



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. SAINIVALATI S. NAVOTI, COUNSELLOR, PERMANENT MISSION OF FIJI TO THE UNITED NATIONS, ON AGENDA ITEM 143: ADMINISTRATION OF JUSTICE AT THE UNITED NATIONS, AT THE MAIN PART OF THE SIXTY-EIGHTH SESSION OF THE FIFTH COMMITTEE OF THE GENERAL ASSEMBLY (New York, 18 October 2013)**

Mr. Chairman,

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

2. We would like to thank the Assistant Secretary-General, United Nations Ombudsman Mr. Johnston Barkat for introducing the report on the activities of the Office of the United Nations Ombudsman and mediations services as contained in document A/68/158. We would also like to thank the Executive Director of the Office of Administration of Justice, Ms. Linda Taylor, for introducing the report of the Administration of Justice at the United Nations as contained in document A/68/346, as well as the Chairman of Advisory Committee on Administrative and Budgetary Questions (ACABQ), Mr. Carlos Ruiz Massieu, for introducing the Advisory Committee's related report.

Mr. Chairman,

3. The Group of 77 and China values the United Nations staff as the Organization's vital asset and attaches great importance to the issue of the Administration of Justice, which is an integral part of an effective human resources management system. We firmly support the reforms approved by General Assembly resolutions 61/261, 62/228, 63/253, 64/233, 65/251 and 66/237. The current system of Administration of Justice established by these resolutions intent to be independent, transparent, professionalized, adequately resourced and 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.

4. The Group believes also that the informal resolution of disputes remains essential in the system of administration of justice in order to avoid unnecessary recourse to litigation and in that regard, the Group of 77 and China concurs with the view of the ACABQ concerning the need to intensify efforts to encourage the informal resolution of disputes while emphasizing the importance of ensuring that it provides individuals an effective access to dispute resolution.

5. The success of the current system of administration of justice also needs to keep it under scrutiny in order to anticipate on the failures of the previous system of Administration of Justice identified by the Redesign Panel, opening in this way an avenue for the system of internal justice to become and remain modern, independent, transparent, effective, efficient and fair.

Mr. Chairman,

6. In this regard, the main parameter which could be used to better appreciate the smooth functioning of the current system of Administration of Justice is the substantial reduction of the case

backlog. The Group will thus seek for detailed clarification on the disposal rates of cases or requests in line with the current workload of all the components of the United Nations system of internal justice to better appreciate how this system is performing. The partial decrease in new cases received by the Management Evaluation Unit and the United Nations Dispute Tribunal is surely an indicator that the new system of internal justice is achieving its goals of delivering impartial and quick results as well as an indicator of trust put in it by its clients. The Group notes with satisfaction that the average length of time it takes to dispose of a case in the current system following its receipt by the United Nations Dispute Tribunal is approximately 12 months instead of 12 to 14 months during the last year and comparatively to a disposal rate of 5 years in the previous system of internal justice.

7. Despite the overall positive trust built by the current system which justifies this surge in the number of applications on one hand, the Group notes with great concern on the other hand that this surge of applications in the new system is also an indicator of bad management and of poor relations between staff and management. The Group recalls paragraph 5 of resolution 61/261 which emphasized that the introduction of the new system of Administration of Justice should, inter alia, have a positive impact on staff-management relations and improve the performance of both staff and managers. This aspect of the functioning of the new system will also be scrutinized by the Group with the aim of having it fully reach the goals for which this system of internal Justice was created.

8. In this regard, the Group agrees with the ACABQ on the importance of lessons learned guides on the Tribunals' jurisprudence for managers, and expects that these lessons learned will produce concrete results in managerial actions.

Mr. Chairman,

9. The Group of 77 and China notes with appreciation the efforts made to provide to Member States, during this session, various proposals, mandated by the General Assembly in its resolution 67/241 to strengthen the current system of internal justice, in particular the proposals of conducting an interim assessment of the formal system of the administration of justice and the financing of the Office of Staff Legal Assistance. The Group will consider each of them on its own merit.

10. The Group of 77 and China will in the same vein seek for updated information on specific mandates such as those related to the enforcement of the code of conduct for the judiciary, the terms of reference for the integrated Office of the United Nations Ombudsman and Mediation Services and the patterns with respect to cases related to staff with disabilities.

Mr. Chairman,

11. The Group welcomes the inauguration of the permanent courtroom in Nairobi and wishes that courtrooms in New York and Geneva will be operational as soon as possible.

Mr. Chairman,

12. Finally, the Group believes that an independent, effective, transparent system of 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.

13. The Group of 77 and China would like to reiterate its determination to engage constructively on

this important agenda item.

Thank you, Mr. Chairman.

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