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Administration of justice at the United Nations

Letter dated 20 November 2020 from the President of the General Assembly to the Chair of the Fifth Committee

I have the honour to transmit herewith a letter dated 19 November 2020 from the Chair of the Sixth Committee, Milenko Esteban Skoknic Tapia, on the administration of justice at the United Nations (see annex).

(Signed) Volkan **Bozkir**



Annex

1. I have the honour to write to you with regard to agenda item 152, on the administration of justice at the United Nations.
2. As you are aware, at its 2nd plenary meeting, on 18 September 2020, the General Assembly, on the recommendation of the General Committee, referred the agenda item to both the Fifth and the Sixth Committees. In paragraph 36 of its resolution [74/258](#), the Assembly invited 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.
3. During the present session, the Sixth Committee considered the item at its 6th meeting, on 15 October 2020, as well as in informal consultations held on 19, 23, 27, and 29 October and 5, 6, 9 and 12 November. Informal consultations were also held on 9 and 10 November. The Committee considered the legal aspects of the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/75/160](#)), the report of the Secretary-General on the administration of justice at the United Nations and its addendum ([A/75/162](#) and [A/75/162/Add.1](#)) and the report of the Internal Justice Council ([A/75/154](#)), which included in its annexes I and II the views of the United Nations Appeals Tribunal and of the United Nations Dispute Tribunal, respectively, pursuant to paragraph 37 of resolution [74/258](#).
4. During the informal consultations held on 19 October, the Executive Director of the Office of Administration of Justice and a representative of the Internal Justice Council made presentations and remained available, along with representatives of other units of the Secretariat, to provide answers and clarifications to delegations, which were grateful for the opportunity.
5. Delegations expressed their appreciation to the Secretary-General for his comprehensive report on the administration of justice at the United Nations submitted pursuant to resolution [74/258](#) and for his report on the activities of the Office of the United Nations Ombudsman and Mediation Services. The Sixth Committee took note of the request of the Secretary-General to the General Assembly contained in his report ([A/75/162](#), para. 134). Delegations also took note of the report of the Internal Justice Council and the recommendations contained therein.
6. I should draw your attention to a number of specific issues related to the legal aspects of those reports, as discussed in the Sixth Committee. In doing so, I should however note that, regrettably, the impact of the coronavirus disease (COVID-19) pandemic has led the Committee to postpone the consideration of some of those issues.

Independence of the judiciary

7. While emphasizing the need for effective cooperation and coordination between the Fifth Committee and the Sixth Committee, the Sixth Committee once more underlined that, under paragraph 4 of its resolution [61/261](#), the General Assembly had decided that the new system of administration of justice should be independent, transparent, professionalized, adequately resourced and decentralized, 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. Delegations were therefore of the view that, when considering the various proposals set out in the aforementioned reports that might have financial implications, the Assembly should take duly into

account paragraph 4 of its resolution [61/261](#). In this regard, the Committee noted the recommendation by the Internal Justice Council that the Secretary-General make explicit in the terms of reference of the Office of Administration of Justice the need for regular consultations with the Dispute Tribunal and the Appeals Tribunal on administrative and budgetary matters, and that the Executive Director of the Office of Administration of Justice regularly consult with the Presidents of the Appeals Tribunal and the Dispute Tribunal to ensure the necessary transparency and the understanding of the judges about budgetary matters relevant to the judiciary's determined needs ([A/75/154](#), recommendation 11).

Election of the judiciary

8. Delegations recalled that they had expressed concern at the impact of the short period of time between the announcement and the holding of elections, on 10 July 2019, for four half-time judicial positions on the Dispute Tribunal.

9. Delegations then urged the Secretary-General, the President of the General Assembly and the Internal Justice Council to ensure, in the future and for similar elections, that delegations were provided a reasonable period of time between the setting of the date of the election and the holding of the election.

Knowledge of the system and outreach activities

10. Recalling the Sixth Committee's recommendations of 2016, 2017, 2018 and 2019 (see [A/C.5/71/10](#), annex, [A/C.5/72/10](#), annex, [A/C.5/73/11](#), annex, and [A/C.5/74/10](#), annex), in which the Committee urged the Secretariat to further strengthen and increase outreach activities, delegations welcomed the continued and increased efforts reported by the different parts of the system of administration of justice in that regard, including regular visits and briefings to field offices and peacekeeping operations, as well as workshops conducted via video- and teleconferencing. The Committee welcomed the outreach activities of the Office of the United Nations Ombudsman and Mediation Services, including the efforts to address systemic issues ([A/74/171](#), paras. 45–47, 51 and 59). The Committee took note of the three-pronged approach, focused on raising awareness, fostering conflict competence and engaging with management adopted by the Office in 2019 ([A/75/160](#), paras. 57–62). The Committee emphasized the important role of those activities in ensuring universal accessibility to the system of administration of justice at the United Nations.

11. The Sixth Committee also urged the Secretariat to continue its outreach activities, with a view to providing information on the role and functioning of the various parts of the system and the possibilities it offered to address work-related complaints, including to non-staff personnel, paying particular attention to field missions and offices.

Transparency and consistency of jurisprudence and judicial directions

12. The Sixth Committee recalled that it had previously noted the important legal dimension of full and accurate availability of and easy access to the jurisprudence of the Tribunals since they allowed staff and management, as well as anyone acting as a legal representative, to inform themselves about the latest developments of the jurisprudence, to establish precedents that could guide the assessment of other cases and to better understand relevant rules and regulations as applied by the Tribunals (see [A/C.5/71/10](#), annex, and [A/C.5/73/11](#), annex). The Committee noted with appreciation the issuance of the Digest of Case Law of the Dispute Tribunal and of the Appeals Tribunal for the period 2009–2019, which provides improved access to the jurisprudence of the Tribunals (see [A/75/162](#), para. 49). However, the Committee

noted the absence of a searchable database of Dispute Tribunal and Appeals Tribunal judgments to facilitate meaningful and organized research. It therefore supported the Council's recommendation that the Office of Administration of Justice take the action necessary to establish a searchable database of Dispute Tribunal and Appeals Tribunal decisions and inform the General Assembly of its progress (A/75/154, paras. 36–37, recommendation 6).

13. The Sixth Committee also recalled that it had previously noted the importance of applying such transparency to judicial directions. The Committee reiterated its recommendation that the General Assembly request judicial directions that were of general application to be posted online and thus made available to all stakeholders, including the Assembly.

Regulatory framework

14. The Sixth Committee underlined the efforts of the Secretary-General and the Office of the United Nations Ombudsman and Mediation Service to give further effect to achieving a harmonious working environment free from discrimination, harassment, including sexual harassment, and abuse of authority, in particular through the civility campaign of the Secretary-General (see A/75/160, paras. 14–21), and various measures to further enhance the Secretariat's response to prohibited conduct (A/75/162, paras. 56–59).

15. The Sixth Committee also noted the observations by the Ombudsman that the Organization currently had no mechanism to systematically monitor staff well-being in difficult duty stations so that it could respond promptly when conditions started to affect the health of staff members in a way that prevented them from continuing to work in that location (A/75/160, para. 88).

Informal system

16. The Sixth Committee emphasized that informal dispute settlement was a crucial component of the internal system of administration of justice and renewed its call for better incentives to resort to informal conflict resolution.

17. Delegations commended the activities of the Office of the United Nations Ombudsman and Mediation Services, in particular its awareness-raising and competence skill-building services, as well as the efforts made at the regional level to increase conflict resolution services for staff and non-staff away from Headquarters, including in the field and in the deep field, and to raise awareness and build capacity (A/75/160, paras. 57–62).

18. The Sixth Committee welcomed the efforts made by the Office of the United Nations Ombudsman and Mediation Services to mainstream a gender perspective in its activities and support systemic changes (A/74/171, para. 59). The Committee also noted the recommendation by the Secretary-General that the Organization develop a holistic managerial approach for addressing managers who might appear to perform well but whose abrasive behaviour affected staff, without understanding the impact of their behaviour on others (*ibid.*, para. 60).

19. The Sixth Committee further encouraged all parties to a work-related dispute to make every effort to settle it early in the informal system, without prejudice to the right of each staff member to submit a complaint for review in the formal system.

Formal system

20. Delegations commended the Management Evaluation Unit for its important role in enabling the resolution of work-related disputes of staff members. The Sixth

Committee also recognized the work of the Dispute Tribunal and the Appeals Tribunal in contributing to the promotion of justice at the United Nations.

21. The Sixth Committee recalled the recommendation of the Internal Justice Council to enhance staff access to documents and information ([A/72/210](#), para. 19, and [A/73/218](#), recommendation 1). Delegations underlined once more that, where feasible and without compromising needed confidentiality, the Management Evaluation Unit should provide the complaining parties with documents and other information relied upon by the Unit in deciding to sustain the decisions of line managers.

22. The Sixth Committee noted that the reasonable length of proceedings was an important attribute of an effective system of administration of justice. Delegations took note of the concerns expressed by the Internal Justice Council regarding its operational efficiency as well as its case disposal ([A/75/154](#), paras. 14–30). In this respect, the Committee reiterated its concern with regard to the duration of the proceedings and the timely delivery of judgments in the formal system of administration of justice. Delegations thus considered it appropriate to recommend that the General Assembly consider the views of the Secretary-General and of the Internal Justice Council to respectively enhance the efficiency and transparency of the United Nations system of administration of justice, in particular in addressing the backlog and delays in handling cases (*ibid.*, recommendations 1, 3 and 8). The Committee welcomed the continued implementation of the case disposal plan with a real-time case-tracking dashboard and performance indicators, introduced in early 2019 ([A/75/162](#), paras. 97–100). The Committee also welcomed the fact that progress in addressing the backlog had been made in 2020. The Committee took note of the Registries' practice of making available a cause list for the half-time judges, available on the website of the internal justice system, allowing parties to track the status of their case, and recommended that this practice be extended to full-time judges as well (*ibid.*, para. 129).

23. The Sixth Committee stressed that the Dispute Tribunal was an independent judiciary, which was expected to manage its affairs in accordance with its statute, rules of procedure and code of conduct. In this context, the Committee took note of the information provided in paragraphs 87 to 92 of the report of the Secretary-General ([A/75/162](#)), submitted further to the request by the General Assembly that the Secretary-General examine recommendations 11, 12 and 13 contained in the report of the Internal Justice Council of 2019 ([A/74/169](#)), with a view to improving the accountability of the Tribunal, for consideration during the seventy-fifth session of the Assembly (resolution [74/258](#), para. 26). The Committee shall remain seized of the matter and will revert at the appropriate time.

Self-representation and voluntary supplemental funding mechanism of the Office of Staff Legal Assistance.

24. Considering the continuously high number of self-represented applications, the Sixth Committee noted with appreciation that the Office of Administration of Justice had created a toolkit for self-represented applicants, which was issued and posted on the website of the internal justice system in May 2019 ([A/74/172](#), para. 89), and had issued a brochure that explained how to challenge an administrative decision in the formal system of administration of justice, as well as a wallet card that explained the applicable timelines in the internal justice system ([A/75/162](#), paras. 77–81).

25. The Sixth Committee welcomed the continued efforts of the Secretary-General, carried out pursuant to paragraph 34 of resolution [74/258](#), to strengthen incentives for staff not to opt out of the voluntary supplemental funding mechanism.

Remedies available to non-staff personnel

26. The Sixth Committee expressed gratitude for the information on remedies available to non-staff personnel provided in paragraph 74 by the Secretary-General in his report (A/75/162), submitted pursuant to paragraphs 20 and 22 of resolution 74/258. The Committee took note of the information and views expressed in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services on access to the Ombudsman and Mediation Services for non-staff personnel (A/75/160, paras. 35–56).

27. The Sixth Committee recalled that it had repeatedly highlighted that the United Nations should ensure that effective remedies were available to all categories of personnel, including non-staff personnel (see A/66/275, including annex II, entitled “Proposal for recourse mechanisms for non-staff personnel”, and A/67/265, including annex IV, entitled “Expedited arbitration procedures for consultants and individual contractors”, and annex VI, entitled “Access to the system of administration of justice for non-staff personnel not covered under the dispute resolution mechanism and other measures available to them for addressing disputes”). The Committee also recalled the views expressed by the Interim Independent Assessment Panel (A/71/62/Rev.1, para. 413, recommendation 23 and paras. 233–243), as well as the options for a remedy system for non-staff personnel elaborated by the Internal Justice Council (A/71/158, paras. 142–153, and annex I, para. 13). The Committee recommended to continue the discussions on ways to provide non-staff personnel with access to fair and effective mechanisms for resolving work-related disputes.

28. Delegations received information presented orally by representatives of the Secretariat on the issue, as well as information from the Internal Justice Council.

29. Delegations noted the five initiatives undertaken in order to improve the prevention and resolution of disputes involving non-staff personnel (A/74/172, para. 95) and took note of the updated information provided by the Secretary-General in this regard (A/75/162, para. 74). Therefore, the Sixth Committee recommended that the Secretary-General provide in his next report additional information on the implementation of the initiatives.

30. Delegations also took note of the information concerning the access by non-staff personnel to services provided by the Office of the United Nations Ombudsman and Mediation Services. In particular, delegations took note of the increase in cases brought by non-staff personnel since 2015 (A/75/160, figure VIII). The Sixth Committee took note of the report of the Ombudsman and Mediation Services (*ibid.*, paras. 45–54). The Committee took positive note of the proposal of the Secretary-General to pursue a pilot project in this regard, in particular given that the pilot project would assist the Organization in determining types of grievances raised by non-staff personnel and the quantitative caseload (A/74/171, para. 65). In this regard, and given that, in its initial stages, the pilot project would continue to be implemented within the existing resources of the Office of the United Nations Ombudsman and Mediation Services, as stated in the report of the Secretary-General, the Committee recommended that the General Assembly decide to pursue the pilot project.

31. The Sixth Committee took note of the information provided on the pilot project regarding services provided to non-staff personnel (see A/75/160, paras. 35–38) and requested the Office to provide an update at the seventy-sixth session of the General Assembly. The Committee requested that this assessment should consider the categories, the location, the length of time to consider and the outcomes of the complaints filed by non-staff personnel.

Protection against retaliation

32. The Sixth Committee took note of the information on protection against retaliation for staff members lodging cases before the Tribunals ([A/75/162](#), paras. 60–67). The Committee also took note of the information presented orally by representatives of the Secretariat on the issue. The Committee welcomed the ongoing efforts to continuously review the revised policy on protection against retaliation ([ST/SGB/2017/2/Rev.1](#)) for any improvements that might be needed, through the staff management consultation machinery. The Committee noted that witnesses giving testimony on cases involving reports of misconduct and staff members cooperating with duly authorized audits or investigations might already fall within the ambit of the protection provided by the Ethics Office under Secretary-General's bulletin [ST/SGB/2017/2/Rev.1](#). The Committee further underscored the importance of fully implementing orders issued by the Tribunals for the protection of complainants and witnesses against retaliation.

33. The Sixth Committee took note of the view of the Internal Justice Council that staff members lodging a case before the Tribunals or appearing as witnesses should be accorded protection by the Ethics Office and that staff litigation should be regarded as a protected activity ([A/73/218](#), paras. 12–13). In the view of the Internal Justice Council, an explicit system-wide policy protecting parties and witnesses from retaliation was recommended. Delegations took note that the lack of protection for retaliation against staff members for applying for redress in the Tribunals and for appearing as witnesses remains a serious problem. The Council had heard reports that confirmed that the fear of retaliation among staff was real and could be counted as a factor that had serious implications for access to justice ([A/75/154](#), para. 56). The Committee noted that retaliation against complainants or staff appearing as witnesses constituted misconduct, and that the Secretary-General's policy on protection against retaliation protected staff from being punished for reporting misconduct. Delegations also expressed a need for more clarity on the sufficiency of protection against retaliation for non-staff, considering that the recommendations made in the reports before the Committee did not explicitly cover that issue. The Committee further underscored the importance of fully implementing orders issued by the Tribunals for the protection of complainants and witnesses against retaliation. While the Committee took note of the view of the Internal Justice Council regarding the need to empower the Tribunals to issue protective orders, the Committee underscored that the Tribunals already had inherent and explicit authority to issue such orders consistent with their statutes, rules of procedure and code of conduct.

34. Delegations considered it appropriate to request the reports prepared for the seventy-sixth session to include further information on the progress made in the protection against retaliation for both staff and non-staff personnel.

Amendments to the statute of the United Nations Appeals Tribunal

35. The Sixth Committee noted that, in order to ensure uniformity of language, as well as legal certainty with respect to the jurisdiction of the Appeals Tribunal, it would be strongly advisable for the General Assembly to approve the amendment to article 48 of the Regulations of the United Nations Joint Staff Pension Fund, currently under consideration before the Fifth Committee, and the corresponding amendments to articles 2 and 7 of the statute of the Appeals Tribunal at the same time. In order to achieve this uniformity of language and legal certainty, recalling the relevant proposals of the Secretary-General (see [A/73/217/Add.1](#)), the Sixth Committee recommended approval of the amendments to the statute of the Appeals Tribunal as set out in the paragraphs below.

36. The amendment to article 2, paragraph 9, of the statute of the Appeals Tribunal would entail: (a) adding the words “under section K of the Administrative Rules of the United Nations Joint Staff Pension Fund” before “alleging non-observance”; (b) capitalizing the word “Regulations”; and (c) adding the words “in regard to rights affecting participation, contributory service and benefit entitlements under its Regulations” after “Fund”. The amended paragraph reads:

9. The Appeals Tribunal shall be competent to hear and pass judgment on an appeal of a decision of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board under section K of the Administrative Rules of the United Nations Joint Staff Pension Fund, alleging non-observance of the Regulations of the Fund in regard to rights affecting participation, contributory service and benefit entitlements under its Regulations, submitted by:

37. In addition, paragraphs 9 (a) and (b) would be amended to capitalize the word “Regulations”.

38. The amendment to article 7, paragraph 2, of the statute of the Appeals Tribunal would entail: (a) capitalizing the word “Regulations”; (b) adding the words “Standing Committee acting on behalf of the” before “United Nations Joint Staff Pension Board”; and (c) replacing “Board’s” with “Standing Committee’s”. The amended paragraph reads:

2. For purposes of applications alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund arising out of a decision of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board, an application shall be receivable if filed within 90 calendar days of receipt of the Standing Committee’s decision.

Amended rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal

39. The Sixth Committee took note of the amendment to articles 8.2 (a) and 9.2 (a) of the rules of procedure of the Appeals Tribunal (see [A/75/162](#), para. 93, and annex I), adopted by the Appeals Tribunal on 24 October 2019, and of the amendments to the rules of procedure of the Dispute Tribunal (see [A/75/162](#), para. 94, and annex II), adopted by the Dispute Tribunal on 8 June 2020. The Committee noted the decision of the Dispute Tribunal that its amended rules of procedure would not take effect until approved by the General Assembly (see [A/75/162](#), para. 95), as well as the views of both the legal offices representing the Secretary-General and the Office of Staff Legal Assistance on the amended rules of procedure of the Dispute Tribunal ([A/75/162](#), para. 96, and [A/75/162/Add.1](#)). In view of the impact of the COVID-19 pandemic, the Committee will proceed with the consideration of those amendments at a later date.

Conditions of service and appointment requirements of the members of the Internal Justice Council

40. The Sixth Committee recalled that, at its seventy-fourth session, the General Assembly had requested the Secretary-General to provide an overview of and recommendations on the conditions of service and appointment requirements of the members of the Internal Justice Council, in particular professional qualifications, for consideration by the Assembly at its seventy-fifth session (resolution [74/258](#), para. 39). The Committee noted that, in follow-up to that request, the Secretary-General had provided proposed conditions of service and appointment requirements, for approval by the Assembly, underlining that such approval would have no additional financial implications ([A/75/162](#), para. 127). The Committee recommended the adoption of the conditions of service and appointment requirements of the members of the Internal

Justice Council proposed by the Secretary-General (*ibid.*, annex V), reproduced in the enclosure, without prejudice to the purview of the Fifth Committee.

Closing remarks

41. The Sixth Committee recommended that the General Assembly include the item entitled “Administration of justice at the United Nations” in the provisional agenda of its seventy-sixth session.

42. It would be appreciated if the present letter were brought to the attention of the Chair of the Fifth Committee and circulated as a document of the General Assembly under agenda item 152, “Administration of justice at the United Nations”.

Enclosure

Proposed conditions of service and appointment requirements for the Internal Justice Council

1. Historical background

1.1 The General Assembly established, effective 1 July 2009, an “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” (resolution [61/261](#), para. 4).

1.2 In resolution [62/228](#), paragraphs 35–38, the General Assembly further:

Stresse[d] that the establishment of an internal justice council can help to ensure independence, professionalism and accountability in the system of administration of justice;

Decide[d] to establish by 1 March 2008 a five-member Internal Justice Council consisting of a staff representative, a management representative and two distinguished external jurists, one nominated by the staff and one by management, and chaired by a distinguished jurist chosen by consensus by the four other members;

Also decide[d] that the Internal Justice Council shall perform the following tasks:

(a) Liaise with the Office of Human Resources Management on issues related to the search for suitable candidates for the positions of judges, including by conducting interviews as necessary;

(b) Provide its views and recommendations to the General Assembly on two or three candidates for each vacancy in the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, with due regard to geographical distribution;

(c) Draft a code of conduct for the judges, for consideration by the General Assembly;

(d) Provide its views on the implementation of the system of administration of justice to the General Assembly;

Further decide[d] that the Internal Justice Council shall be assisted, as appropriate, by the Office of Administration of Justice.

1.3 In resolution [63/253](#), paragraph 57, the General Assembly decided that “for future appointments the Internal Justice Council shall not recommend more than one candidate from any one Member State for a judgeship on the United Nations Dispute Tribunal, or more than one candidate from any one Member State for a judgeship on the United Nations Appeals Tribunal”.¹

¹ In resolution [65/251](#), paragraph 45, the General Assembly requested “the Secretary-General, in order to attract a pool of outstanding candidates reflecting appropriate language and geographical diversity, different legal systems and gender balance, to advertise Tribunal vacancies widely in appropriate journals in both English and French, and to disseminate information relating to the judicial vacancies to Chief Justices and to relevant associations, such as judges’ professional associations, if possible, before those vacancies arise”.

1.4 In resolution [66/237](#), paragraph 45, the General Assembly stressed that “the Internal Justice Council can help to ensure independence, professionalism and accountability in the system of administration of justice, and request[ed] the Secretary-General to entrust the Council with including the views of both the Dispute Tribunal and the Appeals Tribunal in its annual reports”.²

1.5 In resolution [74/258](#), paragraph 29, the General Assembly requested “the Secretary-General to invite the Internal Justice Council to provide its views on the implementation of the system of administration of justice, including the timely delivery of judgments, and to report thereon to the General Assembly at its seventy-fifth session”. In paragraph 38, the Assembly welcomed “further views of the Internal Justice Council in its next report to the General Assembly on possible ways to improve judicial and operational efficiency”. In paragraph 39, the Assembly recalled “paragraphs 36 and 37 of its resolution [62/228](#), and request[ed] the Secretary-General to provide an overview of and recommendations on the conditions of service and appointment requirements of the members of the Internal Justice Council, in particular professional qualifications, for consideration by the General Assembly at its seventy-fifth session”.

1.6 In its resolution [70/112](#), the General Assembly adopted the mechanism for addressing complaints regarding alleged misconduct or incapacity of the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal. Paragraph 21 of that resolution provides that “the respective Presidents of the Dispute Tribunal and the Appeals Tribunal shall submit an annual report to the General Assembly on the disposition of complaints [regarding alleged misconduct or incapacity of the judges] through the Internal Justice Council.”

1.7 To ensure effective delivery of the above mandates, the following conditions of service of the Internal Justice Council (“Council”) shall apply.

2. Professional qualifications and appointment requirements

2.1 In order to implement the mandate of the Council to identify suitable candidates for judicial appointments and provide its views on the implementation of the system of administration of justice to the General Assembly, all members of the Council, including the Chair, shall have the following necessary qualifications and professional experience to fulfil their responsibilities:

(a) High moral character;

(b) Legal qualifications and at least 10 years of relevant work experience. For the two external jurists, one nominated by staff and the other by management, relevant work experience in either administrative law, labour law, collective bargaining, industrial relations or in a related field, in senior roles such as a pre-eminent judge or former judge, a leading academic, a leading litigation lawyer and/or legal advisor.

2.2 The staff representative can be any staff member of a United Nations common system organization falling under the jurisdiction of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, provided that the staff representative has the necessary qualifications and professional experience set out in paragraph 2.1 and has been nominated by staff representative bodies to represent the views of staff in the Council.

2.3 Counsel representing a party before the United Nations Dispute Tribunal or the United Nations Appeals Tribunal, any other person representing a party before these

² The General Assembly repeated this request in subsequent resolutions (for example, resolutions [67/241](#), para. 57; [68/254](#), para. 39; [69/203](#), para. 47; [70/112](#), para. 42; [71/266](#), para. 45; [72/256](#), para. 36; [73/276](#), para. 43; and [74/258](#), para. 37).

Tribunals, and persons with active cases before the Tribunals, shall not be eligible to serve on the Council.

2.4 Members of the Council can be nominated from the ranks of former staff members of the United Nations common system organizations falling under the jurisdiction of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal with the necessary qualifications and professional experience. Appointment of former staff members shall be subject to limitations provided for in the administrative instruction on retention in service beyond the mandatory age of separation and employment of retirees (ST/AI/2003/8).

2.5 The Chair and the two external jurists shall not be eligible to hold any other position or appointment within the United Nations common system, whether remunerated or not, during the term of office with the Council. The management representative and the staff representative shall not be eligible to perform any other role concerning the internal justice system during the term of office with the Council.

2.6 Judges of the United Nations Dispute Tribunal or the United Nations Appeals Tribunal shall not be eligible for appointment to the Council at any time during and after their term of office.

2.7 In the nomination of the candidates to the Council, geographic diversity and gender balance principles shall be respected.

3. Term of office

3.1 Members of the Council shall be appointed by the Secretary-General following the nomination procedure established by the General Assembly: the Council shall consist of a staff representative, a management representative and two distinguished external jurists, one nominated by the staff and one by management, and a distinguished jurist chosen by consensus by the four other members to chair the Council.

3.2 Members of the Council shall be appointed for the term of office of four years and can be reappointed for one more four-year term. Should the Chair of the Council be appointed at a date later than the four initially nominated members, the Chair's term shall end on the same date as the remaining members of the Council.

3.3 Members of the Council shall receive a letter from the Secretary-General informing them of the appointment and conditions of service. Members of the Council shall inform the Secretary-General of the acceptance of the appointment.

3.4 A member of the Council may resign by submitting a notice of resignation to the Secretary-General. The resignation shall take effect from the date of receipt of notification, unless the notice of resignation specifies a later date. In the event of resignation by a Council member, the Secretary-General shall appoint another member of the Council for the remainder of the term of office of the resigned member in accordance with the nomination procedure established by the General Assembly.

4. Programme of work

4.1 The Council shall prepare and include in its annual report to the General Assembly, for its approval, a detailed programme of work for each calendar year in accordance with the mandates under relevant General Assembly resolutions.

4.2 All Council members shall ensure their full availability to perform the duties as Council members in accordance with the programme of work of the Council.

4.3 Any staff member serving on the Council shall be accorded a time release from their functions as staff members to participate in the work of the Council in accordance with its programme of work.

5. Official travel

5.1 While on official business travel, provisions on official travel and on the system of daily subsistence allowance available to staff members ([ST/AI/2013/3/Amend.3](#), [ST/AI/2014/2](#) and [ST/IC/2019/16](#)) shall apply to the members of the Council.

6. Remuneration

6.1 The Council members who are staff members shall continue receiving their respective salaries, benefits and allowances and shall not be remunerated separately for their work on the Council.

6.2 The Council members who are not staff members may be remunerated in line with the annual programme of work of the Council based on the rate of US\$ 552 per day of work.

6.3 The Chair of the Council shall ensure the most efficient use of resources for the performance of the Council's mandate in accordance with its programme of work.

6.4 The Council shall keep a record of all activities undertaken during each year.

7. Status

7.1 Members of the Council who are staff members shall retain their status as staff members and remain subject to the applicable staff regulations and staff rules. Members of the Council who are not staff members shall have the status of experts on mission and shall be subject to the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission ([ST/SGB/2002/9](#)).

8. Conduct and conflict of interest

8.1 Members of the Council shall uphold the highest standards of conduct to enhance and maintain confidence in their role and avoid conflict of interest in accordance with the applicable staff regulations and staff rules or the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission ([ST/SGB/2002/9](#)), in accordance with their status.

9. Final provision

9.1 The present conditions of service shall enter into force on 13 November 2020.