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TIP OF THE MONTH

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UN INTERNAL JUSTICE REFORM TAKES GIANT LEAP FORWARD

In case you have not heard or read, on 4 April 2007, the UN General Assembly Fifth Committee (administration and budget) approved a landmark resolution for the implementation of the first serious overhaul of the administration of justice (internal appeals involving allegations of breach of the terms of employment and disciplinary cases) within the United Nations in 60 years, deciding to establish “a new, independent, transparent, professionalized, adequately resourced and decentralized system”. The proposals contained in the resolution will change the face of internal appeals in the UN system. The peer review politically dominated Joint Appeals Board process thankfully is abolished. The reform follows a scathing report issued by the Redesign Panel issued last year which had found that “the current internal justice system of the United Nations is outmoded, dysfunctional and ineffective and lacks independence.” There needed no ghost from the grave to tell UN staff members this!

The reform will create enhance informal methods of disputes, and create new formal mechanisms. The informal process strengthens the Ombudsman’s Office through the establishment of a Mediation Division. If the staff member accepts an agreement to settle his or her dispute through mediation, it will be possible to enforce the agreement through the formal system, which consists of 2 separate Tribunals staffed with professional judges: the United Nations Dispute Tribunal which will hear and decide the dispute initially, and be able to issue binding orders. The staff member may appeal to the United Nations Appeals Tribunal, the latter replacing the UN Administrative Tribunal (UNAT). The Dispute Tribunal replaces all Joint Appeals Boards and Disciplinary Committees. The system would be coordinated by a newly established Office of the Administration of Justice. Member States want the new system in place by January 2009.

The costs of the new system should not be underestimated and may lead to delays or derailing the implementation process. Nonetheless, staff members should applaud the new proposed justice system. The efforts at funding and further details of the implementation process will be closely followed in the months ahead.

* I specialize in the representation of international civil servants, and serve as council to several staff unions/associations of international organizations, some of which are based in Vienna, Austria. For further information, please send me an e-mail or visit my website.