



STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. IMTIAZ HUSSAIN, PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF PAKISTAN TO THE UNITED NATIONS, ON AGENDA ITEM 128 - ADMINISTRATION OF JUSTICE, IN THE FIFTH COMMITTEE OF THE GENERAL ASSEMBLY (New York, 22 March 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 Controller, Mr. Warren Sach, for introducing the Note by the Secretary General on the Report of the Redesign Panel on the United Nations System of Administration of Justice (A/61/758). The Group also wishes to thank the United Nations Ombudsman, Mrs. Patricia Durrant, for introducing the report of the Secretary General on the activities of the Ombudsman (A/61/524), and the Chairman of the ACABQ, Mr. Rajat Saha, for introduction of the Committee's report 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 their respective statements. The Group would also like to express its gratitude to the Bureau and the Sixth Committee for presenting their valuable input on the reports under consideration which we find extremely helpful in structuring our discussion in the Fifth Committee.

3. The Group regrets the late submission of the Secretary General's Note on the Report of the Redesign Panel that had been issued in July 2006. This in our view would seriously constrain the quality of deliberations and the output of the Fifth Committee as well as the implementation of a reformed system. The Group would like to reiterate its concern over the negative implications of late submission of reports on the work and output of the Committee. The Group would strongly urge that this issue may be fully and effectively addressed.

5. The Group of 77 and China appreciates the professionalism, integrity and dedication of the UN staff who are often required to perform their duties under challenging circumstances. The Group of 77 and China values the UN staff as the vital asset of the organization. The highest standards of professionalism, ethical and moral conduct as defined in the staff rules and regulations can only be ensured in an environment that is free of discrimination or reprisals. The protection of their fundamental rights can be guaranteed through an effective internal system of justice that is in conformity with internationally recognized standards and ensure critical requirements of due process, fairness, equity, professionalism and accountability.

6. The Group of 77 and China strongly supports a system of governance at the United Nations that ensures the rule of law and availability of effective mechanisms for conflict resolution as well as adequate remedies to address possible violations and transgressions that are likely to occur in a multicultural and hierarchical organization. We consider a professional, independent and adequately resourced system of internal justice as a central pillar of the accountability framework in the Organization. The Group shares the Redesign Panel's analysis which is endorsed by the Secretary General that the current internal justice system of the United Nations is outmoded, dysfunctional and ineffective and lacks independence. Accordingly, the Group of 77 and China is ready to support the reform of internal justice system, since effective internal justice system is an essential prerequisite for other key reforms, especially in the area of human resources

management.

7. The Group of 77 and China thanks both the Redesign Panel and the Secretary General for presenting their respective views for the reform of the administration of justice system in the United Nations. The Group welcomes a large degree of congruence in the two reports on the key aspects of the reform of the internal justice system. The Group also believes that with a strong desire among the Member States to move towards a new system of administration of justice we can be optimistic about a quick progress in the negotiations on this agenda item.

8. The Group of 77 and China believes that a strong informal justice system has a crucial role in the administration of justice in the United Nations. In order to make it effective, it needs to be transformed into a professional and decentralized system. It should be managed by professionally qualified personnel and accessible to the United Nations staff working in the field. The Group agrees with the need to replace the current system of informal justice while strengthening the role of the Office of the Ombudsman as recommended by the Redesign Panel.

9. The Group also supports a two tiered system of internal justice that would comprise a decentralized tribunal composed of professional judges with power to make binding decisions which will replace existing advisory bodies including the joint appeals boards and the joint disciplinary committees but not the rebuttal panels and classification appeals and review committees. The Group also supports the transformation of United Nations Administrative Tribunal to a United Nations Appeals Tribunal with new appellate jurisdiction.

10. The Group of 77 and China considers that the effectiveness and the quality of the output of the new system of justice would hinge on the skills and competence of the judges. The new system envisages broad powers for the judges in the first instance tribunal. Their decisions would have a significant bearing on the case loads in the formal justice system and the scale of litigation. Accordingly, a high stature essential for their independence and representation in the UN bureaucracy as well as a suitable compensation package would be imperative to attract the best qualified practitioners of administrative law to the United Nations.

11. The Group recognizes quality of the decisions by the programme managers at all levels is among the root causes of the conflicts in the United Nations. This brings into sharp focus the recruitment and appointment, competence and caliber of program managers, the necessity of fair performance appraisal system and the awareness of the relevant rules and regulations and the existing channels of relief in the UN system. Well qualified managers with excellent communication skills and fair dispensation can provide adequate assurance to ward off the proliferation of complaints and litigations. Similarly, the awareness of the staff to the existing remedies in case of violations of their rights or the provisions of their employment contracts are equally crucial in the administration of justice system. We hope that the ongoing human resources management reforms would ensure that the most qualified and eligible staff are promoted to managerial positions who would be held accountable for all their administrative decisions. We also hope that adequate resources would be allocated to the training and to create awareness among the staff in the field about the system of administration of justice in the United Nations. The availability of staff rules and regulations and information about the key features and the available remedies under the administration of justice system should be ensured as a first step of the reform.

12. The Group would engage constructively to ensure the implementation of an agreed system of internal justice system. While we agree with the broad framework of the new system of administration of justice proposed by the Redesign Panel and to a large degree endorsed by the Secretary General, there are issues that may need further clarifications. In this context, the Group

would like to focus on the following key aspects of the internal justice system during the informals on this agenda item:

- management evaluation
- the composition of United Nations Dispute Tribunal
- the scope of the system of justice
- the procedures for appointment of judges
- role of internal justice council, panel of counsel
- the disciplinary matters
- the competence of the United Nations Dispute Tribunal
- class action
- specific performance
- exemplary punishments and award of damages
- harmonization of the statutes of the UNAT with ILOAT and drafting of the statutes of the UNDT and UNAT
- transitional measures

13. The Group wishes to assure of its constructive engagement and full cooperation for success in the deliberations on this agenda item.

Thank you Mr. Chairman.