

**Statement by Belgium on behalf of the European Union- Fifth Committee- 65th  
UNGA**

**65th Session of the General Assembly Item 140. Administration of Justice**

**10 November 2010**

Thank you Mr. Chairman.

I have the honour to speak on behalf of the European Union. The Candidate Countries Croatia\*, the former Yugoslav Republic of Macedonia and Iceland , the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Ukraine and Armenia align themselves with this declaration.

Mr. Chairman,

At the outset, the European Union wishes to thank The Executive Director of the Office of the Administration of Justice, Mr. Andrei Terekhov, for introducing the report A/65/373 on Administration of Justice at the United Nations and also the United Nations Ombudsman, Mr. Johnston Barkat for introducing the report A/65/303 on the activities of the Office of the United Nations Ombudsman and Mediation Services. We would also like to thank the Chair of the Advisory Committee on Administrative and Budgetary Questions, Ms. Susan McLurg for introducing the related report A/65/557 of that Committee and the Internal Justice Council for submitting its report A/65/304.

Mr. Chairman,

The EU has been a staunch advocate for the new system of Administration of Justice and played an active role in the process of its establishment. The Member States of the United Nations have, together with the Secretariat, created a comprehensive new system, comprising both an informal and formal part that provides a substantially better recourse to justice for the staff members. The establishment and functioning of a new system of administration of justice, which we conceived as being independent, transparent, professionalized, adequately resourced and decentralized, represents a significant collective achievement.

Mr. Chairman,

Although the implementation of the new system of administration of justice is still in its initial phase, the EU believes that the new system has already begun to prove itself. As noted in the Report of the Secretary-General, the new United Nations Dispute Tribunal takes an average of 6 months to dispose of a case, which is considerably more efficient than the bodies of the old system. The transition from one system to the other, with new procedures, new actors and a new institutional context, was of course not without problems. But the EU shares the assessment of the Internal Justice Council that after one year of operation the new system works well and will continue to improve as all involved become more familiar with it.

Mr. Chairman,

Concerning the review of the new system of administration of justice, contained in chapter II of the Secretary-General's report, the EU is of the opinion that its success depends on its independence and efficiency. It is therefore important to ensure that this independence is guaranteed and that the different bodies of the new system continue to receive adequate support, thereby carefully balancing the needs of the organization with the harsh imperatives of the current fiscal climate. As noted by the ACABQ, more experience is necessary to accurately ascertain the demands that will be placed on the system, including the balance that will exist between the formal and informal systems, and by extension the infrastructure that will be required to effectively support it. The ACABQ report also makes clear that the current costs of the system of administration of Justice are just over 29 million dollars, and that the requests for additional resources made by the Secretary-General would therefore represent an increase in costs of over 60%.

Mr. Chairman,

The EU welcomes the progress made by the Sixth Committee in discussing the various legal aspects of the Secretary-General's report. With regard to recourse mechanisms for non-staff personnel, we note that delegations in the Sixth Committee requested the Secretary-General to provide more concrete information and that they were of the view that none of the options presented in paragraph 9 of Resolution 64/233 was to be set aside at this stage. On this subject, the EU reiterates that we should seek to make sure that the United Nations, as a credible employer, complies with its duty to ensure that effective remedies are available to all categories of UN personnel. The EU feels however that we still need more information in order to get a better view of what types of recourse would be the most appropriate to this end.

We further note that that delegations of the Sixth Committee found it premature and inappropriate for the General Assembly to express a view at this stage about the issues described by the Secretary-General under section IV of his report. The EU considers it important not to infringe upon the independence of the Appeals Tribunals, as issues adjudicated within the Dispute Tribunal may be subject to appeals before the Appeal Tribunal.

Mr. Chairman,

Providing effective remedy to all persons who perform work for the Organization is of paramount importance for the credibility and effective work of the Organization. We look forward to open and constructive discussions on this item in informal consultations.

I thank you Mr. Chairman