



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA
BY MR. ABDELHAKIM MIHOUBI, COUNSELLOR, PERMANENT MISSION OF
ALGERIA TO THE UNITED NATIONS, ON AGENDA ITEM 141: ADMINISTRATION OF
JUSTICE AT THE UNITED NATIONS, IN THE FIFTH COMMITTEE DURING THE
MAIN PART OF THE 67TH SESSION OF THE GENERAL ASSEMBLY
New York, 5 November 2012**

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/67/172. We would also like to thank the Executive Director of the Office of Administration of Justice, Ms. Linda Taylor, for introducing the reports of the Administration of Justice at the United Nations as contained in document A/67/265 and Corrigendum 1, as well as the Chairman of Advisory Committee on Administrative and Budgetary Questions (ACABQ), Mr. Collen V. Kelapile, for introducing the report of the Committee as contained in document A/67/547.

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 new 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 of 77 and China is thus keen to keep under scrutiny the new system of Administration of Justice to anticipate on the failures of the previous system of Administration of Justice identified by the Redesign Panel, opening this way an avenue for the new system of internal Justice to become and remain modern, independent, transparent, effective, efficient and fair.

Mr. Chairman,

5. In this regard, the main parameter which could be used to better appreciate the smooth functioning of the new 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 substantive growth of new applications received by both the Office of the Ombudsman and Mediation Services 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 note with satisfaction that the ACABQ was informed 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 to 14 months; comparatively to a disposal rate of 5 years in the previous system of internal justice.

6. Despite the overall positive trust built in 3 years by the new system which justify this surge in the number of applications in one hand, the Group notes with great concern in the other hand that this surge of applications in the new system is also an indicator of bad management, of misconduct 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 in the aim of having it fully reach the goals for which this system of internal Justice was created.

7. In this regard, the Group agrees with the ACABQ on the necessity to identify and address the causes underlying the high level of recourse to the internal Justice system in the aim of enhancing the implementation of good management practices throughout the Organization. The Group will also seek clarification by the ACABQ on its proposal of an interim independent assessment of the system of Administration of justice in all its aspects before the next budget cycle.

Mr. Chairman,

8. 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 66/237 to strengthen the current system of internal Justice. These proposals have been put forward by the Secretariat, the ACABQ, the Internal Justice Council, the Judges and the Ombudsman. The Group will consider each of them on its own merit.

9. The Group of 77 and China will in the same vein seek for updated information on specific mandates such as those related to the appointment of the new members of the Internal Justice Council, the enforcement of the code of conduct for the judiciary, the financial liability of managers in case where contested decisions have resulted in awards of compensation to staff, the mandate, scope and functioning of OSLA, the code of conduct of the legal representatives, 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.

10. 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.

11. The Group of 77 and China would like to reiterate its determination to engage constructively on this important agenda item.

Thank you, Mr. Chairman.