



Declaration on behalf of the European Union and its Member States

by

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at the Sixth Committee

on the agenda item 146

“Administration of justice at the United Nations”

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— CHECK AGAINST DELIVERY —

EU statement
Agenda Item 146
"Administration of Justice at the United Nations"
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Mr. Chairman,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries the former Yugoslav Republic of Macedonia*, Montenegro*, Serbia* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

We continue to attach great importance to the efficient functioning of the system of administration of justice at the United Nations. We consider its success instrumental for securing a positive work environment and for achieving the organisation's core goals and objectives. With that purpose in mind, we underline the fact that Resolution 61/261 has called for an independent, transparent, professionalised, adequately resourced and decentralised system, that operates in a manner 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..

We take note with appreciation of the two recent reports by the Secretary-General on the administration of justice at the United Nations (A/72/204) and on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/72/138), as well as of the report by the Internal Justice Council (A/72/210).

We consider that the informal resolution of disputes is one of the most crucial elements of the system of administration of justice, helping to provide dispute resolutions through more flexible and faster means of facilitation, problem-solving, shuttle diplomacy, mediation and conflict coaching, and to avoid time-consuming and stressful litigation processes. It is an efficient and effective tool for both staff and managers participating in the process. We welcome the activities of the Office of the United Nations Ombudsman and Mediation Services in this regard and support its efforts in promoting informal conflict resolution, in particular by facilitating access to and raising awareness among the staff of, this informal system of justice.

* *The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*

It is concerning that, as found in a survey conducted by the Office in 2016 and covering 38 Secretariat offices, departments and missions, 60% of the staff who took part had experienced a workplace conflict in the preceding three months and a similar proportion of respondents felt levels of stress above what they considered “acceptable”. We welcome the fact that the Office has expanded its strategic use of data and multilingual surveys and questionnaires as tools for receiving feedback and spotting trends and patterns. Information gathered, in particular from surveys and questionnaires, helps identifying systemic issues, determining appropriate ways to address them and providing necessary feedback to the management. We also underline the usefulness of organising thematic informational sessions and workshops, skills-building initiatives and individual coaching, in order to promote informal conflict resolution and develop conflict competence.

As far as the Management Evaluation Unit (MEU) is concerned, we continue to note with appreciation the high number of complaints disposed of every year. We commend the MEU for the work done. The fact that a large majority of MEU decisions were eventually confirmed in whole or in part by the Tribunals is a good indicator of the sound nature of the decisions taken by the Unit. We also welcome the fact that the MEU systematically tries to identify the requests that have potential for settlement through informal resolution, and manages to resolve a good proportion of its volume of cases in such manner, often in cooperation with the Office of Staff Legal Assistance and the Office of the Ombudsman and Mediation Services. The quality of the MEU work is further evidenced by the relatively low proportion of cases challenged by staff members before the Dispute Tribunal. Since in 2016 nearly 71 per cent of the requests for management evaluation received by the MEU came from staff in peacekeeping missions, we find it useful for the Office of Staff Legal Assistance and the United Nations Dispute Tribunal registries to continue to undertake outreach activities at the request of peacekeeping missions and other UN offices, as such activities provide good opportunities to inform staff and managers about the internal justice system.

We recognise the work of the UN Dispute Tribunal and the UN Appeals Tribunal that form an equally important part in the efficient functioning of the UN system of administration of justice. Concerning the Dispute Tribunal, we note that the number of new cases has stabilised compared to the two previous years; the Dispute Tribunal continues to dispose of cases effectively; and the number of pending cases is stable, compared to the previous years. Regarding the UN Appeals Tribunal, we note the high number of cases disposed of in 2016.

Finally,, we recognise the important work done by the Office of Staff Legal Assistance in supporting the UN staff worldwide and at all levels with legal guidance, counsel and representation. The quality of their work is instrumental in avoiding unnecessary conflicts and misunderstandings. We also welcome its outreach and training activities, raising knowledge of the internal justice system.

Mr Chairman,

With respect to Panel recommendation 58, the Chair of the Sixth Committee, in a letter to the Chair of the Fifth Committee dated 26 October 2016 recommended that the Secretary-General be requested to provide further information on the improvement of investigations into misconduct and harassment and on the training provided by the Office of Internal Oversight Services (OIOS) to staff members on conducting peer-based investigations. In this respect, we take note of the fact that joint planning between OIOS and the Administrative Law Section is intended to facilitate the development and delivery of training across the Secretariat during the last months of 2017.

On the issue of the legal protection of non-staff personnel, we continue to favour a differentiated system that provides an adequate, effective and appropriate remedy. In this regard, and in line with the broad preference for non-judicial mechanisms whenever possible, we would like to reaffirm that the Organisation should always provide answers to non-staff personnel and where appropriate should not refrain from proposing possible remedies.

We keep encouraging recourse to informal resolution of disputes; we believe that incorporating best practices and mainstreaming principled approaches deriving from the case law of the Tribunals will help doing that. Moreover, transparency and accountability, coupled with legal certainty should in the long run decrease the number of cases.

I thank you Mr. Chairman.