

## ADMINISTRATION OF JUSTICE AT THE UNITED NATIONS

Mister Chairman

I have the honor to speak on behalf of the Community of Latin-American and Caribbean States, CELAC.

CELAC takes note of the report of the Secretary General regarding Administration of Justice at United Nations (A/68/346) and the report of the Internal Justice Council (A/68/306).

CELAC is satisfied with the progress of the system of Administration of Justice since its inception. We are convinced of the positive impact of the system on improving the relations between the organization and its personnel, and in their own working performance. CELAC members have been always consistent in supporting measures for protecting the basic rights of the personnel of the United Nations, in conformity with international agreed standards. We will keep on supporting all the measures that could help United Nations to be the best employer in order to attract and keep the best employees.

The current system of Administration of Justice intent to be independent, transparent, professionalized, adequately resourced and decentralized and to be consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike.

Mister Chairman

CELAC would like to recall the important role this Committee has played in making the system of Administration of Justice fully operational through the drafting of the Statutes for both Tribunals and its amendments. It is in that same vein we want to continue contributing with our legal expertise on all the outstanding issues such as those related to the independent evaluation of the system and the access to the justice system to persons with disabilities, and other measures available for addressing disputes.

CELAC takes note about the conclusions and measures presented by the Secretary General in his report A/68/346, and invites Sixth Committee members to review its recommendations and proposals, In this debate we should consider the basics principles

of independence, transparency, professionalization and decentralization, together with the principles of legality and due process.

We welcomes the substantial reduction of the case backlog and the partial decrease in new cases received by the Management Evaluation Unit and the United Nations Dispute Tribunal as an indicator that the new system of internal justice is achieving its goals of delivering impartial and quick results as well as an indicator of trust put in it by its clients. CELAC notes with satisfaction that the average length of time it takes to dispose of a case in the current system following its receipt by the United Nations Dispute Tribunal is approximately 12 months instead of 12 to 14 months during the last year and comparatively to a disposal rate of 5 years in the previous system of internal justice.

Mister Chairman

CELAC supports the Office of Staff Legal Assistance which has been performing a vital task by supporting the staff with counsel, representation, guidance and other legal services. However we also believe that further proposals for a staff-funded scheme in the Organization should continue to be explored in order to complement the work of OSLA. We take note of the proposals contained in the report of the Secretary-General and its annexes which we will study carefully. CELAC is of the view that these schemes should be complementary and must fully take into account the views of relevant stakeholders.

CELAC stresses that the Internal Justice Council has played an important role in the system to help ensure independence, professionalism and accountability. We would encourage the Council to continue to provide its views and contributions on the implementation of the system of administration of justice, within the purview of its mandate established in paragraph 37 of resolution 62/228 of the General Assembly.

CELAC is concerned about the proliferation of those cases where the persons hired by the UN System do not qualified in the category of "official" of the UN or any of its specialized organs. All in all, those persons are excluded from the UN formal system of Administration of Justice and from the labor process of each country; they are submitted to an arbitration process that goes beyond the established labor legal system.

Mister Chairman

We would also like to recognize the work of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal that have actively been carrying out their functions and demonstrated their firm commitment to contribute to justice at the United Nations. We note that the volume of work is substantive. We are ready to explore new ways to improve the use of the informal system like the work of the Mediation Division.

The Group welcomes the inauguration of the permanent courtroom in Nairobi and wish's that courtrooms in New-York and Geneva will be operational as soon as possible.

CELAC also stresses the importance of the management evaluation unit process as it provides the Administration with the opportunity to prevent unnecessary litigation before the Dispute Tribunal.

Mister Chairman

Regarding the work of the Office of the United Nations Ombudsman and Mediation Services, CELAC emphasizes that the informal resolution of conflict is a crucial element of the internal system of Administration of Justice. We call upon the implementation of incentives intended to encourage more recourse to informal resolution. CELAC believes more should be done to promote a culture of trust and conflict prevention throughout the Organization.

In that sense we would request to the Secretary-General to ensure that the structure of the Office of the Ombudsman and Mediation Services not only reflects its responsibility for the oversight of the entire integrated office, but counts with the necessary support for performing its job reinforcing due process within the Organization and ensuring accountability and transparency in decision-making process by holding managers accountable for their actions, in accordance with the relevant resolutions of the General Assembly.

It is very important that the Sixth Committee continue to coordinate and cooperate closely with the 5<sup>th</sup> Committee to ensure an appropriate division of labor and avoid overlaps or encroachment of mandates.

Mister Chairman

CELAC would like to restate its determination to work constructively to continue supporting the implementation of the internal system of administration of justice at the United Nations, and in that sense looks forward to working with other delegations to this effect.

Thank you.