



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MS. KAREN LOCK,  
PERMANENT MISSION OF THE REPUBLIC OF SOUTH AFRICA TO THE UNITED NATIONS, ON  
AGENDA ITEM 133: ADMINISTRATION OF JUSTICE FIFTH COMMITTEE OF THE GENERAL  
ASSEMBLY (New York, 21 March 2006)**

Mr. Chairman,

I have the honour to speak on behalf of the Group of 77 and China on agenda item 133: 'Administration of Justice'.

The Group of 77 and China wishes to thank the Ombudsman, Ms. Patricia Durrant, for introducing the report of the Secretary-General on the activities of the Office of the Ombudsman (A/60/376). We also wish to thank the Senior Legal Advisor of the Office of the Under-Secretary-General for Management, Ms. Axenidou, and the Officer-in-Charge of the Division for Organizational Development, Ms. Miller, for introducing the remaining reports of the Secretary-General.

We thank the Advisory Committee on Administrative and Budgetary Questions (ACABQ) for its report and would appreciate clarification regarding the status of this report, given that the General Assembly has already acted on many of the proposals in the context of its adoption of the programme budget for 2006-2007.

Mr Chairman,

The Group of 77 and China attaches great importance to the issue of Administration of Justice, which is an integral part of an effective human resources management system and cannot be divorced from any process of reform of the system. This issue – and in particular the question of the deficiencies in the current system - has been on this Committee's agenda for many years. Problems relating to lack of accountability and transparency, as well as chronic delays in the consideration of cases submitted for review are long-standing.

The Group regrets that the Committee was not able to address this agenda item during the main part of its 60th session, due to the late issuance of the reports. We recall, however, the efforts taken by the General Assembly through the adoption of resolution 59/283 to improve the system, *inter alia* by establishing a panel of external and independent experts to redesign the system of administration of justice. We look forward to receiving the outcome of the panel's work in time for our comprehensive review of the system of administration of justice at the 61st session. However, this should not delay concrete and immediate action to reform the system, including those interim measures adopted in resolution 59/283, because far-reaching changes are required to avoid duplication and ensure a more transparent, impartial and effective system of administration of justice. It would be useful if the Committee could have an opportunity to interact with the panel.

Mr. Chairman,

The Group of 77 and China welcomes the first report of the Secretary-General to the General Assembly on the activities of the Ombudsman (A/60/376), which is submitted in response to General Assembly resolution 59/283. We wish to reiterate the importance that we attach to Office of the Ombudsman as the primary means of informal dispute resolution. We strongly support the independence of the Office and stress the importance of ensuring that it continues to act in a neutral manner. We also believe that it is critical for the Office to play a proactive role in making the system of internal justice more effective.

We recall that in 2005 the General Assembly requested the Office of the Ombudsman to continue with - and expand - its outreach activities, as a means of enhancing accessibility for staff outside of Headquarters. The Group of 77 and China's position is that these outreach activities should be beneficial of all the staff of the Organization, including national and General Service staff. Consequently, we supported the proposed expansion of the pilot project in Vienna to other localities through the establishment of regional branches to assist the Ombudsman in discharging her duties. We also hold the position that more concrete and additional measures would be required to strengthen the Office of the Ombudsman through improving staff access to it.

The Group of 77 and China notes the reference in paragraph 37 of the report to the number of systemic issues and challenges that have been identified through the review of cases, which may reflect serious deficiencies in the system and suggest creative approaches to dealing with them. We look forward to a more detailed consideration of these issues in the informal consultations. We further would be interested in an assessment of the contribution made to date by the Office in rationalizing the system of internal justice. For example, information on the impact in

reducing the length of the appeals process and the number of cases filed in the formal mechanism of administration of justice would be useful.

Mr. Chairman,

It is not clear how the conclusion in paragraph 9 of the report on the “Administration of Justice in the Secretariat” (A/59/883) responds to the spirit and letter of General Assembly resolution 59/283. Delegations would recall that paragraphs 29 and 30 of this resolution address the separation of the functions of the Administrative Law Unit, as well as the question on the redeployment of resources in order to avoid a conflict of interest. The Assembly concluded that the conflicting functions of the Administrative Law Unit may undermine the transparency of the system and lead to unnecessary delays.

We believe that the consideration of the redesign panel on this issue will form part of the Assembly’s efforts to reform the system of administration of justice over the medium and longer term. The General Assembly, however, recognized that immediate measures were required as stated in paragraph 30 of the above-mentioned resolution. It would have been useful if the report under discussion could have addressed the matter in more concrete terms and provided further solutions to a well-known concern.

Mr. Chairman,

The Group believes that an effective system of administration of justice is imperative to ensure due process for and just treatment of staff. It also increases accountability and transparency in decision-making by holding managers accountable for their actions, in accordance with the relevant resolutions of the General Assembly. To this end, we welcome the introduction of the report on the practices of the Secretary-General in disciplinary matters and cases of criminal behavior, as well as the comments of the ACABQ thereon. It is clear that further work is required to strengthen the accountability framework, in particular at the senior management level. We, in conclusion, would appreciate receiving information on the implementation of the mandatory time limits within the appeals process, as well as additional information from the staff representatives on the implementation of paragraph 26 of Section III of resolution 59/283.

I thank you, Mr. Chairman.