



General Assembly

Distr.: Limited
22 December 2023

Original: English

Seventy-eighth session

Fifth Committee

Agenda item 144

Administration of justice at the United Nations

Draft resolution submitted by the Chair of the Committee following informal consultations

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, [75/248](#) of 31 December 2020, [76/242](#) of 24 December 2021 and [77/260](#) of 30 December 2022,

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 20 November 2023 from the President of the General Assembly addressed to the Chair of the Fifth Committee,⁵

1. *Takes note* of the report 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;

¹ [A/78/156](#).

² [A/78/170](#).

³ [A/78/121](#).

⁴ [A/78/580](#).

⁵ [A/C.5/78/20](#).



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. *Commends* the Secretary-General for ensuring the availability of outreach documents in all six official languages, requests the Secretary-General to intensify his efforts 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 future reports;

8. *Recalls* paragraph 6 of the report of the Advisory Committee, and further requests the Secretary-General to provide a comprehensive assessment of the functioning of the system of administration of justice in his next report;

II**Informal system**

9. *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;

10. *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;

11. *Decides* to regularize the pilot project for access of non-staff personnel to the services of the Office of the United Nations Ombudsman and Mediation Services, within existing resources;

III**Formal system**

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

13. *Recalls* paragraph 7 of its resolution [63/253](#), and reaffirms that interns, type II gratis personnel and volunteers (other than United Nations Volunteers) shall have the possibility of requesting an appropriate management evaluation but shall not have access to the United Nations Dispute Tribunal or to the United Nations Appeals Tribunal;

14. *Decides* to approve the following amendment to the statute of the United Nations Dispute Tribunal:

Article 9, new paragraph 4:

4. In hearing an application to appeal an administrative decision imposing a disciplinary measure, the Dispute Tribunal shall pass judgment on the application by conducting a judicial review. In conducting a judicial review, the Dispute Tribunal shall consider the record assembled by the Secretary-General and may admit other evidence to make an assessment on whether the facts on which the disciplinary measure was based have been established by evidence; whether the established facts legally amount to misconduct; whether the applicant's due process rights were observed; and whether the disciplinary measure imposed was proportionate to the offence.

IV

Other issues

15. *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;

16. *Recalls* paragraph 44 of its resolution [73/276](#) and paragraph 35 of its resolution [77/260](#), stresses that the system of administration of justice must work in accordance with the Charter of the United Nations and the legal and regulatory framework approved by the General Assembly, and reaffirms that the Dispute Tribunal and the Appeals Tribunal shall exercise their powers according to their respective statutes.
