justicia en las Naciones Unidas**

Nueva York, 15 de octubre de 2012

-Cotejar con texto leído-

67<sup>th</sup> Sessions of the General Assembly of the United Nations

**STATEMENT OF THE PERMANENT MISSION OF CHILE TO THE UNITED NATIONS ON BEHALF OF  
THE COMMUNITY OF LATIN AMERICAN AND CARRIBEAN STATES, CELAC**

Item 141

**Administration of justice at the United Nations**

New York, October 15, 2012

-Please check against delivery-

Mister Chairman

I have the honor to speak on behalf of the Community of Latin-American and Caribbean States, CELAC.

CELAC takes note of the reports of the Secretary General regarding Administration of Justice at United Nations (A/67/265), and the amendments to the rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal (A/67/349), as well the report of the Office of the United Nations Ombudsman and Mediation Services (A/67/172) and the report of the Internal Justice Council (A/67/98).

CELAC is satisfied with the evolution of the system of Administration of Justice since its inception, notwithstanding all the difficulties during the first years of its implementation. We are convinced of the positive impact of the system on improving the relations between the organization and its personnel, and in their own working performance. CELAC members in the past have been consistent in supporting measures for protecting the basic rights of the personnel of the United Nations, in conformity with international agreed standards. We will keep on supporting all the measures that could help United Nations to be the best employer in order to attract and keep the best employees.

Mister Chairman

CELAC would like to recall the important role this Committee played in making the system fully operational through the drafting of the Statutes for both Tribunals and its amendments. It is in that same vein we want to continue contributing with our legal expertise on the outstanding issues. In particular, the Group would:

- With a view to its prompt adoption, welcome the proposal for a procedure for enforcing the code of conduct for judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, which has been prepared by the Internal Justice Council for our consideration, as contained in document A/67/98.
- Look forward to holding an exchange of views on the proposed amendments to the rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal presented in document A/67/349, annex 1 and 2.
- Be prepared to discuss the existing proposals for addressing possible misconduct of judges, as they appear on annex VII of the Secretary General report (A/67/265)

Concerning the matter of scope of the system of administration of justice, we are willing to analyze and discuss what is set in annex IV of the Secretary General report (A/67/265) regarding expedited arbitration procedures for consultants and individual contractors, as well as the annex VI of said report about access to the system of administration of justice for non-staff personnel not covered under the dispute resolution mechanism, and other measures available to them for addressing disputes. We look forward to further deliberations on possible means of establishing expedited procedures for the resolution of disputes between the United Nations and certain categories of non-staff personnel, and also the possibility for non-staff to access the formal system.

CELAC takes note about the conclusions and measures presented by the Secretary General in his report A/67/265, and invites Sixth Committee members to review its recommendations and proposals, and to study and discuss, particularly, the proposal related to the preparation of a code of conduct for external legal representatives to the organization and non staff members, as well as all the other proposals contained in the annex of the Report. In this debate we should consider the basic principles of the new legal administration system - independence, transparency and professionalization-, together with the principles of legality and due process.

Mister Chairman

CELAC supports the Office of Staff Legal Assistance which has been performing a vital task by supporting the 60,000 plus staff with counsel, representation, guidance and other legal services. However we also believe that further proposals for a staff-funded scheme in the Organization should continue to be explored in order to complement the work of OSLA. We take note of the proposals contained in Annex II of the Secretary-General's report which we will study carefully. CELAC is of the view that these schemes should be complementary and must fully take into account the views of relevant stakeholders.

CELAC stresses that the Internal Justice Council has played an important role in the system to help ensure independence, professionalism and accountability. We would encourage the Council to continue to provide its views and contributions on the implementation of the system of administration of justice, within the purview of its mandate established in paragraph 37 of resolution 62/228 of the General Assembly.

Mister Chairman

We would also like to recognize the work of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal that have actively been carrying out their functions and demonstrated their firm commitment to contribute to justice at the United Nations. We note that the volume of work is substantive. We are however concerned of the high dependency that exists on the formal system and would like to see more recourse to the informal system. In that sense we welcome the referral of 9 cases identified by the Dispute Tribunal to the Mediation Division.

CELAC also stresses the importance of the management evaluation unit process as it provides the Administration with the opportunity to prevent unnecessary litigation before the Dispute Tribunal. We are pleased with the percentage contained in the report that approximately 33% of cases received and closed by the Management Evaluation Unit in 2011 were settled through informal resolution efforts either by the Unit itself, by the Office of the Ombudsman or through bilateral negotiations between the Administration and the staff members.

Mister Chairman

Allow me to comment on the work of the Office of the United Nations Ombudsman and Mediation Services, in that regard CELAC emphasizes that the informal resolution of conflict is a crucial element of the internal system of administration of justice. We call upon the

implementation of incentives intended to encourage more recourse to informal resolution. CELAC believes more should be done to promote a culture of trust and conflict prevention throughout the Organization.

In that sense we would request to the Secretary-General to ensure that the structure of the Office of the Ombudsman and Mediation Services reflects the responsibility of the United Nations Ombudsman for the oversight of the entire integrated office.

Likewise, CELAC takes note of the elements that the Secretary General address in his report A/67/265 regarding to the informal legal system, in relation with the mandate of the Office of the United Nation Ombudsman and Mediation Services, as requested by the General Assembly. The Group will analyze those elements carefully.

Mister Chairman

It is very important that the Sixth Committee continue to coordinate and cooperate closely with the 5<sup>th</sup> Committee to ensure an appropriate division of labor and avoid overlaps or encroachment of mandates.

Although, we must highlight that many of the measures to be taken in the framework of the Sixth Committee might have an effect in the scope of the Fifth Committee, regarding their natural economic implications.

Mister Chairman

These are some of our preliminary remarks, as always CELAC would like to restate its determination to work constructively to continue to support the implementation of the internal system of administration of justice at the United Nations, and in that sense looks forward to working with other delegations to this effect.

Thank you.