

Framework and Protocol for the deployment
of half-time Judges of the UNDT

Legal and Regulatory framework

On 22 December 2018, the General Assembly adopted its annual resolution concerning the Administration of Justice at the United Nations (A/RES/73/276).

Paragraph 5 of said resolution acknowledged “the evolving nature of the system of administration of justice and the need to carefully monitor its implementation to ensure it remains within the parameters set out by the General Assembly.”

In this regard, the General Assembly recalled paragraph 14 of the Report of the Advisory Committee on Administrative and Budgetary Questions (paragraph 24) and requested that the President of the Dispute Tribunal and the Principal Registrar work together to develop and implement a case disposal plan with a real-time case tracking dashboard and performance indicators on disposal of cases in New York, Nairobi and Geneva.

Paragraphs 32, 34 and 35 stated, *inter alia*, that the three ad litem positions would be replaced by four half- time positions and that the President of the UNDT (in consultation with the Principal Registrar) would decide on a quarterly basis whether and where to deploy half-time judges.

The Resolution also established a set of general criteria that must be taken into consideration by the President when deciding on deployments of half-time judges: caseload, flexibility, efficiency and cost-savings.

After consultation with the Principal Registrar and the Registrars at each seat of the Tribunal (Geneva, Nairobi and New York) the review of the caseload and the backlog of cases, a decision must be taken by the President bearing in mind the above-mentioned principles.

Protocol for deployment

In order to ensure an efficient use of the available resources of the UNDT, a set of objective parameters are adopted pursuant to the above-mentioned resolution A/RES/73/276 (attached) as follows:

1. The deployment of each half-time judge will be based on prior evaluation of the caseload and backlog of cases, at each seat of the Tribunal, based on data collected by the Principal Registrar and a related recommendation;
2. Prior to any decision to deploy a half-time judge, both the President and the Principal Registrar will have a consultation with each Registrar at each seat of the Tribunal;
3. A half-time judge shall be preferably deployed at the seat of the Tribunal which is closest to his/her place of residence;
4. A half-time judge may not be deployed for a period of time longer than six months in a given year;
5. The President of the UNDT, following consultation with the Principal Registrar, may decide to deploy a half-time judge for a shorter period and also decide on the modality of such deployment (either by telecommuting or work at the UNDT duty station, or both);
6. Half-time judges are subject to the Code of Conduct for Judges and to relevant regulations and rules applicable to full-time judges;
7. Deployments may include periods of telecommuting as per General Assembly resolution 73/276, paragraph 35, so as to promote efficiencies in the use of resources. Periods of telecommuting from home and periods of deployment at a UNDT location with regular working hours are determined by the President;

8. Half-time judges will accrue annual leave at the rate of 1.25 days per month of service during deployment as a half-time judge;
9. Deployments shorter than a total of six months per year will accrue leave on a prorated basis;
10. Judges must inform the President of the UNDT in advance if they intend to be absent from work. If they are absent for longer than three days, they must obtain the approval of the President;
11. Annual leave of half-time judges during periods of deployment on location following official travel is to be notified to the President as early as possible in advance through the Registry with a copy to the Principal Registrar;
12. Subject to annual leave entitlements, half-time judges must be fully and exclusively available for the work of the UNDT during the entire duration of their deployment;
13. Half-time judges must give judgement or rulings in a case promptly. Judgements should be given no later than three months from the end of the hearing or the close of pleadings, regardless of whether their deployment period has been completed.

Teresa Maria Da Silva Bravo
President of the United Nations Dispute Tribunal

Dated this 6th day of February 2019



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Agenda item 147

Resolution adopted by the General Assembly on 22 December 2018

[on the report of the Fifth Committee ([A/73/669](#))]

73/276. Administration of justice at the United Nations

The General Assembly,

Recalling section XI of its resolution [55/258](#) of 14 June 2001 and its resolutions [57/307](#) of 15 April 2003, [59/266](#) of 23 December 2004, [59/283](#) of 13 April 2005, [61/261](#) of 4 April 2007, [62/228](#) of 22 December 2007, [63/253](#) of 24 December 2008, [64/233](#) of 22 December 2009, [65/251](#) of 24 December 2010, [66/237](#) of 24 December 2011, [67/241](#) of 24 December 2012, [68/254](#) of 27 December 2013, [69/203](#) of 18 December 2014, [70/112](#) of 14 December 2015, [71/266](#) of 23 December 2016 and [72/256](#) of 24 December 2017,

Having considered the reports of the Secretary-General on administration of justice at the United Nations¹ and on the activities of the Office of the United Nations Ombudsman and Mediation Services,² the report of the Internal Justice Council on administration of justice at the United Nations³ and the related report of the Advisory Committee on Administrative and Budgetary Questions,⁴ as well as the letter dated 13 November 2018 from the President of the General Assembly to the Chair of the Fifth Committee,⁵

1. *Takes note* of the reports of the Secretary-General on administration of justice at the United Nations¹ and on the activities of the Office of the United Nations Ombudsman and Mediation Services,² the report of the Internal Justice Council on administration of justice at the United Nations³ and the related report of the Advisory Committee on Administrative and Budgetary Questions;⁴

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee, subject to the provisions of the present resolution;

¹ [A/73/217](#) and [A/73/217/Add.1](#).

² [A/73/167](#).

³ [A/73/218](#).

⁴ [A/73/428](#).

⁵ [A/C.5/73/11](#).



I**System of administration of justice**

3. *Emphasizes* the importance of the principle of judicial independence in the system of administration of justice;
4. *Stresses* the importance of ensuring access for all staff members to the system of administration of justice, regardless of their duty station;
5. *Acknowledges* the evolving nature of the system of administration of justice and the need to carefully monitor its implementation to ensure that it remains within the parameters set out by the General Assembly;
6. *Reaffirms* its decision, contained in paragraph 4 of its resolution [61/261](#), to establish a new, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice 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;
7. *Notes* that staff still appear to have limited awareness of the system of administration of justice, and urges the Secretary-General to further strengthen and increase his outreach activities, with a view to raising awareness of the role and functioning of the various parts of the system and the possibilities that it offers to address work-related complaints, paying particular attention to field missions and offices;
8. *Recalls* paragraph 27 of its resolution [71/266](#), further stresses the importance of continuing to implement a comprehensive outreach and communication strategy for all staff members covered under the formal and informal parts of the system of administration of justice, and in this regard invites the Secretary-General to take further measures, within existing resources, in line with paragraph 44 of the report of the Internal Justice Council, to address the need for improving staff knowledge and understanding of the system;
9. *Welcomes* the analysis of the root causes of conflict included in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services, stresses the importance of improving management performance and staff communication, urges the Secretary-General to continue to address the systemic issues identified in the report in order to improve upon the policies and procedures of the Organization, and requests the Secretary-General to provide information on changes resulting from the actions taken in the context of his next report;
10. *Requests* the Secretary-General to continue to ensure a strong culture of accountability throughout the Secretariat and that all categories of personnel who may have been subjected to prohibited conduct in a work-related situation have access to effective remedies;⁶
11. *Notes* the new revised policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations⁷ and the ongoing efforts to annually review and assess the terms and implementation of the policy, and in this regard requests the Secretary-General to report in the context of his next report on the system of administration of justice on how retaliation against

⁶ [ST/SGB/2008/5](#).

⁷ [ST/SGB/2017/2/Rev.1](#).

staff members who lodge cases before the United Nations Dispute Tribunal and the United Nations Appeals Tribunal or who appear as witnesses is being addressed;

II

Informal system

12. *Recognizes* that the informal system of administration of justice is an efficient and effective option both for staff who seek redress of grievances and for the participation of managers;

13. *Reaffirms* that the informal resolution of conflict is a crucial element of the system of administration of justice, emphasizes that all possible use should be made of the informal system in order to avoid unnecessary litigation, without prejudice to the basic right of staff members to access the formal system, and encourages recourse to the informal resolution of disputes;

14. *Welcomes with appreciation* the high resolution rate of cases mediated, encourages the Office of the United Nations Ombudsman and Mediation Services to continue its efforts in informal dispute resolution, and requests the Secretary-General to continue to provide detailed information on the activities of the Office, including statistical overviews of mediated cases;

15. *Encourages* the Office of the United Nations Ombudsman and Mediation Services to intensify its outreach activities to encourage informal dispute resolution;

16. *Recalls* paragraph 37 of the report of the Advisory Committee, and requests the Secretary-General to establish, within existing resources, the pilot project to offer access to informal dispute-resolution services to non-staff personnel;

17. *Decides* that the pilot project will not affect the mandate of the Office of the United Nations Ombudsman and Mediation Services, and recognizes that the Office may decide to conduct outreach to non-staff;

18. *Requests* the Secretary-General to establish, in assessing the current and projected workload arising from services to non-staff personnel, both quantitative and qualitative analysis, including type of grievances and the efficiency of case management, and requests the Secretary-General to provide this information and, if necessary, further recommendations in the context of his next report;

III

Formal system

19. *Recognizes* the ongoing positive contribution of the Office of Staff Legal Assistance to the system of administration of justice;

20. *Requests* the Secretary-General to continue to ensure the accountability of managers whose decisions have been established to be grossly negligent, according to the applicable Staff Regulations and Rules of the United Nations,⁸ and which have led to litigation and subsequent financial loss, and to report thereon to the General Assembly at its seventy-fourth session;

21. *Notes with concern* the number of pending applications to the United Nations Dispute Tribunal;

22. *Recalls* paragraph 10 of the report of the Advisory Committee, notes the continuing variations in the number of cases received by different parts of the formal system from year to year, underscores the need for continued analysis of the trends in new cases received, and requests the Secretary-General to continue to collect statistics

⁸ [ST/SGB/2018/1](#).

pertaining to the caseload of the different entities within the system and to include observations on these statistics in future reports;

23. *Requests* the Secretary-General to invite the Internal Justice Council to monitor and report on the timely delivery of judgments, in line with its terms of reference, and to provide its views on the implementation of the system of administration of justice;

24. *Recalls* paragraph 14 of the report of the Advisory Committee, requests the President of the Dispute Tribunal and the Principal Registrar of the Dispute Tribunal and the Appeals Tribunal to work together to develop and implement a case disposal plan with a real-time case-tracking dashboard and performance indicators on the disposal of caseloads, takes note of recommendations 7 to 11 on judicial and operational efficiency contained in the report of the Internal Justice Council, stresses the need to improve administrative efficiency, and requests the Secretary-General to report on progress made to the General Assembly at its seventy-fourth session;

25. *Requests* the Secretary-General to continue to track the data on the number of cases received by the Management Evaluation Unit and the Dispute Tribunal in order to identify any emerging trends and to include his observations on those statistics in future reports;

26. *Notes* the continuing increase in the workload of the Office of Staff Legal Assistance, expresses its satisfaction that the majority of requests for legal assistance received by the Office were settled or otherwise disposed of without recourse to any formal mechanism, and acknowledges that the Office should be adequately resourced;

27. *Also notes* the continuing high degree of self-representation before the Dispute Tribunal, requests the Secretary-General to take forward, within existing resources, his proposals to provide guidance to self-represented applicants and to enhance their understanding and ability to utilize the system and mitigate efficiency concerns, and in this regard requests the Secretary-General to continue to monitor this issue and report thereon to the General Assembly at its seventy-fourth session;

28. *Takes note* of paragraph 30 of the report of the Advisory Committee, decides to extend the voluntary supplemental funding mechanism for the Office of Staff Legal Assistance for a period of three years, from 1 January 2019 to 31 December 2021, and requests the Secretary-General to continue to provide updates in the context of future reports;

29. *Underscores* that any changes to the voluntary staff funding mechanism shall not affect the nature of the funding of the Office of Staff Legal Assistance;

30. *Notes* the continuing high opt-out rates from the voluntary staff funding mechanism, and in this regard encourages the Secretary-General to continue to strengthen incentives for staff not to opt out, particularly in locations and United Nations entities where the participation rate is low;

31. *Stresses* the need to continue to explore means to raise awareness among staff of the importance of financial contributions to the Office of Staff Legal Assistance, and requests the Secretary-General, in his capacity as Chair of the United Nations System Chief Executives Board for Coordination, to encourage the executive heads of the United Nations system to communicate with their staff in this regard;

32. *Takes note* of paragraphs 20 and 21 of the report of the Advisory Committee, and approves the addition of four half-time judges in lieu of the three ad litem judges to the Dispute Tribunal, to be deployed as required by caseload and any absences affecting the work of the Tribunal;

33. *Decides* to amend article 4.1 of the statute of the Dispute Tribunal as follows:

“The Dispute Tribunal shall be composed of three full-time judges and six half-time judges”;

34. *Also decides* to amend article 5 of the statute of the Dispute Tribunal as follows:

“1. The three full-time judges of the Dispute Tribunal shall exercise their functions in New York, Geneva and Nairobi, respectively.

“2. The half-time judges of the Dispute Tribunal shall be deployed up to a cumulative period of six months per year, as decided by the President based on the caseload and any judicial absences affecting the work of the Tribunal.

“3. The Dispute Tribunal may decide to hold sessions at duty stations other than New York, Geneva and Nairobi, as required by its caseload”;

35. *Encourages* the Dispute Tribunal to make full use of telecommuting in the deployment of half-time judges so as to promote efficiencies in the use of resources, and requests the President of the Tribunal, following consultations with the Principal Registrar, to decide on a quarterly basis whether and where to deploy half-time judges;

36. *Underscores* that the half-time judges may not be deployed in a particular year or may be deployed less than a cumulative period of six months a year if their deployment is not justified by the Dispute Tribunal’s caseload;

37. *Decides* to extend the positions of the two ad litem judges in Geneva and Nairobi and the current incumbent judges, pending the nomination of candidates by the Internal Justice Council and the appointment of the aforementioned four half-time judges by the General Assembly, which should take place no later than 31 December 2019;

38. *Also decides* not to extend the ad litem judge position in New York, which expires on 31 December 2018;

39. *Takes note* of paragraph 26 of the report of the Advisory Committee, and invites the Internal Justice Council to provide more detailed information regarding the unexpected judicial vacancies, including information on the scope of a formal roster of candidates to the General Assembly in the context of its next report;

40. *Approves* the proposal of the Secretary-General to amend article 7 of the rules of procedure of the Appeals Tribunal, as contained in paragraph 120 (g) of his report on administration of justice;⁹

IV

Other issues

41. *Invites* the Sixth Committee to consider the legal aspects of the report to be submitted by the Secretary-General, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters;

42. *Welcomes* further views of the Internal Justice Council in its next report to the General Assembly on possible ways to improve judicial and operational efficiency;

⁹ [A/73/217](#).

43. *Stresses* that the Internal Justice Council can help to ensure independence, professionalism and accountability in the system of administration of justice, and requests the Secretary-General to entrust the Council to include the views of both the Dispute Tribunal and the Appeals Tribunal in its reports;

44. *Also stresses* that all elements of the system of administration of justice, including the Dispute Tribunal and the Appeals Tribunal, must work in accordance with the Charter of the United Nations and the legal and regulatory framework approved by the General Assembly, and emphasizes that the decisions of the Assembly related to human resources management and administrative and budgetary matters are subject to review by the Assembly alone;

45. *Reaffirms* that, in accordance with paragraph 5 of its resolution [67/241](#) and paragraph 28 of its resolution [63/253](#), the Dispute Tribunal and the Appeals Tribunal shall not have any powers beyond those conferred under their respective statutes;

46. *Requests* the Secretary-General to prepare, from within existing resources, and with a view to informing the discussions at the seventy-fourth session of the General Assembly, a comprehensive analysis, in the context of his next report, of the remedies available to non-staff personnel, including their effectiveness, efforts that could be made to prevent disputes and to resolve existing disputes *inter partes*, as well as the identification of good practices, drawing on information and proposals contained in his reports submitted to the Assembly at its sixty-sixth,¹⁰ sixty-seventh,¹¹ seventy-second¹² and seventy-third sessions;¹³

47. *Also requests* the Secretary-General to provide, to the General Assembly at its seventy-fifth session, an in-depth assessment, from within existing resources, on the impact of the new measures introduced in the present resolution.

*65th plenary meeting
22 December 2018*

¹⁰ [A/66/275](#) and [A/66/275/Corr.1](#), annex II.

¹¹ [A/67/265](#) and [A/67/265/Corr.1](#), annexes IV–VI.

¹² [A/72/204](#), annex II.

¹³ [A/73/217](#), paras. 96–105.