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Fifth Committee Report No. 17

5-9 November 2007

After delays caused by the fact that the report of the ACABQ on Administration of Justice took longer than expected, the Fifth Committee this week finally started its work to consider the proposed new internal system of justice. Member States agreed last spring that the new system should be implemented by January 2009.

ADMINISTRATION OF JUSTICE

On 5 November 2007, the Fifth Committee was addressed by the Under Secretary General for Management, Alicia Barcena; Vice President Paulina Analena of the Staff Management Coordination Committee; Nora Galer, Officer-in-Charge of the Office of the United Nations Ombudsman; Stephen Kisambira, President of the United Nations Staff Union; and Chairman of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), Rajat Saha, on Administration of Justice. Please see the comprehensive report from the Department of Public Information for detailed information (GA/AB/3824) on these presentations as well as initial responses from Member States. Written statements were made available by the G77 and China, Singapore, Australia, Bangladesh, Japan, and Switzerland.

Main concerns and recommendations, some contradictory, voiced at this meeting included:

- Maybe not everything desirable is feasible in the long run;
- New system seems very “elaborate and complex”;
- Fear that the weaknesses of the current system might be replicated or even exacerbated when deviating from the proposed system;
- Fear that the cost of the proposed reforms are very high;
- Maybe the Secretary General’s estimates are not realistic and the final cost could be significantly higher;
- Fear that efforts to limit costs might endanger standards and fairness;
- Not yet convinced that individual contractors, consultants, and volunteers need to be covered by this new system – daily paid workers in peacekeeping missions should have access within the new framework;
- System should include any person working for the UN;
- Maybe the system should be implemented in a more prudent manner or some aspects phased in more slowly;
- Maybe we do not need to establish separate branch Ombudsman offices in all of the duty stations proposed;
- Maybe the Executive Director of the Office of Administration of Justice could be a D-2 position rather than Assistant Secretary General;
- Maybe a single judge (as suggested by redesign panel) plus some elements of peer review would be better than a panel of three judges;
- The Internal Justice Council could recommend and screen judges but the GA should make the final appointments;
- Why would the SG appoint judges for the Disputes Tribunal while the GA would appoint judges for Appeals Tribunal?

- Could being appointed by the Secretary General result in conflict of interest?
- Staff should contribute financially when using legal assistance;
- Whistleblower protection – how can it be strengthened?
- The equivalent of class action suits by staff associations should not be encouraged;
- Can we have an administrative review process that is faster?

8 and 9 November 2007: Question and Answer sessions

On 8 and 9 November, Q&A sessions on Administration of Justice began in the Fifth Committee. The proposed order for tackling this complex issue, which will have a huge impact for UN staff throughout the system – with some matters having to be decided on very soon – reportedly will be as follows:

- 1) Transitional period/2008.
- 2) Scope and Jurisdictions.
- 3) Informal System.
- 4) Formal system.
- 5) Disciplinary Proceedings.
- 6) Office of Staff Legal Assistance.
- 7) Office of the Administration of Justice.
- 8) Peacekeeping Missions and Special Political Missions.
- 9) Cost-sharing.

**This update is meant to be a summary of some of the main ideas discussed during the meetings and does not represent a complete and official account of all positions expressed by Member States.*