

(Check against delivery)

Statement by Mr. Takashi Kanamori
First Secretary, Permanent Mission of Japan to the United Nations

Agenda item 143: Administration of Justice

Fifth Committee
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Thank you, Mr. Chairman.

At the outset, my delegation would like to express its gratitude to Mr. Andrei Terekhov, Executive Director of the Office of the Administration of Justice, Mr. John Barkat, United Nations Ombudsman, and Mr. Collen Kelapile, Chair of the Advisory Committee on Administrative and Budgetary Questions, for introducing their reports.

Mr. Chairman,

My delegation noted that the Secretary-General, in his report on Administration of Justice at the United Nations, requests the General Assembly to approve the establishment of 26 new posts and the reclassification of one P-2 post as a P-3 post, and to appropriate a total amount of \$8,657,900, before recosting, under the programme budget for the biennium 2012-2013. My delegation, however, shares the general observations of the ACABQ that the new system of administration of justice is still evolving and that many aspects have yet to settle and we also generally support the Committee's recommendation with regard to resource requirements. Even if the settlement

of disputes and litigations inevitably entails a significant burden to the organizations, such burden should not be solely borne by the Member States in terms of additional financial contributions to the system, but could be shared with all the concerned parties, including staff members as users of the system, for example, in terms of tolerance for and acceptance of delay in settlement of the dispute to a certain degree, under the current predicament surrounding many Member States. In this connection, my delegation has to express disappointment at the fact that the Staff-Management Coordination Committee failed to reach an agreement on any options for the staff-funded scheme to support the Office of Staff Legal Assistance. My delegation therefore concurs with the ACABQ not to recommend approval of new posts for the Office pending decisions on a staff-funded mechanism to support the provision of legal assistance and support to staff and on the mandate and scope of functions of the Office.

My delegation also noted that the Secretary-General recommends several amendments to the Tribunal's Statute. In this regard, we are particularly curious to know the details of a certain case in which, according to the Secretary-General's account, the Dispute Tribunal determined that the Secretary-General may be held legally and financially liable for complying with an Assembly resolution when the implementation of the resolution would lead to outcomes inconsistent with human rights norms. This judgment of the Tribunal might lead to the undermining of the authority of General Assembly, and in particular of this Committee, to make decisions over administrative and budgetary matters, including human resources management issues. Therefore the Committee may want to make an informed decision on the amendment of the Tribunal's Statute.

I thank you, Mr. Chairman.