



**PERMANENT MISSION OF SINGAPORE  
TO THE UNITED NATIONS**

231 East 51<sup>st</sup> Street, New York, NY 10022  
Tel: (212) 826-0840 · Fax: (212) 826-2964

**STATEMENT BY MR HOE YEEN TECK, FIRST SECRETARY  
ON AGENDA ITEM 137: ADMINISTRATION OF JUSTICE  
FIFTH COMMITTEE, 5 NOVEMBER 2007**

---

**10 Observations on the UN's Administration of Justice System**

Thank you, Mr Chairman, for giving me the floor.

1 My delegation has taken note of the Under Secretary-General for Management's introduction of the SG's proposal on the new Administration of Justice system. I also thank Mr Rajat Saha for giving us the ACABQ's useful comments on the SG's report, as well as the representatives of the UN Staff Union for their remarks. I have several comments and observations to make. But before I start, let me state that my delegation supports the statement made by my colleague from Pakistan on behalf of the Group of 77 and China.

2 For any organisation to function, it must have a good system of governance and accountability. The UN is no exception. Its current justice system is adapted from a model created 60 years ago. But while the work of the UN has evolved, its justice system has not kept pace. There are long delays in processing even simple administrative cases. Three or four years is not uncommon. The reality is that UN management is always in an advantageous position over the staff when it comes to disciplinary cases. Sometimes, staff do not even have the benefit of due process. The UN Administrative Tribunal (UNAT) has noted this in its judgements on many occasions. The current system is also inconsistent in its decisions and decision-making process. The SG can choose to ignore and contradict the findings of the UN's own justice panels. One of these panels has even described the UN's investigations procedures as being out of line with international human rights standards, the very standards espoused by the UN!

3 The report of the Redesign Panel suggests a way forward. For minor cases and personal disputes, there is an informal justice system that is relatively quick and cheap. For more serious cases, there would be a formal justice system that is staffed by professional judges with extensive legal experience. On paper, all these point to a fairer and more accountable administration of justice system. But for it to be truly effective, it must also be fair and accountable in practice. Otherwise, it will just be another white elephant that no one will trust or put their faith in. My delegation would like to make ten observations on the proposed reforms.

4 One, if the Redesign Panel's recommendation is accepted, decisions made by the tribunals will no longer remain recommendatory but will become binding on the management and the SG. The SG will no longer have the discretion to pick the decisions he/she likes. This has always been a serious flaw in the current setup. There is no incentive to resolve cases early, so everything ends up going to the UNAT. Having binding decisions at the lower levels of both the formal and informal justice systems is therefore a welcome change.

5 Two, the SG has proposed to create a professional two-tiered formal justice system. The judges, who will have extensive jurist experience, will be shortlisted by the Internal Justice Council (IJC). The purpose is to ensure that judgements are fair and consistent. But having professional judges is not sufficient for the system to be impartial. The judges themselves must be seen to be impartial. They should therefore not be selected by people with an interest in the dispute. We are therefore puzzled why the SG should appoint the judges of the UNDT. The GA elects the judges for the UNAT. So why not the UNDT as well? And like the UNAT judges, the UNDT judges can be shortlisted by the IJC based on competency as well as equitable geographical distribution.

6 Three, the SG also proposes that the IJC's role will be limited to shortlisting the UNDT and UNAT judges. The Secretariat will assume the responsibility for appraising these judges thereafter. But it is not clear whether the Secretariat can be impartial. Would it seek to remove judges who are biased in favour of the management? Probably not. One option is to follow the recommendation of the Redesign Panel and give this responsibility to the IJC. If the IJC has the competence to identify candidates for the UNDT and UNAT, surely it has the competence to do more.

7        Four, to reduce the need to go through the costly formal justice system, the SG has proposed to strengthen the informal justice system. The Mediation Division will help settle simple disputes. Where appropriate, the UNDT will also be able to refer cases before it for mediation. We support this flexibility.

8        Five, in Resolution 61/261, the GA endorsed abolishing the Panel on Discrimination and Other Grievances (PDOG) but placing its functions in the new system. The SG himself has indicated that he is keen on ethics and a whistleblower initiative. These go hand-in-hand. But we have not seen any concrete proposals in the report. How will staff raise complaints against their supervisors? How will they be protected from revenge attacks? Just as the Organisation needs to be able to discipline errant staff members, it also needs to be able to deal with abusive and malicious managers. But as we have all seen over the past year, whistleblower protection has been spotty at best.

9        Six, we are all aware how understaffed the current Panel of Counsel is. This is the staff's main avenue for help in any dispute with management. Yet, the Panel mostly has to depend on the goodwill of volunteers to do its work. Its Coordinator is not even paid for under our Budget! My delegation therefore supports the proposal to bolster the Panel with more full-time staff when it is folded into the Office of Staff Legal Assistance (OSLA). It should have enough resources to deal with complaints from all duty stations, including from the field.

10       Seven, there is a large backlog of cases in the current system that have to be resolved by the UNAT before we transition to the new system in 2009. The UNAT currently does not have sufficient resources to do so. Justice delayed is justice denied. Some of these cases have been pending for several years already. Do we want them to be delayed any longer? My delegation therefore supports the SG's proposal for more resources to allow it to complete its job, including a third session in 2008. Otherwise, we risk having cases run over into the new system.

11       Eight, the SG's proposal for Management Evaluation has some merit. If the Organisation can arrest and rectify inconsistent decisions by management, then there may be less need to proceed further to the formal or informal justice systems. But nobody uses the existing version (Administrative Review) because it is seen to be a delay tactic by management. There is also a conflict of interest

because the Administrative Law Unit that currently performs Administrative Review is the same unit that prosecutes the staff afterwards. One way to strengthen Management Evaluation is to place it in a neutral office, such as the Office of the Administration of Justice, and not the Department of Management. Another way is to impose a strict deadline. After, say, 21 days, the case proceeds automatically to the next level, even if the manager has not responded.

12 Nine, the UN's investigations procedures need to give due process and to be fully accountable. My delegation is alarmed that even the UN's own tribunals say that it does not comply fully with international human rights conventions. We note that the OIOS is currently revising its Investigation Manual. The Secretariat is also developing a set of standard operating procedures for non-OIOS investigations. My delegation requests that all these investigation procedures will be made available for scrutiny by staff and member states alike, before the new system comes into place on 1 January 2009.

13 Finally, an important aspect of the system that the SG has left out in his report is how to deal with publicity. We see media leaks on a regular basis and most seem directed at staff members. These leaks wrongfully tarnish the reputations of the accused before there is evidence that they are guilty. We also notice that there is much fanfare when staff are accused. On the other hand, the Secretariat is conspicuously silent when its investigations are proven unfounded and the staff are found innocent.

14 This is an opportunity for us to improve the system in a fundamental way. We need to make sure that the new system is effective, and not merely put in something that looks good but is not much better than what we already have. If need be, we should be prepared to take some time to get it right. The elements of the new Administration of Justice system may also appear costly. But if it improves the efficiency and effectiveness of the Secretariat, we will save on hidden costs like low staff morale, inefficiency, management abuse and unjustified payouts.

Thank you, Mr Chairman.

. . . . .