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Statement by Cherith Norman

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On Agenda Item 146: Administration of Justice

Fifth Committee, Main Session of the 72nd UN General Assembly

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[As Delivered]

Thank you, Mr. Chairman.

I would like to thank Mr. Johnston Barkat, United Nations Ombudsman, Assistant Secretary-General, Ms. Alayne Frankson-Wallace, Executive Director of the Office of the Administration of Justice and Mr. Babou Sene, Vice-Chairman of the ACABQ for introducing their respective reports. In particular, I would also like to take a moment to thank Assistant Secretary-General Barkat for the outstanding service and efforts he made to the Office of the Ombudsman.

The United States views the Administration of Justice system and its ability to function effectively and independently as a critical component to ensuring the Organization's accountability to its staff. As such, we must strive to always improve the Administration of Justice system as originally envisioned in General Assembly resolutions 61/261, which reiterates that a transparent, impartial, independent and effective system of administration of justice is a necessary condition for ensuring fair and just treatment of UN staff. Within the formal system, the independence of the judges remains a central component of the system. As in previous consideration of this agenda item, my delegation will continue to promote further measures aimed at enhanced transparency of Tribunal judgements. We also recognize that enhancing the Administration of Justice requires not only improvements to the system, but also improvements to human resources management and whistleblower protection.

Mr. Chairman,

The United States remains concerned that a majority of the cases brought before the Administration of Justice system continue to be related to benefits and entitlements, separation of service and appointment-related matters. While we understand that not all disputes can be resolved without assistance from the dispute mechanisms, clearer communication and explanation of the Organization's rules, regulations and administrative decisions can effectively prevent many disputes that result in litigation. We would encourage the Secretary-General to take efforts aimed at addressing this important managerial responsibility.

Regarding whistleblower protection, my delegation would like to emphasize that the United Nations cannot be a transparent and accountable organization without adequate protection for

those who report wrongdoing. There should be no fear of retaliation at the United Nations. We remain committed to this priority issue and acknowledge the ongoing efforts to strengthen the policy for protection against retaliation. My delegation would like to highlight its support for the letter from the Chair of the Sixth Committee (A/C.5/72/10) dated 25 October 2017 which requests the Secretary-General to analyze existing policies on protection from retaliation, in particular with regard to staff who appear before tribunals and to make recommendations to enhance such protections at the seventy-third session.

We also wish to acknowledge the tireless efforts of ASG Barkat and his staff who serve in the Office of the United Nations Ombudsman and Mediation Services in successfully mediating 89% of cases referred to them by the Dispute Tribunal, other offices or self-referrals. We recognize these good efforts and look forward to learning more about the pilot series of performance management clinics. We do note, however, the continued need for enhanced outreach to staff, especially in the field, so that they better understand their rights and obligations under the Staff Regulations and Rules, thus decreasing requests for management evaluations and other forms of dispute resolution.

In closing, the United States looks forward to constructively engaging and working with member states on all the various aspects of this important agenda item.

Thank you, Mr. Chairman.