



New Zealand Permanent Mission to the United Nations

Te Māngai o Aotearoa

UNGA 71: Sixth Committee Administration of Justice

Statement on behalf of Canada, Australia and New Zealand (CANZ)

Delivered by Jikita de Schot
New Zealand Adviser to the United Nations

14 October 2016

Check against delivery



Chairperson,

I have the honour to speak today on behalf of Australia and Canada as well as my own country, New Zealand.

We thank the Secretary-General, the Internal Justice Council, the Office of the Ombudsman and Mediation Services, and the Interim Independent Assessment Panel for their respective reports.

CANZ recognises that implementation of an effective and fair internal justice mechanism is important for staff, management and Member States' confidence in the United Nations as a credible employer. CANZ has been a strong supporter of the system since its inception and we welcome the continuing progress that has been made. We appreciate the opportunities in the coming weeks to consider further work that the United Nations could undertake to improve the administration of justice. We thank the Interim Independent Assessment Panel in particular for its assessment of the system of administration of justice. We also thank the Secretary-General for his findings and recommendations on the Panel's work.

Chairperson,

First and foremost, CANZ emphasises that the legal aspects of the UN's system of administration of justice should not be discussed in this Committee alone. We need to bear in mind the significant challenges facing the whole UN's human resources system. It seems to CANZ that the system of performance management at the UN is failing the Organisation. For example, the SG reported in 2014 that only 1% of staff received ratings suggesting they were underperforming. This does not seem credible. As noted in the Interim Report, one of the reasons managers do not identify underperformance is fear of employees lodging complaints and concerns about how these will be handled within the Organisation's internal justice system.

We provide comment below on some of the legal issues raised in this year's Panel Report, but consider that there is limited value in addressing these issues if wider systemic concerns are not considered.

CANZ remains concerned that access to the internal justice system is not available to all staff, in fact only to 55% of staff. The administration of justice system was established to only apply to staff that were covered under the previous informal system. As CANZ stated when the new system was established, applying the system only to employed staff was a useful starting point. We acknowledged, however, that this would be temporary and expanding the scope of application should be properly considered after implementing the new system. The Panel has considered the effect this has had on non-staff personnel, and has now appropriately recommended that all staff in an employment or contractual relationship with the Organisation should have access to the internal justice system.

CANZ considers that the system needs strengthening. This Committee should identify the areas in which the system needs to be amended in order to accommodate non-staff personnel. While we appreciate the observations of the Secretary-General in response to recommendation 23 of the Panel, we believe these concerns can be appropriately addressed in adopting a mechanism that is suitably tailored in a manner that is consistent with the status of non-staff personnel. We appreciate this issue has to be coordinated with the Fifth Committee, as it is not a standalone Sixth Committee issue. We look forward to engaging with colleagues with the aim of adopting an appropriate mechanism.

CANZ shares the concern that there is not enough protection for staff against retaliation. We share the sentiments of delegates last year about the importance of the protection of whistle-blowers. CANZ also shares the Panel's view that there are severe limitations within the system to addressing retaliations against staff, particularly those staff that face retaliation for reasons other than reporting misconduct. CANZ notes the comments made by the Secretary-General on recommendation 24 of the Panel, although we consider that the Panel's research evidence suggests that staff rule 1.2 (g) is insufficient in addressing retaliation in all cases. CANZ considers that the Organisation should send a clear message that it will not tolerate this kind of behaviour and consider that a specific mechanism for addressing retaliation in these circumstances should be discussed in this Committee.

CANZ welcomes the changes made granting the same privileges and immunities to the Appeals Tribunal Judges that the Dispute Tribunal judges enjoy.

Chairperson,

CANZ takes note of the remainder of the recommendations and proposals made by the Panel. We look forward to engaging constructively on these issues, including with our colleagues in the Fifth Committee, to ensure that the administration of justice is the fair, effective and efficient system we intended it to be.

Thank you.