

Code of conduct for legal representatives and litigants in person¹

Preamble

Whereas the General Assembly, in its resolution 69/203 of 18 December 2014, stressed the need to ensure that all individuals acting as legal representatives appearing before the United Nations Dispute Tribunal and the United Nations Appeals Tribunal are subject to the same standards of professional conduct, and requested the submission of a single code of conduct for all legal representatives, without prejudice to other lines of disciplinary authority,

Whereas appropriate standards should also be adopted for litigants in person,

The following provisions are adopted.

Article 1

Definitions

In the present Code, the following terms shall mean:

Code: the present Code of Conduct for Legal Representatives and Litigants in Person acting in proceedings before the United Nations Dispute Tribunal or the United Nations Appeals Tribunal, as approved by the General Assembly;

Legal representative: an individual who acts on behalf of a party in proceedings before the United Nations Dispute Tribunal or the United Nations Appeals Tribunal;

Litigant in person: an individual who represents himself or herself in proceedings before the United Nations Dispute Tribunal or the United Nations Appeals Tribunal;

Party: the applicant or the respondent in proceedings before the United Nations Dispute Tribunal or the appellant or the respondent in proceedings before the United Nations Appeals Tribunal;

Statutes: the statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, as adopted by the General Assembly in its resolution 63/253, as amended;

Rules of procedure: the rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, as approved by the General Assembly in its resolution 64/119, as amended;

United Nations Dispute Tribunal: the Tribunal established by its statute as the first instance of the two-tier formal system of administration of justice at the United Nations;

United Nations Appeals Tribunal: the Tribunal established by its statute as the second instance of the two-tier formal system of administration of justice at the United Nations and as the final instance for those entities that have accepted its jurisdiction under article 2, paragraph 10, of its statute;

¹ Adopted as Appendix to General Assembly resolution 71/266 on 23 December 2016.

Tribunal(s): the United Nations Dispute Tribunal and United Nations Appeals Tribunal, individually or collectively.

Article 2

Purpose

The present Code describes the conduct expected of legal representatives and litigants in person in proceedings before the Tribunals in the interest of the fair and proper administration of justice.

Article 3

Acknowledgement

By acting in proceedings before the Tribunals, legal representatives and litigants in person acknowledge the provisions of the present Code.

Article 4

Basic standards

1. Legal representatives and litigants in person shall maintain the highest standards of integrity and shall at all times act honestly, candidly, fairly, courteously, in good faith and without regard to external pressures or extraneous considerations.
2. Legal representatives and litigants in person shall act diligently and efficiently and shall avoid unnecessary delay in the conduct of proceedings.
3. Legal representatives should encourage and facilitate dialogue between the parties with a view to settling disputes in appropriate cases.
4. Legal representatives shall maintain the highest standards of professionalism and shall act in the best interests of the party they represent, subject always to upholding the interests of justice and ethical standards.

Article 5

Conflict of interest

1. Legal representatives shall put the interests of the party they represent before their own interests and the interests of others, and shall not represent conflicting interests in proceedings.
2. Where a conflict of interest arises, legal representatives shall promptly:
 - (a) Disclose the conflict to the party they represent;
 - (b) Take all reasonable steps to mitigate the conflict; and
 - (c) Withdraw themselves as legal representatives if the conflict cannot be mitigated.

3. A party may waive a conflict of interest and consent to the legal representative continuing to act in proceedings.

Article 6

Confidentiality

1. Legal representatives and litigants in person shall maintain the confidentiality of the proceedings of the Tribunals in accordance with the provisions of the statutes and rules of procedure, or as otherwise ordered by the Tribunals.

2. Legal representatives and litigants in person shall respect the confidential character of any information imparted to them in confidence in the proceedings.

3. Legal representatives and litigants in person shall not disclose, except as appropriate in the normal course of the proceedings, any document which is inviolable in accordance with applicable legal instruments on privileges and immunities of the United Nations, its specialized agencies or other United Nations entities, unless such document is already public or by authorization of the Secretary-General or the appropriate official of the relevant entity before the Tribunal.

4. The obligations set forth in this article remain even after proceedings before the Tribunals have ended.

Article 7

Withdrawal of representation

1. Legal representatives may withdraw their representation of a party where they reasonably consider that good cause to do so exists.

2. In withdrawing representation, legal representatives shall take steps to the extent reasonably practicable to protect the party's interests.

3. Legal representatives shall promptly communicate such withdrawal in writing to the party they represent and the relevant Registry.

Article 8

Relations with the Tribunals

1. Legal representatives and litigants in person shall assist the Tribunals in maintaining the dignity and decorum of proceedings and avoiding disorder and disruption.

2. Legal representatives and litigants in person shall be diligent in complying with the statutes, rules of procedure, practice directions and orders, rulings or directions that may be issued by the Tribunals.

Article 9

Administration of the Code

The Tribunals may issue orders, rulings or directions in order to implement the provisions of the present Code.