

Seventy-second session

Items 116 (h), 137 and 147 of the provisional agenda*

**Appointments to fill vacancies in subsidiary organs and other appointments:
appointment of the judges of the United Nations Dispute Tribunal**

Proposed programme budget for the biennium 2018-2019

Administration of justice at the United Nations

**OPENING STATEMENT BY THE EXECUTIVE DIRECTOR
OF THE OFFICE OF ADMINISTRATION OF JUSTICE**

**Introduction of the report of the Secretary-General on administration of justice
(A/72/204)**

Distinguished Chairman,
Distinguished Members of the Committee,

It is my honour to appear before you for the first time in my new capacity as the Executive Director of the Office of Administration of Justice, and to introduce the report of the Secretary-General on the operation of the formal system of administration of justice in calendar year 2016 (A/72/204).

The report is the result of coordinated work by the Office of Administration of Justice (OAJ), including the Office of Staff Legal Assistance (OSLA) and the Principal Registrar of the Tribunals, and departments and offices engaged in the system, such as the Department of Management, including the Management Evaluation Unit (MEU), the Office of Human Resources Management, the Administrative Law Section (ALS) and the Office of Programme Planning, Budget and Accounts, the Office of Legal Affairs (OLA), Offices away from Headquarters, participating Funds and Programmes, and the Office of the Ombudsman and Mediation Services (UNOMS). This year, input – in relation to non-staff personnel – was received also from a number of specialised agencies and related bodies of the United Nations.

I wish to draw your attention to several parts of the report.

The review of the formal system in Section II includes observations on the operation of the formal system of administration of justice. Rather than focusing only on the previous calendar year – 2016, as was the case in the past, the report offers broader

* A/71/150

views on statistics spanning from the inception of the system in 2009 until 2016. Some of the observations are as follows:

- Review of caseload statistics for the management evaluation function in the Secretariat and funds and programmes, the United Nations Dispute Tribunal (UNDT), the United Nations Appeals Tribunal (UNAT) and OSLA indicates that, while there have been some fluctuations from year to year, the caseload of each of these entities remains substantial and, in the case of OSLA, is increasing.
- Since 2011, an increasing percentage of requests for management evaluation received by MEU has come from staff in peacekeeping missions; in 2016, the percentage was nearly 71.
- Similarly, staff in peacekeeping missions in the field continued to constitute OSLA's single largest client group; in 2016, 37 per cent of all requests for legal assistance OSLA received came from staff in the field.
- The same subject matter categories of applications filed before UNDT have featured since the commencement of the system in 2009: benefits and entitlements, appointment-related matters and separation from service.
- There continued to be a substantial number of self-represented staff members appearing before the UNDT and UNAT, although the actual percentages have fluctuated from year to year.
- In 2016, efforts to resolve applications in the formal system through informal means continued. Those efforts resulted in the resolution of a significant number of applications pending in the formal system without need for a final adjudication on the merits: 256 of the 944 requests for management evaluation received by the MEU; 44 applications pending before the UNDT.
- A discernible link between decisions that affect large numbers of staff members and recourse by staff members to the formal system continued to be observed in 2016, and was reflected in the presence of group or cluster cases. Such a link appears to have become an ongoing feature of the system, although the issues may vary from year to year.

Section II further reports on the activities of the MEU and management evaluation in the funds and programmes, the UNDT and UNAT and the Registries, OSLA, the Office of the OAJ Executive Director and the Legal Offices representing the Secretary-General as respondent. Caseload statistics and information concerning the activities of these entities are set out in the report.

Section III provides responses to specific requests by the General Assembly and this Committee, including information on:

- Implementation, within existing resources, of the recommendations of the Interim Independent Assessment Panel that were endorsed by the General Assembly;
- Announcement of the new policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations that was issued on 20 January 2017;
- Judgements of the UNDT, caseloads of MEU and UNDT, delegation of authority and accountability of managers;
- The role of MEU in avoiding litigation;
- Voluntary supplemental funding mechanism for OSLA through staff contributions;
- Required additional resources for MEU, OSLA, UNAT Registry and UNAT judges;
- Conversion of *ad litem* judicial positions into permanent ones;
- Reporting on the measures taken to resolve the identified systemic and cross-cutting issues in the system; and
- The tenth anniversary of the internal justice system that falls in 2019.

In relation to the required additional resources, I particularly note the General Assembly's decision to consider the issues related to resource requirements for improving the functioning of a transparent, professionalised, adequately resourced and decentralised system of administration of justice at its seventy-second session (resolution 71/266, paragraph 47).

In Section VII, the Secretary-General sets out his conclusions and specific action to be taken by the General Assembly.

Turning to the Annexes, I highlight Annex II which provides comprehensive information on non-staff personnel and remedies available to them in the Secretariat, funds and programmes, and specialized agencies and related bodies of the United Nations, as requested by the Assembly. Information provided is the result of the Secretary-General's wide-ranging exercise to collect the requested information from a large number of United Nations entities.

Annex III provides information on progress made in the implementation of recommendations to address systemic and cross-cutting issues contained in the report of the Secretary-General on the activities of UNOMS, as requested by the Assembly.

Report of the Internal Justice Council

Moving away from the Secretary-General's report, I would like to draw to your attention to the report prepared by the Internal Justice Council (A/72/210), which

includes the Council's views and recommendations on the system of administration of justice, pursuant to its mandate elaborated by the General Assembly in resolution 62/228.

I will note that the report of the Council – which is an independent body established by the General Assembly to help ensure independence, professionalism and accountability in the system of administration of justice – corresponds to the report of the Secretary-General insofar as it also recommends additional resources for MEU, OSLA and UNAT judges.

In accordance with resolution 71/266, the Council's report also includes the views of the judges of UNAT and UNDT, which are set out in Annexes I and II thereto, respectively.

Distinguished Chairman,
Distinguished Members of the Committee,

I thank you for your attention and for your consideration of these reports. I and my colleagues from other offices and departments remain available to answer any questions you may have.