

# **Administration of Justice**



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**Under-Secretary-General for Management,  
Informal briefing to the Fifth Committee –  
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# A Landmark Decision....

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*Resolution 61/261 of 4 April 2007 approves:*

*“A new, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice”*

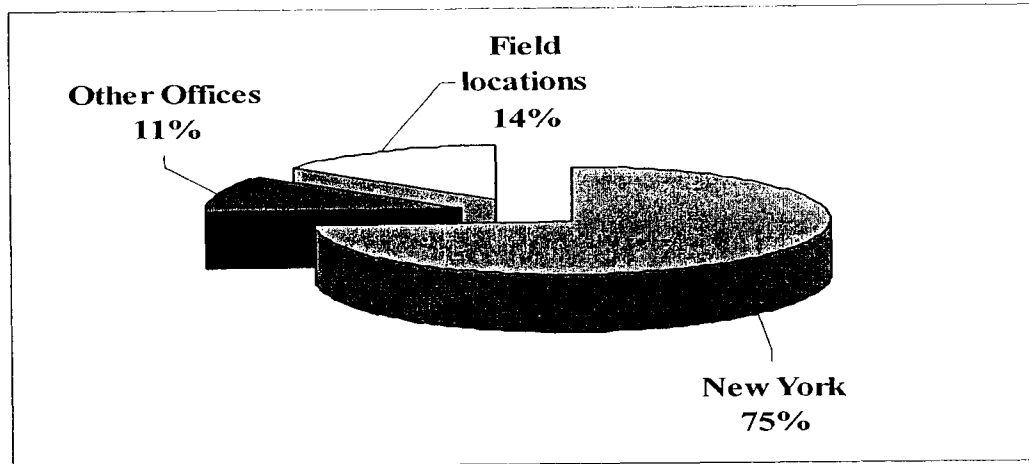
*.....to be fully implemented no later than January 2009*

# **Why is this reform so crucial?**

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- **A validation of the Redesign Panel’s diagnosis of the existing system as “outmoded, dysfunctional and ineffective”**
- **UN staff have no recourse to national courts for employment-related matters**
- **The Organization should “practice what it preaches” on the rule of law be a better employer**
- **Changing nature of the Organization – less than one-third of Secretariat staff are now at Headquarters offices**
- **Heightened operational risks and a new “zero-tolerance” culture**

# Changed context - Staff



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Total: 1,549 staff members

New York: 1018

Other offices: 231

Field Locations: 300

2007

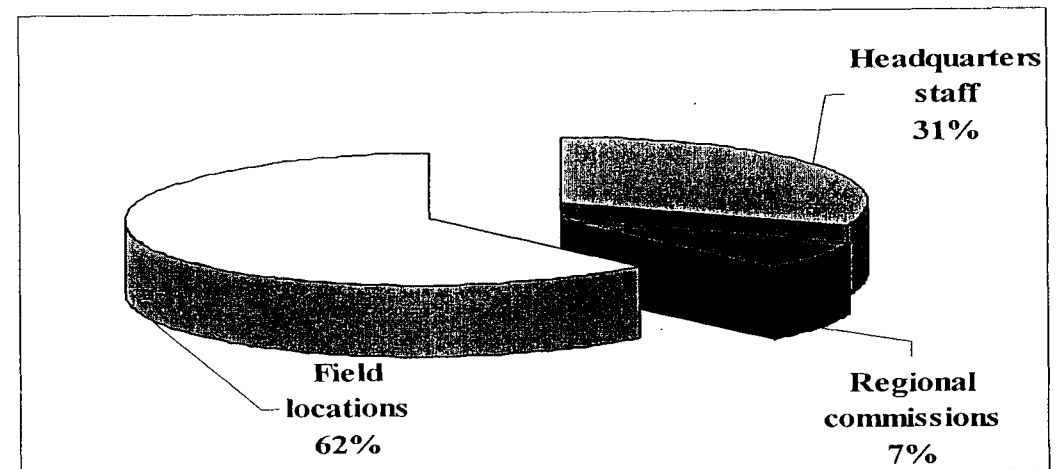
Total: 36,579 staff members

Headquarters (New York, Geneva, Vienna, Nairobi): 11,253

Regional commissions: 2,620

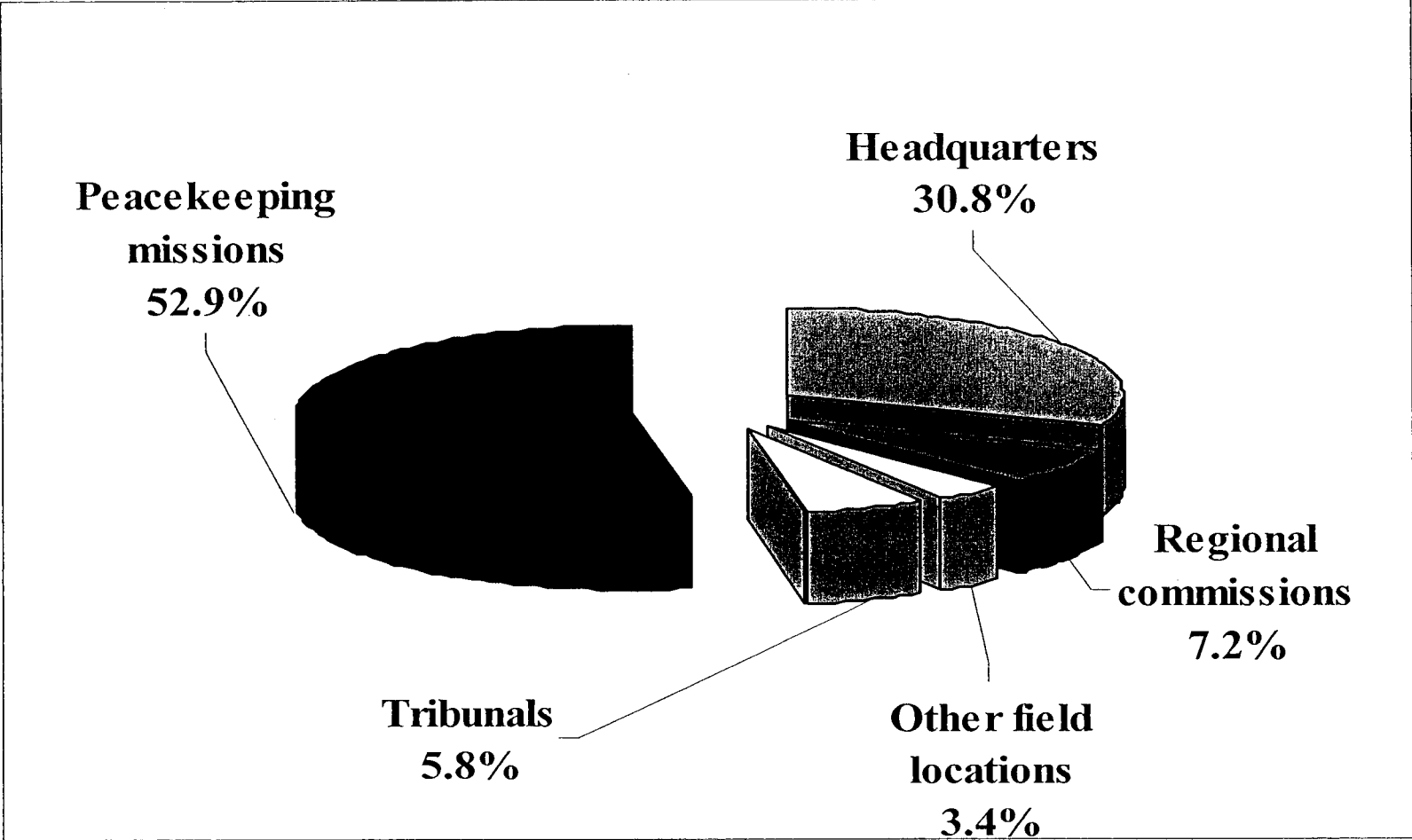
Field locations: 22,706

Funds and Programmes: 26,205



# Secretariat Staff by type of Location

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# The New Report (A/62/294)

- **Consulted with Staff through SMCC**
- **Provides extensive detail –draft statutes for the new Tribunals and new offices**
- **Maps out a new, de-centralized disciplinary process**
- **Provides detailed cost and staffing implications**
- **Includes transitional measures and resource requirements for eliminating the backlog**

# Key Features of the New System

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- A strengthened integrated ***Ombudsman's Office*** and creation of a Mediation Division
- A ***Management Evaluation*** function to correct faulty decisions and hold managers accountable
- A two-tier system of formal judicial review (***UNDT and UNAT***) with the power to issue binding decisions.
- ***Decentralized:*** Nairobi, Geneva, main peace-keeping missions (Sudan, DRC, Liberia) & Funds and Programmes (Dakar)

# The Informal System

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- **Major reinforcement of the Ombudsman's office in terms of capacity and functions**
- **Addition of a Mediation Division – in order to resolve disputes before litigation**
- **De-centralized presences in all major duty stations and peacekeeping missions**
- **Integration of the UN Funds and Programmes under one organizational structure**



# Management evaluation

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- “Management evaluation” within 45 days conducted by a dedicated unit in DM
- To provide an opportunity for self-correction before complaints go into the formal system
- Robust accountability measures to hold managers accountable for their decisions

# The Formal System

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- **Replacement of the voluntary advisory bodies (JAB and JDC) with a first-instance tribunal – the UN Disputes Tribunal (UNDT)**
- **The UNDT issues binding decisions**
- **Either party can appeal to the UN Appeals Tribunal**
- **Decentralized UNDTs in New York, Geneva and Nairobi**
- **Panels of three judges with extensive judicial experience**

# Additional features

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- **An Internal Justice Council – with staff, management and outside experts - to review judicial candidates**
- **Office of Staff Legal Assistance in all main duty stations and main PK missions**
- **Proposed scope increase to provide recourse to all individuals providing personal services to the Organization**
- **Disciplinary proceedings – limited authority to impose disciplinary measures will be delegated to Heads of OAH and missions**

# Financial Implications

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- **Regular budget cost implications for 2008/9:**
  - Approximately \$23.5million additional costs which includes \$6.8m to deal with existing backlog and create early capacity
  - 112 posts (68 new plus 34 existing) for:
    - New Offices for the Administration of Justice,
    - The Registry,
    - the Judiciary,
    - Office of Staff Legal Assistance
    - an integrated and enlarged Ombudsman's office and an increased capacity to perform Management Evaluations
- **Peacekeeping costs:**
  - \$811,000 for 2008/9; \$3.2million for 2009/2010
  - 21 additional posts to cover joint office of ombudsman, legal assistance and legal officers

# Cost Sharing

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- Cost-sharing percentages on a headcount basis would be:

– United Nations	33.2%
– Peacekeeping operations	30.6%
– ITCY and ICTR	3.5%
– UNICEF	16.3%
– UNDP	12.3%
– UNFPA	2.7%
– UNOPS	1.4%
- Except for management evaluation

# Concluding thoughts

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Looking beyond the costs:

- Integrated nature of the package
- Increasing, often hidden costs of the existing system (not just financial)
- One key element in a broader package of human resources reform (which the ASG/OHRM will now present)