chapter 18

An Assessment of Internal Justice in the New System (July 2009–December 2014)

In order to make a preliminary review of the performance of the new system of internal justice, a cursory study of the 1,071 judgements as well as related Orders handed down by the first instance Dispute Tribunal, and a more detailed examination of the 497 judgements rendered by the Appeals Tribunal until the end of 2014, have been undertaken, together with a brief survey of numerous articles by scholars and practitioners stimulated by the novelty of the reform.704 These articles provide, in particular, an exhaustive examination of the jurisprudence of the new tribunals until 2011 and useful theoretical analyses which

704 See in particular:

need not be repeated here. This chapter attempts merely to document in some
detail and to highlight some of the most salient features of the performance of
the new system. It relies equally on a survey of the numerous United Nations
reports on the implementation of this reform, more particularly those annually
submitted to the General Assembly by the Secretary-General, by the Internal
Justice Council and by the Advisory Committee on Administrative and Budgetary
Questions (ACABQ), as well as the views of the Sixth (Legal) Committee.

18.1 Judgements Delivered by the First Instance and Second Instance
Tribunals (1 July 2009–31 December 2014)

1,071 Judgements Rendered by the Dispute Tribunal from July 2009
until December 2014

The Dispute Tribunal rendered its first judgement already on the tenth day of
its establishment, namely on 10 July 2009, on a request for suspension of action.
By the end of December 2014, it had handed down 1,071 judgements, or an aver-
age of some 195 judgements per year.705 This total number was almost evenly
distributed between the three Dispute Tribunals of Geneva, Nairobi and New
York, with 370, 327 and 374 judgements, respectively (34.6, 30.5 and 34.9 per
cent, respectively).

These 1,079 judgements were divided as follows, according to the classifica-
tion on the website of the UNDT: 595 judgements on the merits of the cases
considered, determining both liability and relief (542 judgements), liability
only (28 judgements) or relief only (25 judgements); 234 judgements on receiv-
ability; 108 judgements on requests for suspension of action; 16 judgements
relating to previous judgements of the UNDT or the former UNAT (9 on revi-
sion, 6 on interpretation and 1 on execution of judgement); 16 judgements
relating to want of prosecution, 12 to withdrawal and 90 to other matters.

The Dispute Tribunal decided to close the case in 97 judgements, in most
cases because the application had been withdrawn in view of ongoing efforts to
settle amicably the dispute between the parties through official mediation or
otherwise or following an informal resolution of the dispute. Over two-thirds
(68 per cent) of this category of judgements were rendered in New York, prob-
ably because of stronger means for mediation and conciliation at United Nations
Headquarters and the surrounding culture of out-of-court negotiation. In the

705 From 1st July to 31 December 2009: 97 judgements; 218 judgements in 2010; 219 judgements
in 2011; 208 judgements in 2012, 181 judgements in 2013 and 148 judgements in 2014. While
the former UNAT used for referring to its decisions the English spelling “judgement,” the
Dispute Tribunal and the Appeals Tribunal used the US spelling “judgment.”