



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MRS KAREN LINGENFELDER, COUNSELOR AT THE PERMANENT MISSION OF THE REPUBLIC OF SOUTH AFRICA TO THE UNITED NATIONS ON AGENDA ITEM 143: ADMINISTRATION OF JUSTICE AT THE UNITED NATIONS, DURING THE MAIN PART OF THE SEVENTIETH SESSION OF THE FIFTH COMMITTEE OF THE UNITED NATIONS GENERAL ASSEMBLY (New York, 20 October 2015)**

Mr Chairman

I have the honor to speak on behalf of the Group of 77 and China on agenda item 143 entitled "Administration of Justice at the United Nations".

The Group of 77 and China would like to thank Ms Linda Taylor, Executive Director of the Office of the Administration of Justice, for introducing the report of the Secretary General on Administration of Justice at the United Nations, as contained in document A/70/187, Mr Johnston Barkat, Assistant-Secretary General, United Nations Ombudsman, for introducing the report of the Secretary General on the activities of the Office of the United Nations Ombudsman and Mediation Services as contained in document A/70/151 and Mr Babou Sene, Vice Chair of the Advisory Committee on Administrative and Budgetary Questions, for introducing the related report of that Committee as contained in document A/70/420.

Mr Chairman

The Group of 77 and China continues to attach great importance to the issue of administration of justice which is an integral part of an effective human resources management system. The current system of administration of justice was established by resolutions 61/261, 62/228 and 63/253 and became operational in 2009. The objective is to be independent, transparent, professionalized, adequately resourced, decentralized and to be consistent with the relevant rules of international law and the principles of the rule of law and due process, to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike.

Despite the numerous difficulties faced in the implementation of the administration of justice system, the Group notes with appreciation the achievements made in addressing both the backlog of cases and addressing new cases. We believe that further progress will be made by the tribunals with their strengthened operational capacities in handling all the pending cases in due course and that any reduction in the judicial capacity of the tribunals would result in a significant increase in the length of time required to adjudicate these cases.

The Group further believes that the informal resolution of disputes remains essential in the administration of justice system in order to avoid unnecessary recourse to litigation and, in this regard, the Group of 77 and China commends the efforts made by the Office of the United Nations Ombudsman and mediation services in resolving disputes and assisting staff and managers across the Organization in building and maintaining harmonious working relationships through initiatives aimed at achieving conflict competency skills in order to avoid conflicts.

Mr Chairman

The Group of 77 and China remains concerned at the increase of applications in the system, which reflects rather poorly on management and on relations between staff and management. The Secretariat is currently implementing large scale projects, including multiple initiatives and processes and system changes, such as Umoja and mobility, which will directly affect staff over the coming years. The Group, therefore, stresses the importance of continuous consultation with relevant stakeholders in order to foster an inclusive dialogue-oriented culture across the Organization, in order to prevent possible future conflicts.

Mr Chairman

With regard to the request by the General Assembly in its resolution 69/203, the Group of 77 and China welcomes the establishment of the panel of independent experts to examine the administration of justice system in all its aspects, with particular attention to the formal system and its relation with the informal system, including an analysis of whether the aims and objectives of the system, as set out in resolution 61/261, are being achieved in an efficient and cost-effective manner.

At this stage, the Group would like to recall that the objective of the interim assessment, is the improvement of the current system. We look forward to the recommendations of the independent panel, together with the report of the Secretary General and his comments, for consideration during the main part of the seventy-first session of the General Assembly.

The Group of 77 and China also notes with appreciation the increase in the use of the system of informal resolutions of disputes, which would seem to indicate that the repeated calls by the General Assembly to encourage the informal settlement of disputes are being heeded. We commend the efforts of cooperation between the formal and informal parts of the justice system.

On the other hand, the Group regrets that the Secretary General has as yet not fulfilled the requests by the General Assembly to ensure that the revised terms of reference and guidelines for the Office of the United Nations Ombudsman and Mediation Services are promulgated. The Group further notes with regret that the single code of conduct for all legal representatives is not yet in place.

The Group of 77 and China has carefully examined the various proposals of the Secretary General, mandated by relevant General Assembly resolutions, in order to strengthen the current system of internal justice, including those related to a mechanism for addressing complaints against judges and the issue of harmonization of the privileges and immunities of judges. We will consider each of them on its own merit.

Mr. Chairman,

In conclusion, the Group believes that an independent, effective, transparent and adequately resourced system of the administration of justice is imperative to ensure due process within the Organization. It ensures accountability and transparency in decision-making by holding managers accountable for their actions, in accordance with the relevant resolutions of the General Assembly. We have high expectations that the recommendations of the panel of experts and the related comments of the Secretary General will greatly contribute to achieving this goal.

The Group of 77 and China would like to reiterate its determination to engage constructively on this important agenda item.

I thank you Mr Chairman.