



Permanent Mission of Japan to the United Nations

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Statement by Mr. Yasuo Kishimoto
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Agenda item 137: Administration of Justice
Fifth Committee
Sixty-second Session of the United Nations General Assembly
5 November 2007

Thank you, Mr. Chairman.

I would like at the outset to express our gratitude to Ms. Alicia Barcena, Under-Secretary-General for Management and to the representatives of the Secretariat for introducing the relevant reports to the Committee. I should also like to thank the Chairman of the Advisory Committee on Administrative and Budgetary Questions, Mr. Rajat Saha, for his report.

Mr. Chairman,

My delegation has placed great emphasis on reform of the internal justice system. Resolution 61/261 provides the basis for our consideration of the comprehensive report. As it stipulates, the new system should have a positive impact on staff-management relations and improve the performance of both staff and managers. We have to ensure that the new system is workable, effective and feasible within the organization as currently constituted. We also need to

recognize that we are obliged to redraw the picture on the current system and work culture. From those perspectives, as we agreed in the former resolution, the informal resolution of conflicts is the crucial element of the system of administration of justice and all possible use should be made of the informal system in order to avoid unnecessary litigation. Five years' experience of the United Nations Ombudsman makes it clear that this is the right approach to meet the challenge in how to make the organization productive, effective and efficient. It is presumed that strengthening the informal justice system would significantly bring positive aspects in the nearest future.

At the same time, we should never overlook the systemic problems in the human resources management. I firmly believe that even if we were to create the best possible internal justice system, we would fail to achieve a fair and reliable administrative order if we were to leave in place the rules and procedures that have been causing trouble. My attention is particularly drawn to the former Ombudsman's observation about the systemic issues relating to conflict resolution. In paragraph 37 of the report contained in document A/62/311, she reported that "Identifying sources of conflict and seeking to address their root causes is crucial to the elimination of conflict and the promotion of greater harmony in the workplace." On the basis of her five years of service, she concluded that promotion-and-career-related issues have been at the heart of the largest proportion of complaints from staff members and that the current staff selection system and drastic delegation of authority to programme managers are the root causes of the problems. We believe it is worthwhile to focus on her observations during the informal discussion. My delegation would also like to know what action has been taken or will be taken in the future by the Secretary General.

Mr. Chairman,

Coming back to the substance of the proposals on the administration of justice, my delegation feels that the proposal that has been made as to the number of posts and their grade goes far beyond what is actually needed. The current Ombudsman has succeeded in extending outreach by using electronic

means of communication and making field visits. In light of the uncertainty that makes it difficult to clearly project the volume of cases that are likely to come before the new formal and informal systems, it seems quite reasonable at this early stage of our efforts to integrate the regional functions of the system and model the outreach activities of the current Ombudsman. My delegation supports ACABQ recommendation that the system should be implemented in a prudent and gradual manner. It will be appropriate to consider staffing adjustments at a later stage by confirming the effectiveness and actual workloads of the new system as part of our continuous review.

Specifically, based on the above idea, I would note that the role of the Staff Legal Assistance Office will overlap that of the Ombudsman considerably. Neither of the organizations has a formal system for providing legal service to staff. The new scheme proposed by the Secretary General could deprive staff of their autonomy in this area and create undesirable conflicts of interest. A wide variety of options for meeting the needs of staff should be considered for the progress.

Secondly, extending the coverage of the system to non-staff is therefore a matter that should be reserved for consideration at a later date. My delegation further believes that the formal system should be as efficient as possible. Our recourse to the justice system should center on the informal system as it aims to recover the trust and dependence through its process. Although there has to be access to the formal system to ensure justice and fairness, the recourse to it should be estimated to a minimum, which contributes avoiding agitation for its use.

Thirdly, the management review can start with the initial step of informal conflict resolution. Managers should be accountable for whatever administrative decisions they take. Creating a unit for management review does not help make this process fair or reliable. On the contrary, we fear that it may diminish the accountability of managers by blurring their managerial responsibility.

It would not be realistic to expect that we shall be able to clear up the entire

backlog by the time the new system commences operation. The Secretariat should provide justifications for the additional resources it requests. Convening of an additional session of UNAT and remuneration for its members should be scrutinized in terms of its feasibility and effectiveness.

As for the cost-sharing arrangement, the burden should be divided appropriately among those who use the system. My delegation would like to point out that the funds for use of the system come not only from the UN regular budget and the PKO budget, but also from extra-budgetary resources. This means that an appropriate cost-sharing arrangement should be based on the composition of the staff. If the majority of users in some duty stations are staff funded from extra-budgetary resources, the cost should be borne mainly by those who contributed those resources. My delegation would like to analyze the data and see whether it is possible to propose a cost-sharing arrangement that would better reflect the beneficiary payment principle.

In closing, allow me to say once again that Japan attaches importance to ensuring the administration of justice in the UN system and that my delegation is therefore committed to participating in the discussion of this subject in a constructive manner, with a view to producing the best possible outcome.

I thank you, Mr. Chairman.