

Points of Agreement

1. The existing system of administration of justice in the United Nations has significant problems. Reform is necessary to strengthen the rule of law in the Organization and should be achieved as early as possible and feasible. The system should be independent, transparent and professionalized, and should be consistent with relevant rules of international law, principles of the rule of law and due process, taking into account the unique nature of the United Nations.
2. The new system of administration of justice should comprise an informal system and a formal system.
3. The new system of administration of justice should be decentralized as necessary, in order to promote wider access to justice and to facilitate the disposition of disputes.
4. The informal system of administration of justice should be able to address as many grievances as possible at the earliest stage and should therefore be strengthened, through means that might include an integrated but decentralized office of the Ombudsman and reinforced mediation function. The availability of mediation should be expanded as appropriate. Mediation provides suitable dispute settlement alternatives to lengthy and more costly formal litigation.
5. Once parties have reached an agreement through mediation, they are precluded from litigating claims covered by that agreement. A party should, however, be able to bring an action in the formal system to enforce the implementation of that agreement. Submission of cases to the formal system should not preclude efforts of both sides to agree on an amicable solution before the final decision.
6. Complaints may be submitted either to the informal or the formal system of administration of justice. As long as a complaint is being considered under the informal system, it cannot be brought in parallel to the formal system.
7. Legal assistance should continue to be provided to persons eligible under the system of administration of justice, but should be strengthened. The means for strengthening this legal assistance, such as a decentralized and professional office, should be considered.
8. Before a complaint is submitted to the formal system, management should be given the opportunity to review the contested decision within a specified short time.
9. The formal system of administration of justice should comprise two tiers, consisting of a first instance and an appellate instance, rendering binding decisions and ordering appropriate remedies. A decentralized first instance should replace existing Joint Appeals Boards and Joint Disciplinary Committees. The appellate instance would review decisions rendered by the first instance, in order to ensure uniform application of the rules throughout the system. Grounds for appeal remain to be discussed

10. Judges in both instances should be highly qualified professionals of recognized judicial standing. They shall serve strictly in their personal capacity and enjoy full independence.
11. All procedures in the system of administration of justice should be consistent with relevant rules of international, principles of the rule of law and due process. Adequate safeguards should be taken to ensure equal access to justice and the right to be heard. Transparency of proceedings and publication of decisions in the formal system should be ensured, while respecting the protection of personal data.
12. There should be no exemplary or punitive damages awarded.
13. The question of accessibility to formal and informal systems to persons that do not currently have adequate protection should further be considered.