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Agenda item 152

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 13 September 2024, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-ninth session the item entitled “Administration of justice at the United Nations” and to allocate it to the Fifth Committee.
2. The Fifth Committee considered the item at its 8th, 17th and resumed 22nd meetings, on 5 November and 5 and 24 December 2024. Statements and observations made in the course of the Committee’s 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/79/127](#));
 - (b) Report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/79/156](#));
 - (c) Report of the Internal Justice Council on the administration of justice at the United Nations ([A/79/121](#));
 - (d) Related report of the Advisory Committee on Administrative and Budgetary Questions ([A/79/539](#));
 - (e) Note by the Secretary-General drawing attention to the report of the Joint Inspection Unit entitled “Review of the internal pre-tribunal-stage appeal mechanisms available to staff of the United Nations system organizations” ([JIU/REP/2023/2](#)) ([A/79/301](#));

¹ [A/C.5/79/SR.8](#), [A/C.5/79/SR.17](#) and [A/C.5/79/SR.22/Add.1](#).



(f) Note by the Secretary-General transmitting his comments and those of the United Nations System Chief Executives Board for Coordination on the report of the Joint Inspection Unit entitled “Review of the internal pre-tribunal-stage appeal mechanisms available to staff of the United Nations system organizations” ([A/79/301/Add.1](#));

(g) Letter dated 22 November 2024 from the President of the General Assembly addressed to the Chair of the Fifth Committee ([A/C.5/79/21](#)).

II. Consideration of draft resolution [A/C.5/79/L.27](#)

4. At its resumed 22nd meeting, on 24 December, the Committee had before it a draft resolution entitled “Administration of justice at the United Nations” ([A/C.5/79/L.27](#)), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Kuwait.

5. At the same meeting, the Committee adopted draft resolution [A/C.5/79/L.27](#) 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, 75/248 of 31 December 2020, 76/242 of 24 December 2021, 77/260 of 30 December 2022 and 78/248 of 22 December 2023,

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 22 November 2024 from the President of the General Assembly addressed to the Chair of the Fifth Committee,⁵

Having also considered the note by the Secretary-General drawing attention to the report of the Joint Inspection Unit on the review of the internal pre-tribunal-stage appeal mechanisms available to staff of the United Nations system organizations,⁶ as well as the comments of the Secretary-General and of the United Nations System Chief Executives Board for Coordination thereon,⁷

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, subject to the provisions of the present resolution;

3. *Notes with appreciation* the report of the Joint Inspection Unit on the review of the internal pre-tribunal-stage appeal mechanisms available to staff of the United Nations system organizations, and stresses that its findings shall not result in changes to the system of administration of justice, established by the General Assembly in resolutions 61/261, 62/228 and 63/253;

¹ A/79/127.

² A/79/156.

³ A/79/121.

⁴ A/79/539.

⁵ A/C.5/79/21.

⁶ A/79/301.

⁷ A/79/301/Add.1.

I

System of administration of justice

4. *Emphasizes* the importance of the principle of judicial independence in the system of administration of justice;
5. *Stresses* the importance of ensuring access for all staff members to the system of administration of justice, regardless of their duty station;
6. *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;
7. *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;
8. *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;
9. *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 United Nations Dispute Tribunal and the United Nations Appeals Tribunal shall exercise their powers according to their respective statutes;
10. *Welcomes* the comprehensive assessment of the functioning of the system of administration of justice, and requests the Secretary-General to undertake comprehensive assessments and reviews of the system of administration of justice on a five-year cycle and to submit cost-efficient proposals on establishing a single database for collecting and analysing data from various justice system mechanisms, entities, funds and programmes in the context of the next report;
11. *Notes* that the majority of staff grievances are addressed at early stages by the Office of the United Nations Ombudsman and Mediation Services, the Office of Staff Legal Assistance and the management evaluation function and that the data fluctuate from year to year and over time, with some periods showing more stability, and requests the Secretary-General to ensure continuous identification of additional relevant trends in the context of more systemic collection of data from all entities and various actors of the system;
12. *Notes with appreciation* that the Office of the United Nations Ombudsman and Mediation Services, the Management Advice and Evaluation Section and the Office of Staff Legal Assistance have contributed significantly by enabling the resolution of work-related disputes and by serving as filtering mechanisms to reduce litigation before the Tribunals;
13. *Recalls* paragraph 8 of the report of the Advisory Committee, and 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;

14. *Also recalls* paragraph 36 of its resolution [75/248](#), and reaffirms the requirement for the Internal Justice Council to provide a detailed programme of work for each calendar year as part of its annual report, for approval by the General Assembly;

15. *Further recalls* paragraph 38 of the report of the Advisory Committee, and encourages the entities of the system of administration of justice to enhance consultation and communication across the system, aimed at fostering a comprehensive understanding, and improving overall operational efficiency;

16. *Welcomes* the continued and increased efforts related to outreach activities reported by the different parts of the system of administration of justice, and urges the Secretary-General to provide information on the role and functioning of the various parts of the system of administration of justice, and the possibilities it offered to address work-related complaints;

17. *Reiterates its requests* to the Secretary-General to refine the strategic action plan for addressing racism and promoting dignity for all in the United Nations Secretariat and stresses that continuous learning and dialogue on racism is essential to embed an anti-racist awareness culture in the Organization and transform organizational culture, encourages the Secretary-General to continue working closely with the Anti-Racism Office, and requests the Secretary-General to continue providing observations and data on the trends and patterns of racism and racial discrimination and remedial actions taken within the Organization;

18. *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 investigations,⁸ 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

19. *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;

20. *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;

21. *Recognizes* mediation as a core part of the work of the Office of the United Nations Ombudsman and Mediation Services and as a cost-effective method of informal conflict resolution, underlines the importance of increasing the use of mediation services, and encourages improved communication between all parts of the system of administration of justice;

22. *Notes* the informal first approach within the system of administration of justice;

⁸ [ST/SGB/2017/2/Rev.1](#).

III Formal system

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

24. *Welcomes* the efforts made by the United Nations Dispute Tribunal to reduce the number of pending and ageing cases, stresses the importance of continued implementation of all measures to avoid backlog of cases, with priority for cases which are pending for over 400 days, and requests the Secretary-General to continuously monitor cases via the case disposal plan and real-time case-tracking dashboard;

25. *Recalls* paragraph 30 of the report of the Advisory Committee, decides to extend the voluntary funding mechanism for 10 years, and requests the Secretary-General to provide a detailed overview every 5 years of the functioning of the mechanism, including opt-out rates, total contributions received from staff, services provided and satisfaction thereof, without prejudice to the current reporting arrangements, to ensure its continued efficiency, effectiveness, transparency and accountability;

26. *Notes* the recommendation of the Internal Justice Council to initiate an 18-month pilot programme on judicial mediation, and requests the Secretary-General to evaluate possible cost-efficient procedural optimization mechanisms, in a manner consistent with article 19 (1) of the rules of procedure of the Dispute Tribunal, such as conciliatory hearings conditional on the agreement of both parties to a complaint, within existing resources, while integrating the views of all relevant stakeholders, including the Dispute Tribunal and the Appeals Tribunal;

IV Other issues

27. *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;

28. *Notes* the recommendation of the Internal Justice Council on the issuance of reinstatement, and requests the Secretary-General to include, in the context of his next report, information on the current use of reinstatement and compensation where the contested administrative decision concerns appointment, promotion or termination;

29. *Recalls* that the respective views of the Appeals Tribunal and the Dispute Tribunal had previously been included as annexes to the report of the Internal Justice Council, notes the usefulness of such information and stresses that the Council can help to ensure independence, professionalism and accountability in the system of administrative of justice, and requests the Secretary-General to entrust the Council with including the views of both the Dispute Tribunal and the Appeals Tribunal in its report at the future sessions of the General Assembly.
