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Agenda item 147

Administration of justice at the United Nations

Report of the Fifth Committee

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I. Introduction

1. At its 2nd plenary meeting, on 17 September 2021, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-sixth session the item entitled “Administration of justice at the United Nations” and to allocate it to the Fifth Committee.

2. During the main part of the seventy-sixth session, the Fifth Committee met formally and remotely owing to the coronavirus disease (COVID-19) pandemic, during which it considered the item. The Committee formally considered the item in person at its 9th meeting, on 23 December 2021. Statements and observations made in the course of the Committee’s formal consideration of the item are reflected in the relevant summary records.¹

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the administration of justice at the United Nations ([A/76/99](#));

(b) Report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/76/140](#));

(c) Report of the Internal Justice Council on the administration of justice at the United Nations ([A/76/124](#));

(d) Related report of the Advisory Committee on Administrative and Budgetary Questions ([A/76/499](#));

(e) Letter dated 19 November 2021 from the President of the General Assembly addressed to the Chair of the Fifth Committee ([A/C.5/76/19](#)).

¹ [A/C.5/76/SR.9](#).



II. Consideration of draft resolution [A/C.5/76/L.12](#)

4. At its 9th meeting, on 23 December, the Committee had before it a draft resolution entitled “Administration of justice at the United Nations” ([A/C.5/76/L.12](#)), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Germany.

5. At the same meeting, the Committee adopted draft resolution [A/C.5/76/L.12](#) without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

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, [72/256](#) of 24 December 2017, [73/276](#) of 22 December 2018, [74/258](#) of 27 December 2019 and [75/248](#) of 31 December 2020,

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 19 November 2021 from the President of the General Assembly addressed 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 Nations and on the activities of the Office of the United Nations Ombudsman and Mediation Services, the report of the Internal Justice Council on administration of justice at the United Nations and the related report of the Advisory Committee on Administrative and Budgetary Questions;

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee;

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

¹ [A/76/99](#).

² [A/76/140](#).

³ [A/76/124](#).

⁴ [A/76/499](#).

⁵ [A/C.5/76/19](#).

ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike;

7. *Requests* the Secretary-General to continue to ensure a strong culture of accountability throughout the Secretariat, in particular with proactive and transparent application of the United Nations three-pillared approach to the management of misconduct, namely, prevention, enforcement and remedial action, and to ensure access to effective remedies for all categories of personnel;

8. *Also requests* the Secretary-General to continue to hold managers accountable when their decisions have been established to be grossly negligent according to the applicable Staff Regulations and Rules of the United Nations⁶ and have led to litigation and subsequent financial loss, and to report thereon to the General Assembly at its seventy-seventh session;

9. *Commends* the Secretary-General for ensuring the availability of outreach documents in all six official languages, requests the Secretary-General to continue to take measures to implement multilingualism within the system of administration of justice, and also requests the Secretary-General to report on his efforts to continue to promote multilingualism in the system of administration of justice in the context of his next reports;

10. *Reiterates* that retaliation against complainants or staff appearing as witnesses constitutes misconduct, notes with appreciation the policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations⁷ as well as the efforts to continuously improve the framework for protection from retaliation, and in this regard requests the Secretary-General to provide information on the implementation of the policy for all categories of personnel covered in his next report;

II

Informal system

11. *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;

12. *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;

13. *Also reaffirms* the importance of the informal dispute resolution process in the Organization, which represents an effective method of dispute resolution as compared with the formal process, and the central role of mediation, and emphasizes that all possible use should be made of the informal system;

14. *Notes* the efforts of the Secretary-General to promote knowledge and awareness of and action on racism within the Organization, and reiterates its request to the Secretary-General to include information on racism and cases involving racial discrimination in the context of his next report on the activities of the Office of the United Nations Ombudsman and Mediation Services;

⁶ ST/SGB/2018/1/Rev.1.

⁷ ST/SGB/2017/2/Rev.1.

III

Formal system

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

16. *Recalls* paragraph 27 of its resolution [75/248](#), appreciates the efforts of the United Nations Dispute Tribunal and the Office of Administration of Justice to develop and implement the case disposal plan, and welcomes the launch of the real-time case-tracking dashboard;

17. *Notes with concern* the impact of dual employment of the full-time judges on the prompt and efficient performance of their judicial duties, and urges the full-time judges of the Dispute Tribunal not to hold any other employment so as to ensure the credibility and efficiency of the internal justice system;

18. *Requests* the Secretary-General, in consultation with the Dispute Tribunal and the United Nations Appeals Tribunal, to include, in the context of his next report, his views regarding the recommendation of the Internal Justice Council for the appointment of a president for a term of seven years;

19. *Also 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 report thereon in the context of his next report;

20. *Notes* the continuing high opt-out rates from the voluntary staff funding mechanism, and in this regard encourages the Secretary-General to intensify his efforts to strengthen incentives for staff not to opt out, particularly in locations and United Nations entities where the participation rate is low, and to report on measures taken in this regard in the context of his next report;

IV

Other issues

21. *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;

22. *Decides* to approve the proposed amendments to articles 8.2 (a) and 9.2 (a) and to articles 24, 25, 26 and 27 of the rules of procedure of the Appeals Tribunal, as adopted by the Appeals Tribunal on 24 October 2019 and 19 October 2020, respectively.⁸

⁸ See [A/75/162](#), annex I, and [A/76/99](#), annex I.