



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. WALEED ALSHAHARI, PERMANENT MISSION OF THE REPUBLIC OF YEMEN TO THE UNITED NATIONS, ON AGENDA 142: ADMINISTRATION OF JUSTICE AT THE UNITED NATIONS, AT THE FIRST PART OF THE RESUMED SIXTY-FOURTH SESSION OF THE FIFTH COMMITTEE OF THE GENERAL ASSEMBLY (New York, 10 March 2010)**

Mr. Chairman,

1. Regarding the letter dated 4 March 2010 from the President of the General Assembly to the Chairman of the Fifth Committee, the Group of 77 and China would like to express its concern that the original letter of the Secretary-General to the President of the General Assembly was directly submitted to the Plenary for action, with the intention of bypassing consideration by the Fifth Committee and under the pretense that the expenses related to the extension of the period of appointment of the ad litem judges of the United Nations Dispute Tribunal would be covered by the "experiment" of the limited budgetary discretion, which is due to expire by the end of March 2010. The Group recalls that the extension of the "experiment" is still under consideration by the Fifth Committee during the ongoing first part of the resumed 64th session of the General Assembly.
2. The Group further recalls that paragraph 49 of resolution 63/253, which decided the period of appointment of the ad litem judges, was adopted by the General Assembly on the basis of a recommendation by the Fifth Committee. Therefore, any decision to alter the term of appointment has to be considered by the Fifth Committee, regardless of the method used to finance this decision.
3. The Group reaffirms the words that have been repeated in General Assembly resolutions, year after year, that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters. We are deeply concerned with the use of the limited budgetary discretion to finance activities that are not mandated by the General Assembly.
4. With that said, the Group of 77 and China would like to reiterate the great importance it attaches to the issue of the administration of justice, which is an integral part of an effective human resources management system and an enhanced accountability within the United Nations. We firmly support the reforms approved by General Assembly resolutions 61/261, 62/228 and 63/253, and we look forward to the upcoming comprehensive review of the new system that will take place during the sixty-fifth session of the General Assembly, including on the number of judges and the panels of the United Nations Dispute Tribunal.
5. In this regard, the Group of 77 and China stresses the importance of ensuring that the new United Nations Dispute Tribunal has the capacity to manage both the cases from the old system and new cases. Despite the unfortunate procedural issue, we believe that substance of the request of the Secretary-General to extend for a further year the period of appointment of the ad litem judges, as well as the terms of office of their supporting staff, has merit in light of the considerable workload of the Tribunal.

Thank you, Mr. Chairman.