



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. WALEED AL-SHAHARI OF THE PERMANENT MISSION OF YEMEN TO THE UNITED NATIONS, ON AGENDA ITEM 129: PROGRAMME BUDGET FOR THE BIENNIUM 2010-2011 - CONDITIONS OF SERVICE AND COMPENSATION FOR OFFICIALS, OTHER THAN SECRETARIAT OFFICIALS: MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE AND JUDGES AND AD LITEM JUDGES OF THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA AND THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, IN THE FIFTH COMMITTEE DURING THE MAIN PART OF THE 65TH SESSION OF THE GENERAL ASSEMBLY (New York, 29 October 2010)**

Madam Chair,

I have the honour to speak on behalf of the Group of 77 and China on this important item.

2. We thank the Assistant Secretary-General for Human Resources Management, Ms. Catherine Pollard, and the Chairperson of the ACABQ, Ms. Susan McLurg, for introduction of the respective reports on this item.

3. The Group of 77 and China attaches high importance to the work of the International Court of Justice (ICJ), and the International Tribunals for the Former Yugoslavia and for Rwanda. The Group as always is in favour of improving the conditions of service commensurate with the responsibilities of staff members and judges of the Tribunals. It is thus important that the General Assembly (GA) endeavours to achieve these goals in an impartial and decisive manner.

4. In its resolution 63/259, the GA decided that entitlements, pensions and other conditions of service for the members of the International Court of Justice (ICJ), the International Criminal Tribunal for Rwanda and International Tribunal for the Former Yugoslavia (ITY), be reviewed during the current Session.

5. The Group also recalls that by resolution 64/261, the General Assembly decided that the matter of the difference in pension rights between ad litem judges and permanent judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia should be resolved as a priority of the General Assembly at the main part of its sixty-fifth session, and requested the Secretary-General to include a comprehensive actuarial study of the cost of extending pensions to the ad litem judges of the two Tribunals in his report requested pursuant to section I, paragraph 8, of its resolution 63/259. The Group is convinced that the SG report on this matter provides a solid basis for addressing the terms and conditions of service for the judges, ad litem judges and the ad hoc judges.

6. The Group of 77 and China recognizes that ad litem judges have contributed immensely to the effective functioning of the Tribunals and to the success of the Completion Strategy. The workload of ad litem judges is identical to that of permanent judges. The Groups is mindful that the recent Security Council resolution on this matter, authorized benches to be composed exclusively of ad litem judges. This decision has given them the additional responsibility of acting as Presiding Judges. The Group recalls that service conditions of the ad litem judges did not anticipate the service of these judges going beyond 3 years, and, including their assumption of presiding roles

over multi-accused cases.

7. We believe that the continued differences in terms of the conditions of service are a matter that should be addressed not only in the interests of equity in line with Article 13 quarter of the Statute of the Tribunals, but also in particular, in the interest of the successful implementation of the Completion Strategy.

8. The Group of 77 and China supports the proposals made by the Secretary General and believes that they go a long way towards addressing the challenges faced by the judges of ICJ, ICTR and ITR. We are also of the view that equality among judges is a basic principle of the United Nations.

Madam Chair,

9. Regarding remunerations, the Group of 77 and China would like to reaffirm its strong support to the preservation of the principles of the Charter of the UN and the Statute of the Tribunals. The Group has considered with great interest the comments presented by the Presidents of the Tribunals and in this regard the Group wishes to stress its commitment to ensure equity in terms of salaries and conditions of service of all judges, including ad hoc and ad litem judges.

10. The Group of 77 and China believes that decisions to be reached with regard to the entitlements and other allowances for any category of judges working within the UN system should be based on merit. It is critical that the services of all categories of judges be recognized.

11. We look forward to having constructive deliberations on this matter during the informal meetings.

I thank you, Madam Chair.