



Statement on behalf of the European Union and its Member States

By

**Gilles Marhic
Minister Counsellor
Delegation of the European Union to the United Nations**

at the Sixth Committee

on

**Agenda item 141
"Administration of Justice at the United Nations"**

United Nations

New York

15 October 2012

- CHECK AGAINST DELIVERY -

Mr. Chairman,

I have the honour to speak on behalf of the Member States of the European Union.

The Acceding Country Croatia^{*}, the Candidate Countries the former Yugoslav Republic of Macedonia^{*}, Montenegro^{*}, Iceland[†] and Serbia^{*}, the Countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova, Armenia and Georgia, align themselves with this declaration.

We attach great importance to the establishment and functioning of a system of administration of Justice at the United Nations. The progress made since 2009 represents a collective achievement and should be commended.

We took note with appreciation of the three recent reports by the Secretary-General on the administration of justice at the United Nations (A/67/265), on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/67/172), on the amendments to the rules of procedures of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal (A/67/349), as well as the report by the Internal Justice Council (A/67/98). It is evident that the processing of cases through all phases of both the formal and informal systems continues to demonstrate a marked improvement in efficiency and fairness of procedure. However, some challenges still remain to be addressed.

We welcome the fact that the Internal Justice Council has completed successfully its first four-year term in June 2012 and by now a code of conduct of judges has been approved by the General Assembly and has become binding. The role of the Internal Justice Council is key in promoting judicial independence and supporting the judiciary to provide fair and effective justice.

We are convinced that the informal resolution of conflicts is a crucial element of the system of administration of justice, helping to establish harmonious working conditions and avoiding expensive and time-consuming litigation.

We welcome the important work of the Office of the United Nations Ombudsman and Mediation Services and we support its efforts in advancing and encouraging the use of informal conflict resolution as an effective option for staff who seek redress for grievances. We think that it would be important to consider ways in which more cases could be resolved at an early stage through mediation both at headquarters and at regional offices in an effort to revert the existing inclination towards formal grievance mechanisms.

Both the Secretary-General's and the Internal Justice Council's reports, highlight the need for additional recourses to the system of administration of justice. We agree that the allocation of resources should be considered in light of the need to ensure the system functions effectively and avoids excessive backlog, but also in light of the ongoing pressures on Member States' resources and against the backdrop of our desire to see the development of informal dispute resolution.

^{*} Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia continue to be part of the Stabilisation and Association Process.

[†] Iceland continues to be a member of the EFTA and of the European Economic Area.

The EU has consistently stressed that the new system should be consistent with a number of fundamental principles of rule of law and due process, including the right to an effective remedy, equal access to justice and the right to be heard.

Turning now to specific open issues addressed in the Secretary-General's report A/67/265, we believe that:

- Concerning the number of judges of the United Nations Dispute Tribunal, the Member States expressed concern that the expiration of the terms of office of three *ad litem* judges by the end of 2012 would reduce the number of judges by half and that, considering that the number of cases before the Tribunal may be increasing or at least remaining relatively constant, this may result in a backlog and significant delays in the handling of cases which in turn may raise serious concerns regarding due process.
- The different options of representation of staff members before the Tribunals could follow a mixed system, leaving the choice of representation to the staff members themselves.
- On the issue of the legal protection of the non-staff personnel, we favor a differentiated system that provides an adequate, effective and appropriate remedy.
- We are ready to discuss a code of conduct for legal representatives, which will be prepared by the organs suggested by the Secretary-General in his report.
- We take note of the Secretary-General's conclusion that significant additional funds would be required if arbitration procedures to resolve disputes with consultants and individual contractors are to be introduced or if access to the informal system is given to contractors and consultants covered by the expedited arbitration procedures.

Finally, as regards the report of the Secretary-General on the amendments to the rules of procedures of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal (A/67/349), we note the language on the increase of both Tribunals' sessions per year to two and three sessions respectively and we are ready to consider it.

I thank you.