

United Nations

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Committee recalled the important role of those activities in ensuring universal accessibility to the system of administration of justice at the United Nations.

10. The Sixth Committee also urged the Secretariat to continue its outreach activities, with a view to providing information on the role and functioning of the various parts of the system and the possibilities it offered to address work-related complaints, including to non-staff personnel, paying particular attention to field missions and offices.

#### **Transparency and consistency of jurisprudence and judicial directions**

11. The Sixth Committee recalled that it had previously noted the important legal dimension of full and accurate availability of and easy access to the jurisprudence of the Tribunals since they allowed staff and management, as well as anyone acting as a legal representative, to inform themselves about the latest developments of the jurisprudence, to establish precedents that could guide the assessment of other cases and to better understand relevant rules and regulations as applied by the Tribunals (see [A/C.5/71/10](#), annex, and [A/C.5/73/11](#), annex). The Committee underlined that it had previously noted the absence of a searchable database of Dispute Tribunal and Appeals Tribunal judgments to facilitate meaningful and organized research (see [A/C.5/75/16](#), annex). It therefore supported the 1 (n (a))16.1 (9d)16.1 (dn ~~MCID~~6.4 (r)16 ( )18.7 (t) 2210 54.8 ( (

Mediation Services to address the issue of systemic racism ([A/76/140](#), paras. 6 and 14-20).

14. The Sixth Committee also recalled the observations by the United Nations Ombudsman that the Organization had no mechanism to systematically monitor staff well-being in difficult duty stations so that it could respond promptly when conditions started to affect the health of staff members in a way that prevented them from continuing to work in that location ([A/75/160](#), para. 88).

#### **Informal system**

15. The Sixth Committee emphasized that informal dispute settlement was a crucial component of the internal system of administration of justice and renewed its call for better incentives to resort to informal conflict resolution.

16. Delegations commended the activities of the Office of the United Nations Ombudsman and Mediation Services, in particular its operational developments against the backdrop of the coronavirus COVID-19 pandemic ([A/76/140](#), paras. 5–9), and its efforts to continue to ensure a global presence and regional activities to increase conflict resolution services for staff and non-staf

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prejudice to the right of each staff member to submit a complaint for review in the formal system. In this regard, the Committee took note that relatively few workplace disputes at the United Nations are resolved through mediation (A/76/140, paras. 35-38 and figure VI). It underlined that mediation facilitates dialogue, reduces conflict and has the advantage of offering mutually acceptable solutions without the need for protracted and costly litigation. The Committee supported the consideration by the Office of the United Nations Ombudsman and Mediation Services of a pilot project to increase utilization of mediation for workplace disputes that arise (A/76/140, paras. 93-95). It encouraged all stakeholders to continue to refine other recommendations for strengthening the use of mediation by all personnel categories of the Organization.

### **Formal system**

20. The Committee commended the Management Evaluation Unit for its continued important role in enabling t7 (p)-14.4 (o)6.8 (a)inle 3.7bu0.5 (t(o)-14.5 (n)3.7 ( )18. (t7 (p)



**Remedies available to non-staff personnel**

27. The Sixth Committee expressed gratitude for the information on remedies available to non-staff personnel provided by the Secretary-General.

Ombudsman and Mediation Services to include in its next report information regarding the expected resources that would be required to expand its mandate to cover non-staff.

**Protection against retaliation**

31. The Sixth Committee took note of the information on protection against retaliation



(A/76/124, paras. 48-49). They considered it appropriate to request the reports prepared for the seventy-seventh session to include further information on the progress made in the protection against retaliation for both staff and non-staff personnel.

### **Amendments to the statute of the United Nations Appeals Tribunal**

34. The Sixth Committee noted that, in order to ensure uniformity of language, as well as legal certainty with respect to the jurisdiction of the Appeals Tribunal, it would be strongly advisable for the General Assembly to approve the amendment to article 48 of the Regulations of the United Nations Joint Staff Pension Fund, currently under consideration before the Fifth Committee, and the corresponding amendments to articles 2 and 7 of the statute of the Appeals Tribunal at the same time. In order to achieve this uniformity of language and legal certainty, recalling the relevant proposals of the Secretary-General (see A/73/217/Add.1), the Sixth Committee recommended approval of the amendments to the statute of the Appeals Tribunal as set out in the paragraphs below.

35. The amendment to article 2, paragraph 9, of the statute of the Appeals Tribunal would entail: (a) adding the words “under section K of the Administrative Rules of the United Nations Joint Staff Pension Fund” before “alleging non-observance”; (b) capitalizing the word “Regulations”; and (c) adding the words “in regard to rights affecting participation, contributory service and benefit entitlements under its Regulations” after “Fund”. The amended paragraph reads:

“9. The Appeals Tribunal shall be competent to hear and pass judgment on an appeal of a decision of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board under Section K of the Administrative Rules of the United Nations Joint Staff Pension Fund, alleging non-observance of the Regulations of the Fund in regard to rights affecting participation, contributory service and benefit entitlements under its Regulations, submitted by:”

36. In addition, paragraphs 9 (a) and (b) would be amended to capitalize the word “Regulations”.

37. The amendment to artic (i)-2.15 Tc Uw6.1 (i1e)18.5 (n)-16w6.1 (i13.9 (s)34en5( a)1.1 (i1e)18.5

### **Amended rules of procedure of the United Nations Appeals Tribunal**

38. The Sixth Committee recommended the approval of the amendments to articles 8.2 (a) and 9.2 (a) of the rules of procedure of the Appeals Tribunal (see [A/75/162](#), para. 93, and annex I), adopted by the Appeals Tribunal on 24 October 2019, and the amendments to articles 24, 25, 26 and 27 of the rules of procedure of the Appeals Tribunal (see [A/76/99](#), para. 114, and annex I), adopted by the Appeals Tribunal on 19 October 2020, the text of which is reproduced in the enclosure.

### **Rules of procedure of the United Nations Dispute Tribunal**

39. The Sixth Committee took note of the decision of the Dispute Tribunal to withdraw the proposed amendments to its rules of procedure as set out in annex II to the previous report of the Secretary General ([A/76/99](#), para. 113) and of its intention to submit a revised proposal for consideration by the General Assembly at its seventy-seventh session ([A/76/99](#), para. 113).

## Annex

### Amended rules of procedure of the United Nations Appeals Tribunal<sup>1</sup>

#### Article 8

##### Appeals

2. The appeal form shall be accompanied by:

(a) A brief that explains the legal basis of any of the five grounds for appeal set out in article 2.1 of the statute of the Appeals Tribunal that is relied upon or, in the case of an appeal against a decision of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board, a brief containing pleas and an explanatory statement. The brief shall not exceed 15 pages. **The brief that accompanies an appeal against an interlocutory order of the Dispute Tribunal shall not exceed five pages;**

#### Article 9

##### Answers, cross-appeals and answers to cross-appeals

2. The answer form shall be accompanied by:

(a) A brief, which shall not exceed 15 pages, setting out legal arguments in support of the answer. **The brief that accompanies an answer to an appeal against an interlocutory order of the Dispute Tribunal shall not exceed five pages;**

#### Article 24

##### Revision of Judgements

Either party may apply to the Appeals Tribunal, on a prescribed form, for a revision of a judgement on the basis of the discovery of a decisive fact that was, at the time the judgement was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. The application for revision will be sent to the other party, who has 30 days to submit comments to the Registrar on a prescribed form. The application for revision must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement. **The brief that accompanies the application for revision and the comments thereon shall not exceed five pages.**

#### Article 25

##### Interpretation of judgements

Either party may apply to the Appeals Tribunal for an interpretation of the meaning or scope of a judgement on a prescribed form. The application for interpretation shall be sent to the other party, who shall have 30 days to submit comments on the application on a prescribed form. The Appeals Tribunal will decide whether to admit the application for interpretation and, if it does so, shall issue its interpretation. **The brief that accompanies the application for interpretation and the comments thereon shall not exceed two pages.**

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<sup>1</sup> Proposed amendments are shown in bold text.

**Article 26**

**Correction of Judgements**

Clerical or arithmetical mistakes, or errors arising from any accidental slip or omission, may at any time be corrected by the Appeals Tribunal, either on its own initiative or on the application by any of the parties on a prescribed form. **The brief**

**that accompanies the application for correction sha6.9 (o)14 (n(f)8gbB (i)6x (ef)9a)16 (h)h12 (8 (ap11 (14 (2h)6**