



STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. IMTIAZ HUSSAIN, MINISTER, PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF PAKISTAN TO THE UNITED NATIONS, ON AGENDA ITEM 137: ADMINISTRATION OF JUSTICE AT THE UNITED NATIONS, AT THE FIFTH COMMITTEE DURING THE MAIN PART OF THE 62ND SESSION OF THE GENERAL ASSEMBLY (New York, 5 November 2007)

Mr. Chairman,

I have the honour to make this statement on behalf of Group of 77 and China on this important agenda item.

2. We wish to thank the Under-Secretary-General for Management, Ms. Alicia Barcena, for introducing the report of the Secretary-General on administration of justice (A/62/294). We also wish to thank the Acting Ombudsman, Ms. Nora Galer, for introducing the report of the Secretary-General on the activities of the Office of the Ombudsman (A/62/311) and the Chairman of the ACABQ, Mr. Rajat Saha, for introduction of the Committee's report (A/62/7/Add.7) under this agenda item. The Group would also like to thank the representatives of the Staff Unions, Mr. Oleg Kiiamov and Mr. Stephen Kisambiram, for expressing their views in this regard.

3. The Group of 77 and China values the UN staff as the Organization's vital asset. We have been consistent in supporting measures to ensure their safety, security, well being and protecting their basic rights in accordance with internationally agreed standards. The Group support all measure that can help the UN to attain the status of the best employer to attract and retain the best. The Group accordingly reaffirms importance of a truly, independent, professionalized and decentralized and adequately resourced system of administration of justice as critical to address all employment and contractual issues, and to help the staff in seeking a fair and just resolution in conformity with the due process. The Group believes that resolution 61/261, adopted in the last session, provides a clear road map and defines the key features of such system. In our view the new system should ensure, quality and adequacy of resources and equality in their distribution to all duty stations. The Group of 77 and China would strive to ensure full implementation of this important resolution during the current session. The Group of 77 and China considers the Secretary-General's report as a good basis to address these issues.

4. The Group of 77 and China notes the Secretary General's intention to extend the scope of the new system to all categories of UN staff. In our judgment, the current system must achieve the necessary strength and stability to address the issues of another 40000 persons in its scope.

5. The Group of 77 and China believes that a well-resourced informal system of justice - including a structured and strong Mediation Division -, managed by professionally qualified personnel and conveniently decentralized is a core function of the system and it will help solve most of the problems in a cost-efficient and fast way. We support the policy of equity in establishing the related posts at all duty stations. We note the Secretary-General's proposal to establish the Ombudsman's offices in peacekeeping missions.

6. The Group supports the strengthening of informal system as a means to avoid burdening the formal system. In this context, we recognize the role of management evaluation as tool to mitigate the grievances. However, it needs to be governed by the strict time frame to enhance its efficacy

and reliability. We agree with ACABQ that such evaluations should be undertaken in shortest possible time and essentially within 30 days. If the case is not resolved by then, it should automatically be sent to the UN Dispute Tribunal. On the other hand, the staff should not be bound to seek such evaluation in 60 days. The current resources available for the management evaluation need to be used efficiently.

7. The Group of 77 and China views the establishment of first instance dispute tribunal a great improvement upon the old system. We are of the view that considering the nature of its work, it should be in position to convene and pronounce on disputed matters as soon as possible. We therefore see merit in discussing further how best to achieve this, including addressing the number of judges in the dispute tribunal.

8. The quality of the formal system hinges on the quality of the judges. We believe that in this context the Internal Justice Council can play an important role. We therefore support the establishment of this Council which should carefully screen the qualifications of all applicants and make suitable recommendation to the Secretary-General. The final appointment of judges to the UN tribunals should continue to be a prerogative of the General Assembly. The Group supports attractive remuneration for the UN judges to recruit highly qualified legal practitioners.

9. The UN staff have far too long suffered the consequences of a poorly equipped staff legal assistance unit. In the spirit of resolution 61/261 the General Assembly must rectify the inadequacies of the Panel of Counsel. Given its critical role in the system, the proposed Office of Staff Legal Assistance must be staffed with professionally qualified legal experts and be in position to render credible and sound advice and guidance to the distressed staff members.

10. Monitoring the implementation of the new system is pivotal in reaching the goal of a functional system of justice by January 2009. In this context, the Office of Administration of Justice must be headed by senior level that ensures access to all policy level decision making processes and coordination meetings. It had been the understanding of the Group of 77 and China on the occasion of the adoption of the relevant paragraph of the resolution 61/261 that this office would be headed by at least an ASG. We would pursue this objective in the negotiations on this item.

11. Finally, we reiterate our commitment to establish a fully functional system of justice by January 2009, as envisaged by the General Assembly. In that regard, we support the Secretary-General's proposals - which were endorsed by the Staff-Management Coordination Committee - for the transitional measures that should help to eliminate the backlog of the current system.

12. The Group of 77 and China would like to emphasize that the new system of administration of justice should ensure the protection of the confidentiality of the parties involved in a dispute that is sub-judice before the system. The management must therefore put in place appropriate mechanisms to address the issue of leaks as well as their negative fallout. This is especially important to protect the reputation of staff members are at stake, in particular those who turn out to be wrongly-accused.

13. As always, the Group would like to restate its determination to work constructively to conclude this important phase of our work to achieve the goals set in resolution 61/261.

Thank you Mr. Chairman.