

STATEMENT BY MR. HAMDULLAH SAYEED, MEMBER OF PARLIAMENT AND MEMBER OF THE INDIAN DELEGATION, ON AGENDA ITEM 140 – ADMINISTRATION OF JUSTICE AT THE UNITED NATIONS AT THE SIXTH COMMITTEE OF THE 65TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON OCTOBER 06, 2010

Madam Chairperson,

Since I am taking the floor for the first time in this Committee, let me take this opportunity to congratulate you and other members of the Bureau on your election. My delegation assures you of its full cooperation and support. I am sure under your able guidance this Committee will make good progress on this agenda item.



First of all I would like to thank the Secretary General for his Report on the administration of Justice at the United Nations. We would also like to thank the Internal Justice Council for their Report on the Administration of Justice at the United Nations and on the Code of Conduct for the Judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal.

Madam Chairperson,

The subject matter of this agenda item is very dear to my heart being a lawyer by profession. I come from a country that is the largest democracy in the world. We follow parliamentary form of government. Judiciary in my country is one of the most important and critical organ of the government.

While reading the report of the Secretary General, issued yesterday, a thought came to my mind about the judicial reforms being undertaken in India by the UPA Government led by the Prime Minister Dr. Manmohan Singh, and UPA Chairperson Madam Sonia Gandhi ji, focusing on strengthening a transparent, accountable, responsive, effective and efficient judiciary. I see many of these elements are common in the new system of the administration of justice at the United Nations.

The report of the Secretary General is both interesting and insightful, especially keeping in mind the achievements made by the new system of administration of justice in the first year of its operation since it became operational from 1 July 2009. The creation of a new administration of justice system at the United Nations was a real challenge. Since the United Nations has always laid emphasis on the development of international standards in the field of human rights and the rule of law, it was imperative on the part of the Organization to devise and put in place a system of administration of justice which is independent, transparent, impartial, efficient and effective and which is capable of fulfilling the aspirations of the Organization as well as its staff in the 21st century.

We are happy to note the achievements of the new system of administration of justice. The new system is a welcome and significant improvement over the old system that used to take years for the resolution of a case, while in the new system a case is finalized on an average of six months. This is an important example of the implementation of the principle of justice delayed is justice denied.

We are also happy to note that the number of users of the new system is already greater than the cases in the prior system and that the number is still increasing. This is

the result of increasing awareness of the staff about the existence of the new system and their confidence in the new system that their grievances will be addressed professionally, fairly and in a timely manner.

Madam Chairperson,

The Internal Justice Council, pursuant to its mandate has now presented a code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal.

The Code of Conduct relies on the United Nations basic principles on the independence of Judiciary that are designed to secure and promote the independence of judicial bodies as a basis for providing guidance to the internal administration of justice within the United Nations.

The Code of Conduct establishes standards for ethical conduct of judges by providing a framework for regulating judicial conduct. The document identifies various principles and then outlines many rules there under to ensure the proper application of those principles. The seven core principles that have been identified and laid down include independence; impartiality; integrity; propriety; transparency; fairness in the conduct of judicial proceedings; and competence and diligence.

These core principles highlight the rules that should be followed by every judge in the performance of his duties. This reaffirms the faith of stakeholders in the impartiality of judiciary. These rules, apart from trying to secure independence of the Tribunals and maintaining the confidence in the judicial system, are intended to ensure judicial accountability which is seen as a facet of independence of judiciary.

Madam Chairperson,

We thank the Internal Justice Council for their excellent work and welcome the Code of Conduct prepared by them. The values which have been laid down in the Code reflect the universally accepted values for the judiciary. The Code of Conduct would further help bolster the World body's formal system of dealing with internal grievances and disciplinary cases with professionalism and accountability.

We appreciate the efforts of the Internal Justice Council in holding meetings with the judges of the Dispute Tribunal and judges of the Appeals tribunal in New York, Geneva, Nairobi, Addis Ababa; with Ombudsman; head of mediation services; the office of the staff legal assistance; and the staff councils of many international organizations. After these meetings the Council has assessed the needs of these bodies and has identified many challenges that need to be addressed.

The Internal Justice Council has also identified certain issues and made a number of suggestions to ensure that the new system does indeed work to the potential and deliver a system of justice that is independent, professional and accountable. We look forward to engaging ourselves constructively in the work of the working group in the coming days to consider all important issues and Council's recommendations.

Madam Chairperson,

From the report of the Secretary General we also note that there has been a marked improvement in the dispensation of informal justice. These efforts should be strengthened further. In this connection we would like to see the report of the Ombudsman.

I am confident that with the Disputes and Appeals Tribunals in place from 1 July 2009, and with the Code of Conduct for the Judges in place, the United Nations new two-tier formal administration of justice system would address work related disputes in an independent, transparent, impartial, efficient and effective manner. I am also confident that the new justice system, along with strengthened ombudsman and mediation services, will effectively promote speedy resolution of disputes between the staff and the management, ensuring mutual trust, harmony and understanding.

Madam Chairperson,

While in the last session there is considerable progress in the work of the Committee, still there remain some crucial outstanding issues, including the scope of the new system of the administration of justice; legal assistance to staff and the question whether the staff associations may file applications before the United Nations Dispute Tribunal; complaints against judges; delegation of authority for disciplinary measures; and independence of management evaluation unit etc.

Madam Chairperson,

In paragraphs 8 and 9 of resolution 64/233, the General Assembly requested the Secretary General to provide further information including compiling and comparing the respective advantages and disadvantages for a number of options that were enumerated in those paragraphs. The report of the Secretary General highlights some options but at the same time has raised a number of issues that need to be addressed.

We look forward to constructively contributing on these issues in the meeting of the Working Group.

Madam Chairperson,

In our view all members of the United Nations workforce should have access to justice, irrespective of their designation or nomenclature. We are flexible in this matter and willing to look at various proposals and options that are put forward in the report of the Secretary General and in the report of the Internal Justice Council. We support strengthening of the Office of Staff Legal Assistance as we believe that the continued availability of legal assistance to staff would ensure that no one is left out without recourse. We hope that the new system of administration of justice would remain consistent with the outcome of the overall reform of human resources within the United Nations System.

Thank you, Madam Chairperson.

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