



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY  
AMBASSADOR CONROD HUNTE, DEPUTY PERMANENT REPRESENTATIVE  
OF ANTIGUA AND BARBUDA TO THE UNITED NATIONS, ON  
"STRENGTHENING INVESTIGATIONS" UNDER AGENDA ITEMS 126, 128  
AND 136, AT THE FIRST RESUMED SESSION OF THE 62ND SESSION OF  
THE FIFTH COMMITTEE OF THE GENERAL ASSEMBLY (New York, 10  
March 2008)**

I have the honour to speak on behalf of the Group of 77 and China on "Strengthening Investigations" under agenda items 126, 128 and 136.

2. The Group of 77 and China would like to thank Deputy Chef de Cabinet, Ambassador Kim Won-Soo, for introducing the Secretary-General's report A/62/582 on Strengthening Investigations as well as Under-Secretary-General for the Office of Internal Oversight Services (OIOS), Ms Inga Britt-Ahlenius, for her statement. We also wish to thank the Chair of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), Ms. Susan McLurg, for introducing the Advisory Committee's report A/62/7/Add.35. The Group also recalls the General Assembly's decision to defer consideration of the documents A/62/272 and A/62/272/Add.1, relating respectively to the OIOS' report and Secretary-General's note on the activities of the Procurement Task Force from 1 January 2006 to 30 June 2007, to the current resumed session. It is the Group's intention to discuss these reports together.

Mr. Chairman,

3 The Group attaches great importance to the issue of investigations. The effective conduct of investigations has a significant impact on the positive morale and well-being of staff and the Organisation. It is therefore in the interest of the Group and indeed the entire membership to adopt a strategy towards the conduct of investigations that is well-considered, fully justified and effective.

4. For this reason, the Group expresses concern with a number of aspects relating to the Secretary-General's report.

Mr. Chairman,

5. The Group reaffirms the roles and mandates relating to investigations that the General Assembly has established in numerous resolutions, including inter alia 48/218B, 54/244, 57/282, 59/272, 59/287 and 61/245. We underline the importance of operational independence of the OIOS as well as its primacy in investigating Category I cases. We also acknowledge that various Secretariat entities have their respective responsibilities in conducting investigations. The Group would therefore like more information regarding the Secretary-General's intention to undertake a comprehensive review of investigations in the United Nations.

6. While reaffirming the operational independence of the OIOS, the Group also stresses that the fundamental purpose of the OIOS is to assist the Secretary-General in fulfilling his internal oversight responsibilities. It is in this context that the OIOS should develop its procedures and strategies on strengthening its investigations capacity. In this regard, the Group agrees with the views of the Advisory Committee as contained in paragraph 8 of its report. The Group is additionally concerned about the apparent confusion within OIOS about its position within the

Secretariat, especially relating to its openness in considering bilateral mutual legal assistance treaties with Member States. We endorse the comments of the Advisory Committee as contained in paragraph 21 of its report.

7. The Group also notes that OIOS has engaged the services of an independent external consultant to review its investigations capacity. Our position on the use of such consultants is well-established. The Organisation should, as far as possible, maximise the use of available internal expertise; the commissioning of external consultants should also be conducted according to established administrative procedures, and with full respect for mandates and the oversight role of Member States. In this respect, we would like to have further information regarding the background and expertise of the consultant, the process in which the consultant was engaged, as well as the cost to the Organisation. We note with concern that the Advisory Committee did not have access to the review by the consultant, and intend to seek further information on details contained in the review.

Mr. Chairman,

8. The Group agrees that effective leadership is critical for managing the increased workload and staffing of the Investigations Division. In this regard, we would like more information regarding the recruitment of the Director of the Division, including but not limited to the terms of reference, the skills envisioned of the post, how it relates to the proposals contained in the programme budget submitted by OIOS for 2008-2009, as well as the interim steps taken to date by the Acting Director in his absence.

9. The Group places great importance on the transparency, predictability, accountability and objectivity of investigations. We welcome the ongoing review of standard operating procedures in the various aspects of investigations and their incorporation into an updated investigations manual. At the same time we are deeply concerned with the OIOS' conclusion that the existing manual is lacking in useful and practical information. It casts doubt on the quality of the investigations that have been carried out to date. We are also concerned about the OIOS' observation that the background of at least several investigators that it has hired may not be compatible with the investigative work they are required to do. They may not necessarily have possessed knowledge of the rules, regulations and proceedings of the OIOS but currently do not have the means to acquire such knowledge. These situations require close scrutiny and further clarification.

10. The Group considers a proper case management system to be an important step in professionalising the investigations capacity of the OIOS and indeed the Organisation. However, we would like to seek further clarification regarding the apparent view of the OIOS that not all allegations or complaints warrant an investigation. It is the firm view of the Group that every allegation should be given at least an initial review. To do otherwise would lead to questions of transparency, consistency and fairness. We would also like further information regarding how cases are to be prioritised, and what kind of reliable and consistent results are envisioned by the OIOS. Regarding the proposal to establish a special Case Intake Committee, the Group would also like to know how it would complement existing case assessment processes, including with other Secretariat entities that have responsibilities for investigations.

11. With regard to the use of investigative tools and technology, the Group agrees that such tools, if properly used, would strengthen the efficiency and capacity of the Investigations Division. We would like to request further information on the needs of the Division in this regard, and the types of tools and technology that the OIOS envisions would help to fill these needs. At the same time, we would like to seek clarification regarding the OIOS' requests for funds for this purpose.

Mr. Chairman,

12. The most significant aspect of the OIOS' concept for strengthening its Investigations Division relates to its restructuring. Broadly speaking, OIOS proposes to organise its investigative capacity around two main types of cases, to establish specialist teams of investigators focusing these two types of cases, as well as to reposition its investigators in New York, Nairobi and Vienna. The Group views these proposals as fundamental changes in direction for the operations of the OIOS, which therefore deserve very close scrutiny.

13. On the issue of organising OIOS' investigative capacity around cases involving sexual exploitation and abuse, as well as economic, financial and administrative misconduct, the Group expresses its concern that this might unduly diminish the responsibility of OIOS in investigating all Category I cases, including those that may not fall under the two areas identified by OIOS. In addition, OIOS appears to suggest that its responsibility in investigating sexual exploitation and abuse would be limited to rape as well as sexual exploitation and abuse involving minors. The Group views that all matters of sexual exploitation and abuse are serious cases, not only those involving minors. We therefore seek greater clarification from the Secretariat in this regard.

14. On the establishment of specialist teams of investigators, the Group is concerned that such teams, while bringing valuable experience and skills to the Organisation, may result in an over-emphasis on certain types of cases and an under-emphasis in others. The mixed results of the efforts of the Procurement Task Force, which OIOS views as a model for the proposed specialist teams, underline our concerns. There are also apparent inconsistencies between the description of the workload of the Procurement Task Force in the present report as well as in A/62/272. For example, OIOS asserts in paragraph 51 that the Procurement Task Force may carry out and complete complicated investigations after only a couple of field visits of a few weeks each, whereas in A/62/272 it complains that such investigations are very time-consuming and take months if not years. The Group therefore intends to study this proposal very closely, especially in the context of the comments by the Under-Secretary-General for OIOS that she intends to incorporate the Procurement Task Force into the Investigations Division.

15. On the repositioning of investigators from the field into New York, Nairobi and Vienna, the Group is of the view that this merits further discussion. We take note of potential savings in costs in such a concept, but also note that there are many questions left unanswered. This includes, inter alia, the reporting lines and coverage of UN missions not already described in the Secretary-General's report, as well as the lack of justification for coverage in those that are already listed.

Mr. Chairman,

16. The Group of 77 and China reiterates its commitment to a stronger Organisation and its emphasis on the importance of a strong internal oversight function. The Group stands ready to work constructively with our partners and we look forward to a fruitful discussion on this issue.

Thank you, Mr Chairman.