



Swiss Confederation Confédération suisse Confederazione Svizzera Confederaziun svizra

Après quatre années d'existence de ce nouveau système, nous pensons qu'une évaluation indépendante intermédiaire serait souhaitable et

Nos délégations participeront activement et dans un esprit constructif aux délibérations menées à ce sujet.

Monsieur le Président, je vous remercie.

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*Unofficial translation*

Mr. Chairman,

I have the honor to speak on behalf of Switzerland and Liechtenstein.

Our delegations welcome the reports on the administration of justice at the United Nations that have been submitted to us by the Secretary-General and the Internal Justice Council as well as the related report of the ACABQ. We are also looking forward to receiving the letter of the Sixth Committee and hearing its views on the legal aspects of the comprehensive report as per our usual practice and in line with paragraph 59 of General Assembly resolution 67/241. We regret that some reports were once again issued very late, and we request that full account be given of the reasons for this delay.

Mr. Chairman,

The administration of justice system can only be truly effective and efficient, if 1) the separation of powers is fully respected, the independence of th

the system, while taking some burden off Member States. We would hope that Member States will be in a better position to identify a more durable solution once the independent assessment has been completed.

The overall caseload has a lot to do with the prevailing incentives and disincentives in the system of administration of justice which may shape someone's decision to pursue litigation. Abusive proceedings certainly have a negative impact on the administration of justice, as they divert resources from the legitimate proceedings. We therefore welcome the three options proposed by the Internal Justice Council to avoid frivolous applications that lead to an abuse of the system as such. We are particularly looking forward to learning more about option II ("striking out offending pleadings") and option IV ("winner is awarded costs").

The Office of Staff Legal Assistance (OSLA) has played an important role in rendering legal advice and other valuable services to staff members. The Office not only ensures better access to justice, but also acts as a filter in the system by providing staff members with advice on the benefits and risks of litigation versus settlement. Our delegations deem it reasonable to invite staff members to share the costs of this Office with Member States. The financing proposal presented by the Secretary-General in the form of an automatic monthly payroll deduction with an opt-out clause seems to us a viable mechanism to address some of the resource constraints of OSLA. We will seek further clarification during the informals, in particular with regards to possible measures to ensure that this financing mechanism is stable and predictable.

Finally, Mr. Chairman, Switzerland and Liechtenstein have always been concerned about disputes involving non-staff personnel. Although there seem to be only a few cases, we are interested in learning more about the nature of those disputes as well as the management practices in place to avoid or to mitigate such disputes in the absence of other effective legal remedies.

Our delegations will participate actively and constructively in the deliberations on this topic.

Thank you, Mr. Chairman.