

Statement of the Chairman

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Advisory Committee on Administrative and Budgetary Questions (ACABQ)

November 1966

Administration of Justice at the United Nations and

the Activities of the United Nations Ombudsman and Mediation Services

Mr. Chairman,

I am pleased to introduce the Advisory Committee's report (A/66/7/Add.6) on the report of the Secretary-General on the administration of justice at the United Nations (A/66/275) and the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/66/224).

Administration of Justice at the United Nations

Mr. Chairman,

The Committee recognizes that the formal system of administration of justice is still evolving. However, while it has already had some positive impact - most notably the timeliness of implementation and impact to date. As such, the Committee considers that caution is required to ensure that the system functions in the best interest of the Organization and remains within the parameters set by the General Assembly. For this reason, the Committee sees merit in a comprehensive assessment being undertaken on the evolution and functioning of the current system of administration of justice as soon as practicable.

With regard to the proposal for the establishment of a second full-time judge at each of the United Nations Dispute Tribunal locations, the Committee does not recommend the extension of the three ad interim judges for a period of two years.

With regard to staffing, the Committee has recommended approval of six of the twenty six new regular budget posts proposed by the Secretary-General, namely, one P-4 for the Registry of the Appeals Tribunal, two P-3 posts for the Administrative Law Section, Office of Human Resources Management and three posts, two P-4 and one P-3 posts, in the Office of Legal Affairs. In addition, the Committee has recommended thirteen of the other requested posts, as requested for the Registry of the Dispute Tribunal in New York is also recommended.

With regard to the Office of Staff Legal Assistance, the Committee recalls that the General Assembly decided to revert to the mandate and functioning of the Office at its current session. The

of their claims through the formal system of justice; it is of the view that the role of OSI A should not extend to the representation of staff before the Tribunals.

Pending decisions on the mandate and scope of functions of the Office of the Staff Legal Assistance and on a staff-funded mechanism to support its work, the Committee does not recommend approval of the new posts sought for the Office. In this regard, the Committee notes the findings and proposals of the Secretary-General on possible staff-funded mechanisms to support the functioning of OSLA. The Committee is of the view that a contribution from staff to the functioning of OSLA would give them a stake in the process and may discourage unnecessary litigation. The Committee therefore recommends that the Secretary-General be requested to put forward a proposal for a mandatory scheme for a staff-funded mechanism to support OSLA.

With regard to recourse mechanisms for non-staff personnel, the Committee has no objection to the proposal of the Secretary-General, which, it notes, would not entail an expansion of the existing scope of the system of administration of justice.

The Committee also has no objection to the short-term measures proposed by the Secretary-General, which are designed to expedite the processing of disciplinary cases from the field.

The Committee also has no objection to the proposal of the Secretary-General for consideration by the General Assembly in its review of the statutes of the Dispute and Appeals Tribunals. The Committee is of the view that, as the system of administration of justice evolves, adjustments should be made, where deemed necessary, to ensure that it functions in the best interest of the organization and in line with its governing principles. As such, the Committee sees merit in the recommendations of the Secretary-General with respect to the review of the statutes of the Tribunals.

Activities of the Office of the United Nations Ombudsman and Mediation Services

Mr. Chairman,

In respect of the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services, the Committee continues to believe that the informal process plays a key role in the resolution of disputes, minimizing or avoiding unnecessary recourse to litigation. The Committee notes the continued increase in the number of cases brought before the Office, mainly attributable to the continuation of regular processes.

The Committee notes that the revised terms of reference for the Ombudsman have yet to be adopted and that this is delaying the implementation of the recommendations of the Secretary-General.

The Committee also notes the intention of the Office to establish an external review of its findings. The Committee looks forward to considering its findings in due course.

With regard to resources, the Committee recommends approval of one new post for the Ombudsman's Office. The Committee is of the view that this post could carry out a complement of the functions outlined for the two posts being proposed.

Thank you, Mr. Chairman.