

STATEMENT BY IRFAN SOOMRO, SECOND SECRETARY, PERMANENT MISSION OF PAKISTAN, ON AGENDA ITEM 141: ADMINISTRATION OF JUSTICE, DURING THE MAIN PART OF THE 67TH SESSION OF THE FIFTH COMMITTEE OF THE GENERAL ASSEMBLY (New York, 5 November 2012)

Pakistan delegation would like to join others in thanking the, United Nations Ombudsman, Assistant Secretary-General Mr. Johnston Barkat, Ms. Xxxxxxx, and the Chairperson of ACABQ, Mr. Collen Kelapile for introducing their respective reports under this agenda item.

2. We greatly appreciate the efforts made in submission of the reports respectively by the Secretary-General, Internal Justice Council, and the Advisory Committee. The information and the proposals contained in these reports, we believe, would contribute valuably in enriching the Committee's deliberations on this item and further strengthening and consolidating the Organization's internal justice system.

3. Pakistan delegation aligns itself with the statement made by distinguished representative of Algeria on behalf of the Group of 77 and China. The Group has already touched upon the important aspects of discussion under this item which all form the key elements of this endeavor. However, we have some specific points to make.

Mr. Chairman,

4. For the productivity of any large public organization, it is essential that a harmonious working relationship exists between management and the staff. We therefore, believe that the internal justice system is the main pillar in the overall effort to strengthen accountability, ensure responsible decision-making in accordance with the rules, and securing harmonious working environment in the United Nations.

5. The Group of 77 and China and other speakers during this debate very rightly stated that staff is the most important asset of this Organization. The United Nations Staff is unique because it is culturally and geographically diverse, and contributes to the Organization's global and lofty goals as set out in its Charter, and implements complex mandates often in difficult conditions. Impartial and uniform application of rules that ensure integrity, fairness and equality has therefore, a direct impact on the overall performance and success

of the Organization. In this context, we support all measures that can help the UN to attain the status of the best employer to attract and retain the best.

Mr. Chairman,

6. The new system of administration of justice is the result of extensive discussions in the General Assembly and a consensus among all stakeholders that the old system no longer met the needs of the Organization. The progress in the development of the new system, therefore, cannot be allowed to be hampered by financial constraints. A justice system that is under-resourced can neither be independent nor be effective.

7. We believe that the new system must achieve the necessary strength and financial stability in order to ensure quality and adequacy of resources and equality in their distribution to all duty stations. We consider the reports of the Secretary-General and IJC as good basis to address these issues.

Mr. Chairman,

8. Monitoring the implementation of the new system is pivotal in reaching the goal of a functional system of justice. It would be useful in this regard to discuss the analysis of trends and evolution of the new system in relation to the percentage increase in the caseload over time (handled by both the formal and informal mechanisms), as well as the level of current resources dedicated to the system vis-à-vis the overall staff cost of the Organization (which is around 70 per cent of the total budget of the Organization). This would be consistent with the aims and objectives of the system set out in General Assembly's founding resolution 61/261 on administration of justice.

Mr. Chairman,

9. The General Assembly's guidance provides for a new system of administration of justice to have a stronger emphasis on resolving disputes through informal means before resorting to formal litigation. We continue to support the strengthening of informal system to avoid burdening the formal system.

10. In this context Management Evaluation Unit (MEU) has an important role to mitigate the grievances informally at first instance. The statistics related to the workload and output of the Unit provided in the Secretary-General's report is reflective of its effectiveness. We commend its efforts and fully support and believe in the usefulness of the compilation and

dissemination of a *lessons learned guide* for managers and all heads of offices and departments. This would be helpful for the managers to develop full understanding on the Organization's internal laws and procedures and initiate timely and open dialogue on performance issues that form majority of disputes in the workplace. We support redoubling of the ongoing efforts across the secretariat and field offices towards developing a culture of dialogue and strengthening the good management practices on systemic and cross-cutting issues.

Mr. Chairman,

12. We have consistently supported the principle of equity in establishing the related posts in the system catering to the needs of staff across duty stations and the field missions. In this regard we note with concern the risk of slippage in handling the caseload related to management evaluation coming from the staff employed in peacekeeping missions due to lack of dedicated staff in MEU. We note the Secretary-General's proposal to address this issue. We, however, believe that the risk of slippage needs to be prevented by putting in place permanent measures including by using the resources available with MEU more efficiently.

13. With regard to the issue of growing number of cases proceeding to formal adjudication, we concur with ACABQ to strengthen the measures to encourage informal dispute resolution including by identifying and addressing the underlying causes.

14. This, we believe, would be achieved:

- Firstly, by ensuring that the cost effective informal system of justice – including the Office of UN Ombudsman and Mediation Services is well resourced;
- Secondly, by instituting concrete measures to enforce accountability in cases where contested decisions have resulted in awards of compensation to staff, that the Organization's ongoing business transformation projects such as Umoja and IPSAS should enable better mechanisms for decision making by the senior managers;

- Thirdly, by implementation effectively a 360 degrees performance appraisal across the Organization to minimize chances of bullying at workplace and to further reduce the number of staff resorting to formal adjudication of disputes related to performance appraisals (which, Mr. Chairman, as you know is the single most cross-cutting issue).

15. We will follow up and seek clarification on the lack of compliance to the General Assembly's request contained in paragraph 41 of its resolution 66/237 related to enforcing accountability.

Mr. Chairman,

16. We are happy to note that despite 76 per cent increase in the caseload trend, the United Nations Ombudsman and Mediation Services was able to render mutually satisfactory solutions in 70 to 80 per cent of the cases it handled. It speaks of the effectiveness of the Office that the cases it successfully handled were not challenged in litigation. We support the Office's continued focus on raising awareness of the benefits of collaborative approaches in the workplace and building capacity of staff to handle workplace conflicts in a preventive manner. We welcome the steps taken by the Under-Secretary-General for Management as part of incentives for informal dispute resolution, inter alia, participation of Ombudsman in senior management meetings of the Management Performance Board, promotion of conflict competence workshops and collaboration with Management Evaluation Unit. We believe such efforts would better equip managers in dealing with workplace conflict and enhance the relationship of trust between management and the staff.

17. We hope that the ongoing consultation and revision of terms of reference for the integrated Office of the United Nations Ombudsman and Mediation Services would be completed and finalized and that the Secretary-General would expedite their submission to the General Assembly.

Mr. Chairman,

18. We would like to stress here that the cases received from Secretariat staff relating to disability should be accorded priority and we hope that the Secretary-General would ensure that the provisions of Convention on the Rights of Persons with Disabilities are implemented in the workplace in letter and spirit.

Mr. Chairman,

19. It is reassuring to note that the UNDT, with the additional capacity provided, was able to dispose off the backlog of cases carried over from the old system. With the bulk of the backlog removed, the dispute tribunal should be able to dedicate much of its work to the disposal of new cases, particularly since there has been 74 per cent increase in its caseload in 2011 alone. We hope that UNDT would also strive to further reduce the average length of time it takes to dispose off a case and prevent the emergence of new backlog.

20. While we would examine thoroughly ACABQ's recommendation for a need to conduct an interim independent assessment of overall functioning of the system of administration of justice, we believe that legislation in the Organization is the sole prerogative of the General Assembly which is also the chief independent oversight and decision-making body of the United Nations.

21. We would like to share our observation and concern that ACABQ in its report on the Administration of Justice and some other reports during this session has acted outside its scope of mandate as an advisory committee to the General Assembly whose recommendations are subject to decision by the Fifth Committee. We hope that the Advisory Committee would desist from assuming legislative role during the course of its scrutiny and value judging its recommendations prior to the Fifth Committee's examination.

Mr. Chairman,

22. The UN staff has far too long suffered the consequences of a poorly equipped staff legal assistance unit under the old system. In the spirit of founding resolution 61/261, the General Assembly must redeem this deficit

and expeditiously complete its review of the Office's scope, mandate and functioning including the proposal of mandatory-staff funded scheme. We have carefully examined the options for representation of staff members, contained in Annex II of the Secretary-General's report. We will discuss thoroughly during the informal consultations the analysis of each of the options with a view to uphold the principles of due process, fairness, equity and justice. Nevertheless, given its critical role in the system, the Office of Staff Legal Assistance must be staffed with professionally qualified legal experts who should be in position to give credible and sound advice and guidance to the distressed staff members employed at the Headquarters and in the field.

Mr. Chairman,

23. It is important that the views of all stakeholders including the Staff Management Committee are taken on board on major reform and change initiatives of the Secretary-General that impact the staff of the Organization. This would not only ensure feedback from the implementers on ground but also help avoid critical gaps in major policy decision by the intergovernmental bodies.

24. In conclusion, Mr. Chairman, Pakistan reaffirms importance of a truly, independent, professionalized, decentralized and adequately resourced system of administration of justice as critical to address all employment and contractual issues, and to help the staff in seeking a fair and just resolution in conformity with due process.

I thank you.