



United States Mission to the United Nations
799 United Nations Plaza
New York, NY 10017
www.usunnewyork.usmission.gov

**Statement by Cherith Norman Chalet, Minister-Counselor,
On Agenda Item 144: Administration of Justice
Fifth Committee Main Session of the 69th UN General Assembly
Thursday 16 October 2014**

Thank you, Madam Chair.

The United States thanks the Executive Director of the Office of Administration of Justice, Ms. Linda Taylor, for introducing the report of the Secretary-General on Administration of Justice. My delegation also thanks Mr. Johnston Barkat, the Assistant Secretary-General, and United Nations Ombudsman, for introducing the report of the Secretary-General on the activities of that Office. Finally, the United States thanks Mr. Carlos Ruiz Massieu, chairman of the ACABQ, for introducing the related report of that committee

The UN's reformed Administration of Justice has been an important component of increased UN transparency, efficiency, and accountability. All of the various components of the system provide a platform for an effective internal justice system. Specifically, we are pleased by the engagement by the Management Evaluation Unit, and the UN's Ombudsman's office, which has contributed to the early resolution of disputes, thereby preventing unnecessary litigation. We commend the Tribunals for their successes in settling cases and are encouraged by the recent stabilization in their caseload. However, the system is still evolving and there remain challenges to overcome.

I would like to make three points in this regard:

First, we are concerned that many complaints of harassment and/or discrimination are actually the result of performance management issues. Reforming the internal justice system will be most successful if undertaken concurrent with strengthening performance management. We appreciate efforts by the Office of the Ombudsman to address systemic issues and improve performance management by engaging senior leadership. We would be interested to learn more about how the new requirement for ongoing feedback between staff and their first reporting

officers will be enforced given the lack of full implementation of the previous requirement to hold midpoint reviews.

Second, we note the Secretary-General's revised proposal for an interim independent assessment of the Administration of Justice as well as the comments and recommendations made by the ACABQ on this issue. We fully support an analysis of access to the administration of justice, its cost-effectiveness, and the intersection of the formal and informal systems. We respect the independence of the Tribunals, but expect the assessment to consider the Tribunals' interpretation of their authorities to ensure against judicial overreach. We look forward to delving deeper on this issue in the informals sessions. We would also highlight in particular that we believe the issues of moral damages and stays-pending-appeal of orders that are in excess of jurisdiction should both be considered, whether as part of this assessment, or sooner.

Third, we would like to highlight the connection between the UN's internal justice process and the need to ensure that whistleblowers receive adequate protection from retaliation. The United States is committed to protecting whistleblowers from retaliation and we fully support consideration of additional measures, including in the context of the administration of justice, to ensure that whistleblowers who have been subject to retaliation have available avenues for seeking and obtaining remedies that both eliminate the effects of retaliation and also ensure that retaliators are held accountable for their actions.

In closing, we continue to support the strengthening of the UN's internal justice system and we look forward to continued discussion in this committee to address these issues. Thank you.

