



STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MRS. NORMA TAYLOR ROBERTS, PERMANENT MISSION OF JAMAICA TO THE UNITED NATIONS, ON AGENDA ITEM 120: ADMINISTRATION OF JUSTICE AT THE UNITED NATIONS; AND AGENDA ITEM 108: PROGRAMME BUDGET FOR THE BIENNIUM 2004-2005, DURING THE FIRST PART OF THE RESUMED FIFTY-NINTH SESSION OF THE FIFTH COMMITTEE OF THE GENERAL ASSEMBLY (New York, 9 March 2005)

Mr. Chairman,

1. I have the honour to speak on behalf of the Group of 77 and China.
2. The Group wishes to thank the Senior Legal Adviser in the Office of the Under-Secretary General for Management for introducing the Secretary-General's report. The Group also appreciates the report presented by the Chairman of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) as well as the comments of the representative of the budget division.

Mr. Chairman,

3. The issue of administration of justice at the United Nations and the deficiencies in the system has been on this Committee's agenda for many years. Problems relating to lack of accountability, transparency and chronic delays in the consideration of cases submitted for review are long-standing and the Group strongly believes that there should be no further delay in deciding on a specific course of action for improving the system.
4. Administration of Justice is an integral part of an effective human resources management system and cannot be divorced from any process of reform of the system.

Mr. Chairman,

5. Recognizing that a transparent, impartial, expeditious and effective system of administration of justice is a necessary condition for ensuring fair and just treatment of United Nations staff, and important for the success of human resources reform in the Organization. The General Assembly, in resolution 57/307, gave specific mandates to the Secretary General to ensure the effective and expeditious administration of justice in the Organization as well as the highest standards of efficiency, competence and integrity. The Office of Internal Oversight Services (OIOS) was also requested to examine specific issues in its management review of the appeals process in the Organization.
6. In response to this mandate, the Committee received reports from the Secretary General, the OIOS, and the Joint Inspection Unit during the main part of the 59th Session.
7. The report of the OIOS focused on procedural as well as institutional matters and made a number of recommendations for improvement in the administration of justice.
8. The Secretary General, in his report, agreed with the majority of the recommendations of the OIOS but maintained that the system did not require a radical overhaul to make it more effective and that the chronic delays and inefficiencies that have been its trademark in the past years are largely the result of inadequate resources in terms of both staffing and training. The Group of 77 and China, while noting the immediate and short-term proposals of the Secretary-General's report A/59/706 and the resources requested, is very concerned that despite the recognition that serious deficiencies exist in the system, the prescription for change by the administration is so limited. The Group also intends to consider, at this Session, the fundamental policy issues which need to be addressed in order to ensure effective reform of the administration of justice at the United Nations system.
9. The Group is disappointed that the ACABQ, while justifiably seeking from the Secretariat specific proposals on resources, decided to delay a comprehensive consideration of the issues pending a submission on resources. The subsequent report produced by the Secretary General, A/59/706, is limited in its scope, focusing primarily on financial resources for the clearing of backlog and also for training. Thus the consideration by the ACABQ was far from comprehensive. It is in this light that we request the Advisory Committee to undertake, as soon as possible, such a comprehensive review of the reports before us, in order for Member States to include its observations when considering this issue during the course of the resumed session.
10. Furthermore, we believe that Consideration by the Committee of this item has been hampered by the delays in

the issuance of the documents both in the 58th Session as well as in the main part of the 59th Session. We therefore call on the Committee at this session, not just to re-state the problems but to propose concrete actions to effect changes in the administration of justice at the United Nations.

Mr. Chairman,

11. I now turn to agenda item 108 relating to the independence of the UN Administrative Tribunal.

12. Confidence of both employees and management in the system of justice is critical to the integrity of the system. Perception of lack of transparency in the system does not encourage recourse to the system and will adversely affect the morale and motivation of staff. General Assembly resolution 57/309 which requested the Secretary-General to take steps to ensure the independence of the United Nations Administrative Tribunal is important in this regard.

13. The Secretary-General's proposal in his report A/59/78 is for the financial independence of the Tribunal through the transfer of resources of UNAT from the Office of Legal Affairs to another section of the budget effective with the next biennium.

14. While the Group supports this proposal, it expected the report of the Secretary-General to inform the General Assembly on steps taken to ensure the functional independence of the Tribunal in accordance with resolution 57/309.

I thank you, Mr. Chairman.