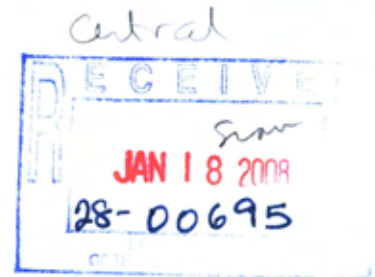


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Note to the Deputy Secretary-General

Administration of Justice

As you are aware, during the main 62nd session of the General Assembly, the Fifth and Sixth Committees discussed in detail the features and proposed resourcing for the new system of administration of justice. The resulting resolution (62/228) builds on the framework of Resolution 61/261 of last spring, retains the essence of the Redesign Panel recommendations and essentially fulfils the five important criteria for the new system (independence, transparency, professionalization, adequate resourcing and decentralization). The Member States have reiterated that the new system should be up-and-running in its entirety by January 2009.

The agreed package, while less than the Secretary General's request, went further than the ACABQ recommendations on the Secretary-General's proposals¹. Overall, the resolution results in \$17.1m additional funds for administration of justice in 2008/9, including the establishment of thirty-two new posts and six posts funded from General Temporary Assistance.

The most important staffing and structural decisions are as follows:

- The single, integrated, yet decentralized Office of the Ombudsman for the UN Secretariat, Funds and Programmes was approved. Resources have been approved to create branches in Geneva, Nairobi, Bangkok, Santiago and Vienna (as well as capacity in MONUC and UNMIS funded from the peacekeeping support account) A new Mediation Division headed by a D-1 is to be created within the HQ Office of the Ombudsman from 1 January 2008.
- The GA agreed with the Secretary-General's proposal to create dedicated capacity within OUSG/DM to perform comprehensive management evaluations of contested administrative decisions, prior to judicial review. The resources approved (two new P-4 positions in addition to the two redeployed existing professional posts) is a significant reduction on the initial request. A 30-day response limit was required for staff at HQ and a 45-day response limit for staff at Offices-away-from-Headquarters
- A new Office of Staff Legal Assistance was approved (thereby expanding the very limited capacity of the existing Panel of Counsel) with three full-time professions in Headquarters as well as professional capacity in Geneva, Nairobi, Addis Ababa and Beirut. The Office will continue to provide both advice and representation to staff members.

¹ A/62/7/Add.7

- An independent **Office for the Administration of Justice** with a direct reporting line to EOSG was established from 1 July 2008, to be headed by a D-2. Under this office, Member States agreed to two separate registries for the UN Disputes Tribunal (UNDT) and the UN Appeals Tribunal (UNAT). In addition, the UNDT will have professional capacity in Geneva and Nairobi to support the judges there.
- For the UNDT, they agreed to three single full-time and two half-time judges (c.f. the nine full-time proposed by the SG). The new UNAT will have seven members (same as the existing UNAT and sitting in sessions). The Member States agreed that the judges for the UNDT and UNAT should have 10 and 15 years of judicial experience in administrative law respectively. Judges will be appointed by the GA on the recommendation of an Internal Justice Council.
- An Internal Justice Council was endorsed with staff, management and outside experts performing "vetting" functions for the various judicial candidates. This Council is to be constituted by March 2008.
- The Member States approved the ACABQ-recommended level for transitional resources in its entirety which is very important to reduce the backlog. They agreed to an additional session of the UNAT in 2008, however, the judges will still not be remunerated for their work.
- There was no immediate expansion of the scope for the new system (i.e. no coverage of consultants and non-staff)
- The proposed cost-sharing arrangements with the UN Funds and Programmes were agreed
- A lot of additional information has been requested for the second part of the resumed 62nd session and the main part of the 63rd session. This includes the submission of draft statutes, additional information on recourse mechanisms for non-staff personnel, etc

As you know, my office has been leading the exercise of internal coordination, consultation, report preparation and presentation to the intergovernmental bodies. It is my intention, with your concurrence, to continue in this role to ensure that the elements of this resolution are implemented in a timely and effective manner. It is also my understanding that the Executive Office for EOSG will assist in ensuring that all the necessary administrative support arrangements are implemented. Once operational, the new Office for the Administration of Justice will, of course, assume full responsibility for all aspects of the new system.

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I am attaching the final text of the resolution for your information. Please let me know if you require any additional explanation or information.

not attached



Alicia Bárcena
Under-Secretary-General for Management
18 January 2008

cc: Mr. Vijay Nambiar ✓
Mr. Wonsoo Kim
Mr. Pafait Onanga-Anyanga
Ms. Martha-Helena Lopez
Ms. Nora Galer
Mr. Andrei Terekhov
Mr. Adnan Issa