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Chair: Ms. Stoica (Vice-Chair). (Romania)
*Vice-Chairman of the Advisory Committee on Administrative
and Budgetary Questions:* Mr. Kelapile

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In the absence of Mr. Rosenthal (Guatemala), Ms. Stoica (Romania), Vice-Chair, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 134: Human resources management

(continued) (A/65/180, A/65/202, A/65/213, A/65/305 and Add.1-4, A/65/332, A/65/343, A/65/345 and Add.1, A/65/350 and Add.1 and A/65/537)

1. **Mr. Tommo Monthe** (Cameroon) said that the recruitment system must be given credibility by ensuring that it upheld the principles of professionalism, transparency and fairness. Equitable geographical representation should bolster the universality of the United Nations, which had been established on the basis of the sovereign equality of States. Member States should establish a better formula for geographical distribution by increasing the number of posts subject to such distribution and by reversing the weighting given to the contribution, membership and population factors. The quantitative and qualitative underrepresentation of African States — and Central African States in particular — in the United Nations staff, especially at senior decision-making levels, hampered the effective understanding and management of African issues; it might even be considered an ethical problem, since Africa was regularly said to be at the top of the Organization's agenda. Furthermore, his delegation concurred with the Advisory Committee that the procedure requiring written justification and approval for the appointment of an external candidate discouraged the selection of such candidates and should therefore be amended.

2. On the issue of continuing contracts, he welcomed the procedures set out in the Secretary-General's report (A/65/305/Add.1) to ensure the integrity and objectivity of the decision-making process and the dispute resolution mechanism. Nevertheless, his delegation concurred with the Advisory Committee that the proposals failed to resolve the issues raised by the General Assembly. They appeared to focus more on establishing a basis for termination indemnities than on developing a flexible professional workforce with a stable corps of staff at its centre. Moreover, the Secretary-General's refusal to engage in long-term workforce planning would make the proposed formula tantamount to an open floodgate with few controls, which could give rise to an unstable and subjective recruitment process with a risk of legal challenges entailing financial

implications for the Member States. Far from being impossible, a long-term needs exercise had recently been conducted for peacekeeping; a similar exercise could be carried out for the Secretariat to determine its continuing needs and the appropriate proportion of continuing contracts. If that was impossible, the current system of permanent contracts should be maintained to avoid a system of ad hoc decision-making by programme managers.

3. The new internal justice system should make it possible to monitor how programme managers were using delegated authority in the areas of recruitment and human resources management. The Secretary-General might consider including in managers' performance evaluations a record of the number of disputes in which they were involved. A high number would be indicative of underperformance or even incompetence. Programme managers with exemplary management records should receive commendations, and perhaps even a reward. Together, the justice system and the accountability framework could protect staff from injustices.

4. Good staff-management relations were of utmost importance for the effective functioning of the international civil service. Long-standing issues in that respect should be addressed and the Administration should return to the good practice of presenting staff views accurately to the Assembly.

5. The International Civil Service Commission (ICSC) had made appropriate recommendations on the harmonization of conditions of service: if approved by the Assembly, they should be implemented immediately.

6. The new entity for gender issues UN Women should be given proper staffing based on the principles of justice, competence and equitable geographical distribution.

7. Lastly, if the Assembly became bogged down in its deliberations on human resources management, it should consider establishing an independent panel of experts to propose solutions.

8. **Mr. Benmehidi** (Algeria) said that flexibility, transparency and equity as well as respect for the principles of equitable geographical representation and gender parity were key elements of human resources management reform. His delegation was therefore deeply concerned at the ongoing imbalance in the

representation of developing countries in the Secretariat, particularly in senior positions. Despite the increase in Algeria's contribution to the United Nations budget, its representation remained below the midpoint of its desirable range.

9. A clear and flexible talent management system and staff-management consultation mechanisms would yield productivity gains and curb the number of legal disputes.

10. His delegation supported the harmonization of conditions of service for all staff in the United Nations system, to ensure that a dynamic, motivated and flexible workforce was deployed worldwide. Furthermore, future job openings should refer to mobility requirements. He paid a tribute to United Nations staff, particularly those who risked their lives daily in order to build peace and improve people's lives.

11. **Mr. Sial** (Pakistan) said that the Secretariat had made commendable efforts to achieve geographical balance, as required by Article 101 of the Charter, but more work was needed. Regrettably, the report on the system of geographical distribution (A/65/305/Add.2) did not fully respond to the Assembly's request, in its resolution 63/250, for a comprehensive review. The Secretary-General should make proposals that diversified the criteria and rewarded Member States for such contributions as providing troops, hosting large refugee populations and hosting United Nations offices.

12. ICSC had made useful proposals on salaries and allowances across the United Nations system that would attract qualified and committed personnel for peacekeeping missions and help reduce the high vacancy rates in such missions.

13. The requirement that heads of department must justify in writing the selection of an external candidate was discriminatory and would impede the recruitment of such candidates. It was crucial to have transparent recruitment and selection processes: the related administrative instruction (ST/AI/2010/3) should be abolished.

14. Specific and continuous efforts should be made to ensure the appropriate representation of troop- and police-contributing countries in the Department of Peacekeeping Operations and the Department of Field Support, including at the senior levels. He welcomed

the Secretary-General's intention to work with major troop-contributing countries to identify candidates to fill vacancies in field missions. The outcome of such initiatives should be shared with Member States. There must be greater coherence between those who managed and directed operations and those who provided the human resources present on the ground.

15. It was unclear whether Human resources action plans (HRAPs) had been effective in holding managers accountable for consistent failure to meet benchmarks. Senior managers with tenured posts were unlikely to be accountable to anyone for implementing human resources management targets. The Secretary-General should evaluate the implementation of the HRAPs, failures to meet targets and the results should be shared with Member States in future reports.

16. **Mr. Lieberman** (United States of America) said that the Secretary-General's revised proposals regarding the granting of continuing contracts failed to address many of the Member States' concerns. Indeed, the factor of continuing need had been eliminated. He recalled that, under the ICSC framework for contractual arrangements, continuing appointments were intended to assist organizations in maintaining programme continuity, were subject to the continuing needs of the organizations and were extended to staff who performed core functions. The primary purpose of the contractual framework should be to ensure a professional workforce that was flexible enough to meet the Organization's needs in facing current and future challenges.

17. **Mr. Kanamori** (Japan) said that the Secretary-General's proposals on eligibility criteria for a continuing appointment were even weaker than those made previously because he had failed to define the Organization's continuing needs or core functions and, indeed, appeared to challenge the applicability of those concepts to the United Nations. He wished to know whether ICSC viewed the Secretariat's interpretation of those concepts as consistent with its own. Moreover, regardless of the Secretariat's argument that the continuing appointment was not a career contract, his delegation remained uneasy about the longer-term claims that a majority of staff members could have if the current proposal was implemented.

18. The Secretary-General had been opposed to a ceiling on the number of conversions to continuing appointments, arguing that it was not sound

management and would perpetuate perceptions of unfairness among staff. The proposed eligibility criteria for continuing contracts were inadequate because they would be met by over 27,000 staff by 2015, out of a total of some 44,000 staff as at 30 June 2010. If a ceiling was imposed, cooperation between staff and management to establish the order of priority for conversion to continuing appointments could alleviate concerns about potential arbitrariness and inequality.

19. Neither the new performance management system nor the recently introduced Inspira talent management tool had yet proven effective enough to enable the Secretary-General to grant a modest number of continuing appointments based on workforce planning. The Office of Human Resources Management (OHRM) should therefore pursue a phased approach to the adoption of continuing contracts so that the reliability of the talent management system could first be ascertained. In addition, mobility and geographical diversity should be additional criteria governing the award of continuing appointments.

20. On the issue of using P-1 posts more effectively, the Organization's current post structure should be reviewed and a proposal should be formulated to establish P-1 posts through the reclassification of existing higher-grade posts. The Secretary-General instead proposed to place successful candidates at the P-1 level against P-2 posts and to exclude candidates over the age of 26 on the grounds that they were overqualified for P-1 posts. Yet the high average age of new recruits from national competitive examinations was the result of inefficient management of the roster, which left candidates waiting to be placed for two years or even longer. Deserving candidates should not pay the price for the Secretariat's mismanagement. Moreover, the Charter stipulated that the competence and integrity of candidates, not their age, should be the paramount consideration in the employment of staff. The age limit for candidates should therefore be abolished, not lowered. The young professional programme, if approved, should have the same objective as the national competitive examination, namely, to reduce the number of States that were unrepresented or underrepresented.

21. The special procedure requiring heads of department to justify the selection of external candidates and receive approval from the Office of

Human Resources Management should be removed from the staff selection system.

22. Lastly, an independent redesign panel should be established to properly review human resources management at the United Nations.

23. **Ms. Flores** (Honduras) said that, although her delegation supported the proposed measures aimed at reducing the number of days it took to fill a vacancy, it wished to recall that in countries with information technology deficits, including Honduras, more time was needed to circulate vacancy announcements. Nonetheless, her delegation believed that the new talent management tool, Inspira, would help reduce the time it took to fill vacancies. Her delegation supported the recommendations of the Advisory Committee, particularly with regard to the need to forecast the requirements of the major occupational groups.

24. With regard to contractual arrangements, her delegation believed that the purpose of contracts was to avoid uncertainty, both for staff and the Organization, which should strive to motivate and retain good employees.

25. Turning to harmonization of conditions of service, she said maintaining a cohesive global workforce required the Organization to ensure that staff members who performed similar functions were treated in the same way across the common system. Furthermore, a staff member's gender or country of origin should not impede his or her ability to rise to the highest levels in the Organization. Her delegation supported the three main harmonization proposals of ICSC that were discussed in the Secretary-General's report (A/65/305/Add.1).

26. Lastly, her delegation supported the Secretary-General's proposal to create a young professionals programme because the future of the Organization depended on its ability to recruit and retain talented young people.

27. **Mr. Cabactulan** (Philippines) said that the reform of human resources management should be an ongoing process, the aim of which was to ensure the effective functioning of the United Nations. That process should not only lead to better management practices, but effective governance based on accountability, transparency and responsiveness to the needs of all stakeholders, particularly the Member States.

28. The Organization must make every effort to ensure that its staff included nationals from every Member State. It should hire qualified and competent individuals while respecting the principles of geographical distribution and gender parity.

29. Streamlining contractual arrangements and harmonizing conditions of service, particularly in field missions, would boost staff morale and help the Organization retain experienced and dedicated staff members.

30. **Mr. El Shinawy** (Egypt) said his delegation supported the Secretary-General's intention to focus on shorter-term operational workforce planning to address already identified demands in field operations. Nonetheless, it was also important for an organization such as the United Nations to engage in long-term workforce planning. In that connection, the Organization should avoid the obstacles that had hampered the Secretariat-wide, long-term workforce planning exercise undertaken in 2009.

31. The Secretary-General's proposal to reduce the period for circulation of specific job openings from 60 to 45 days as a means of speeding up the recruitment process required further study and elaboration. It would be more useful to focus on reducing the time it took to appoint a candidate once the deadline for submission of applications had passed. The Secretary-General's current proposal would disadvantage candidates from developing countries, where access to the United Nations website was limited owing to technology gaps.

32. With regard to the proposed requirement for heads of department to justify selection of an external candidate in writing for approval by the Office of Human Resources Management, he said that both internal and external candidates should be assessed on the basis of the requirements of the post.

33. The Secretary-General should be encouraged to continue to work closely with major troop- and police-contributing countries in the period 2010 to 2012 to identify candidates with the skills required by field missions. Given that the Organization's peacekeeping forces comprised contingents from those countries, it was only logical that their nationals should be equitably represented in the staff of the relevant Secretariat departments and of the field operations.

34. The General Assembly should approve the ICSC proposals on the hardship allowance, the rest and recuperation framework and the designation of mission duty stations as family or non-family on the basis of a security assessment. Since those measures were interlinked, they should be implemented as a package. In that connection, his delegation agreed with the Advisory Committee that the Secretary-General should exert his leadership as Chair of the United Nations System Chief Executives Board for Coordination to ensure application of the new arrangements system-wide.

35. The freeze on the granting of continuing appointments was unacceptable. The Assembly should explore the possibility of reverting to the previous contractual arrangements if it could not arrive at an agreement on the matter.

36. Lastly, his delegation took note of the proposed young professionals programme and would seek further information in informal consultations regarding the scope, implications and rationale of the Secretary-General's proposals.

37. **Mr. Bayat Mokhtari** (Islamic Republic of Iran) said that his delegation did not agree with the Secretary-General's view that long-term workforce planning was of little value to the Organization. Long-term workforce planning was an important feature of every modern management system and was particularly applicable to the public sector. His delegation concurred with the Advisory Committee that the staffing of the Secretariat must be dynamic and flexible in response to changing requirements. The Secretary-General should therefore devote due attention to forecasting staffing requirements for the major occupational groups.

38. The increase in the average time required to fill a vacancy was regrettable, and more could be done to meet the benchmark of 120 days. The ICSC proposals on harmonization of conditions of service would help foster equality and fairness in the treatment of staff, thereby boosting morale and increasing efficiency.

39. The proposed young professionals programme offered hope for unrepresented and underrepresented Member States. It would not, however, be wise to reduce the age limit for applicants from countries where neither English nor French was the native language. The age limit should remain 32, as recommended by the Advisory Committee.

40. With regard to a future shift from paper-based to computer-based examinations, his delegation trusted that all factors, including the technological limitations that existed in certain countries, would be considered before moving ahead with computer-based examinations in order to ensure that all candidates could participate on an equal footing.

41. Given the amount of time and effort it took to organize the national competitive recruitment examinations, it was not logical that rosters should remain valid for only one year. His delegation believed that rosters should remain valid indefinitely.

42. **Ms. He Yi** (China) said that, although progress had been made towards achieving equitable geographical distribution, more could be done to increase the number of senior posts filled by the nationals of developing countries. Her delegation therefore called on the Secretariat to make greater efforts to address the concerns of developing countries and achieve universal representation in staffing.

43. Continuing appointments were an important part of human resources management reform. Their relevance was not restricted to merely core functions and posts and the normal functioning of the Organization. They would also be a factor in the Organization's ability to adapt to external changes. Analyses and assessments should therefore be carried out in an integrated and comprehensive manner, and a cautious approach should be taken to every new and expiring contract.

44. The proposed young professionals programme would help to improve the management of the Organization. However, an appropriate limit must be established so as to enable the Organization to hire young professionals with diverse experience from different cultural backgrounds. Mobility should be required of all staff members throughout their careers.

45. With regard to the activities of the Ethics Office, her delegation called for the formulation of unified ethical norms that were based on the core values of the Organization and took into account cultural diversity. In that connection, her delegation called for greater participation by the specialized agencies and programmes of the United Nations.

46. **Mr. Prokhorov** (Russian Federation) said that his delegation would examine the proposals on human resources management in terms of whether they would

make human resources policy more effective and meet the Organization's needs for qualified staff and an effectively functioning Secretariat. The financial situation of Member States would also be taken into account.

47. There must be no weakening of the principle that the main criteria for staff selection were the competence and high calibre of candidates. Other criteria such as geographical distribution and gender parity must not prevent the Administration from selecting the candidates best able to discharge the Organization's mandates. Furthermore, the absolute equality of internal and external candidates should be one of the main principles of human resources management reform.

48. Continuing appointments should be limited according to clear criteria; wider use of fixed-term appointments would lead to more effective human resources management and increased productivity, as confirmed by the experience of the United Nations funds and programmes.

49. With respect to the review of the system of desirable ranges, no distinction was currently made between staff at junior and senior levels, so that the official figures on underrepresentation or overrepresentation did not reflect the actual decision-making role a given Member State might play in the Secretariat. The existing situation was illogical and should be analysed thoroughly. Furthermore, the Secretary-General's proposal to reconsider the requirement that internationally recruited staff members must renounce permanent resident status would have a direct impact on geographical distribution and should be taken up in the context of deliberations on that subject.

50. **Mr. Nguyen Dinh Hai** (Viet Nam) said that, although his delegation welcomed the progress that had been made in human resources management reform, developing countries were still underrepresented at the senior levels and male staff members outnumbered female staff members in all categories. It was therefore incumbent on the Secretariat to hire talented individuals from those countries in order to achieve equitable geographical distribution and gender parity.

51. His delegation welcomed the launch in 2010 of a new performance management and development system. The new system would increase accountability, enhance the effectiveness of performance management,

create stronger links between performance management and career development and learning, and promote a positive work environment. His delegation was heartened to learn that the Staff-Management Coordination Committee had decided to continue working with OHRM on certain important aspects of human resources management.

52. **Ms. Tubthong** (Thailand) said that, nearly two years after the adoption of General Assembly resolution 63/250, the Assembly had still not agreed on modalities for the implementation of continuing appointments. Any further delay would undermine staff morale and threaten the effective functioning of the Organization. A practical solution must be found at the Assembly's current session.

53. Her delegation saw merit in the ICSC proposals, in particular those on harmonization of conditions of service at non-family duty stations. Secretariat staff serving at such stations should receive the same treatment as their counterparts in the agencies, funds and programmes. Corrective measures must be taken without delay.

54. In reforming human resources management, the Organization must give due regard to the principles of geographical distribution and gender parity while maintaining the highest standards of efficiency, competence and integrity. The selection system, in particular, must be implemented without discrimination and with due consideration for those principles. She urged the Secretary-General to make every effort to achieve that goal.

55. **Mr. Alturki** (Kuwait) said that the Secretariat must strive to achieve equitable geographical distribution and ensure greater transparency in its hiring procedures. His delegation supported a strong and integrated common system in which staff served under the same conditions, both at Headquarters and in the field. Every effort must be made to find a solution to the high vacancy rate, arrive at an agreement on contractual arrangements, including continuing appointments, and increase the number of young people employed by the Organization.

56. In his report on the composition of the Secretariat and staff demographics (A/65/350), the Secretary-General indicated that 12 Member States, including Kuwait, were unrepresented. His Government had nominated several qualified candidates to fill vacant posts, yet none of them had been appointed. Moreover,

OHRM had not adequately explained why some of those candidates had been rejected.

57. His delegation supported the Secretary-General in his efforts to bring the reform process to a successful conclusion. Reforming human resources management would enable the nationals of every country to participate in the management of the Organization and help ensure that senior-level posts were no longer monopolized by a few countries.

58. **Ms. Corti** (Argentina) said that the reduction in the advertising period for vacancies might cause difficulties for potential candidates. It would therefore be preferable to streamline subsequent stages of the recruitment process; in that connection, her delegation would seek additional information on the possibilities offered by Inspira. She also wished to know more about the policies that differentiated between internal and external candidates. That was a very sensitive matter on which the Committee must have absolute clarity.

59. None of the proposals on geographical distribution would establish a more effective tool to ensure equitable geographical distribution in relation to the total number of Secretariat staff, as the Assembly had requested in its resolution 63/250.

60. The contractual arrangement approved by the General Assembly in 2008 had created expectations among the staff and was part of an agreement among Member States that should not be undone. The issue of conversion to continuing contracts should be resolved without delay. The aim should be to ensure stability in staffing. The main criteria for conversion should be merit and geographical representation. For that purpose, it was important to have an effective and credible performance evaluation mechanism that would reward excellence and strengthen the link between performance and career advancement. Both short-term and long-term workforce planning were required.

61. Her delegation supported the ICRC recommendations on the harmonization of conditions of service. Harmonization would not only ensure equal treatment of staff serving in the same conditions, but might also help alleviate the high vacancy rates in field missions.

62. **Ms. Jacobsen Takahashi** (Norway) said that mobility and harmonization of conditions of service were not ends in themselves, but means of improving

the implementation of mandates, which also required due consideration of the specific requirements and mandates of United Nations system entities. Harmonization must not, therefore, result merely in a reduction of allowances to the lowest common denominator, which could have unintended consequences. Her delegation would welcome further analysis of the impact of the related proposals on the United Nations presence in the field as a whole.

63. The recruitment timeline was a challenge to field missions, where posts often remained vacant for six months or even a year. Her delegation welcomed the streamlining measures taken and was prepared to discuss the proposed reduction in the advertising period for vacancy announcements; it was important to maintain flexibility, however, perhaps through the use of waivers in certain circumstances. Retention in field positions was also key: an impact analysis of the proposal to discontinue the special operations approach should be carried out, with a focus on the gender impact.

64. She welcomed the ongoing efforts to promote mobility between the field and headquarters, which would enhance coherence and integration. An even more urgent issue was interoperability: the Secretary-General should work with the funds and programmes to enable staff to move smoothly between entities without suffering setbacks in their careers in their "home" organizations.

65. Her delegation looked forward to reports on the impact of the new talent management and performance assessment tools. Investment in staff should focus on mid-level managers and on those assigned to lead complex and integrated missions.

66. Job security, predictability and fairness were important motivational factors. As the Secretary-General maintained, establishing an arbitrary ceiling on the number of staff granted conversions to continuing contracts could be counterproductive. However, the process must be carefully managed with due regard to the overall number of staff. The Committee should keep in mind one of the main goals of reform: to enable the Organization to have the right people in the right place at the right time.

67. **Mr. Abu Aboud** (Libyan Arab Jamahiriya) said that human resources management was one of the most important items on the General Assembly's agenda because it was closely tied to the reform of the United

Nations and the improvement of the Organization's administrative functioning.

68. His delegation agreed with the Advisory Committee that the Secretary-General's proposal to lower the age limit for candidates for the national competitive recruitment examination to 26 was too restrictive and could disadvantage candidates whose mother tongue was neither English nor French. His delegation therefore suggested that candidates from unrepresented or underrepresented countries should be exempted from the proposed age limit. Reducing the period for circulation of specific job openings from 60 to 45 days would disadvantage candidates who had limited access to the United Nations website.

69. The Secretary-General's report on geographical distribution (A/65/305/Add.2) did not fully respond to General Assembly resolution 63/250, by which the Assembly requested the Secretary-General to submit proposals for a comprehensive review of the system of desirable ranges, with a view to establishing a more effective tool to ensure geographical distribution in relation to the total number of staff of the global Secretariat. His delegation called on the Secretary-General to intensify his efforts to achieve the most equitable geographical distribution possible in staffing.

70. **Ms. Pollard** (Assistant Secretary-General for Human Resources Management), responding on behalf of the Deputy Secretary-General to requests for clarification regarding the harmonization of conditions of service, said that there was no intention to postpone deliberation of the issue. The Secretary-General and the United Nations system as a whole supported harmonization: that was why he had endorsed the ICSC report (A/65/30). Once approved by the Assembly, the new policy would apply not only to the Secretariat but also to all agencies, funds and programmes. The Deputy Secretary-General had wished to call attention to the possibility that the new policy might have unintended consequences for their work, so that the Committee could take that fact into account during its deliberations on harmonization.

Agenda item 129: Programme budget for the biennium 2010-2011 (continued)

Conditions of service and compensation for 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 (A/65/134 and Corr.1 and A/65/533)

71. **Ms. Pollard** (Assistant Secretary-General for Human Resources Management), introducing the report of the Secretary-General on conditions of service and compensation for 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 (A/65/134 and Corr.1), said that no change was proposed in the current remuneration of the judges. It was proposed that the special allowance of the President should be raised from \$15,000 to \$25,000, or 15 per cent of salary, given that the volume of cases reviewed by the Court had increased significantly since 1986, when the allowance had last been fixed, while other aspects of remuneration had increased.

72. In respect of the relocation allowance, permanent judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda received 12 weeks' net salary if they maintained a residence in The Hague or Arusha for at least three continuous years during service, whereas members of the International Court of Justice received 18 weeks' net salary prorated for up to five years of service and 24 weeks' net salary for five to nine years of service. It was proposed that the difference should be eliminated.

73. To conduct a comprehensive review of retirement benefits, the United Nations Joint Staff Pension Fund had suggested the establishment of a working group with representatives of OHRM, ICSC, the Court and the Tribunals. The working group would submit its recommendations in time for the Assembly's sixty-sixth session.

74. Pursuant to General Assembly resolution 64/261, the Fund had determined that the future cost of granting pension rights to ad litem judges of both Tribunals who served for an uninterrupted period of three years or more was \$12 million. It was recommended that pension benefits should be extended to ad litem judges who had served continuously for

more than three years and that their remuneration package should be made identical to that of permanent judges.

75. The financial implications of the proposals were set out in chapter V of the report.

76. **Mr. Kelapile** (Vice-Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/65/533), said that part II of the report presented the Advisory Committee's observations and recommendations on the remuneration, entitlements and benefits of all members of the International Court of Justice and the two Tribunals. The Advisory Committee did not object to the Secretary-General's proposals, the total financial implications of which would amount to \$349,500 for the biennium 2010-2011.

77. In part III, the Advisory Committee addressed the proposals relating to the conditions of service of the ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, namely the proposed extension of the entitlement to an education grant, relocation allowance and pension benefits to those ad litem judges who had served for a continuous period of more than three years. The Advisory Committee continued to believe that the terms of the letter of appointment signed by the ad litem judges remained binding, meaning that the extension of their terms of office did not give rise to any additional entitlements or benefits other than those which already existed. Accordingly, the Advisory Committee recommended that the General Assembly should not make any changes to the current conditions of service of the ad litem judges in respect of the education grant, relocation allowance and retirement benefits.

78. Nevertheless, the Advisory Committee recognized the exceptional and unprecedented situation currently facing the two Tribunals, as well as the important role played by the ad litem judges in expediting the completion of the Tribunals' work. It therefore recommended that, in order to recognize the distinction that the Security Council had intended to create between the categories of permanent and ad litem judge, and the valuable contribution made to the Organization by ad litem judges, the General Assembly might wish to request the Secretary-General to present a proposal for a one-time ex gratia payment upon

completion of service. However, because of the unique nature of that particular situation, such an arrangement, if ultimately adopted, should not constitute a precedent for any other category of judge working within the United Nations system.

79. Part IV of the report concerned the timing of the next comprehensive review. In that connection, the Advisory Committee continued to believe that the three-year review cycle, established by the General Assembly in its resolution 45/250 A, was the most appropriate one. Should the Assembly decide to revert to that cycle, the next comprehensive review would occur at the Assembly's sixty-eighth session.

80. **Mr. Al-Shahari** (Yemen), speaking on behalf of the Group of 77 and China, said that the Secretary-General's report provided a sound basis for addressing the question of the terms and conditions of service of judges, ad litem judges and ad hoc judges.

81. The Group recognized that ad litem judges had contributed greatly to the functioning of the two Tribunals and the successful implementation of their completion strategies. In fact, the workload of the ad litem judges was identical to that of permanent judges. Furthermore, as the result of a recent Security Council resolution authorizing benches to be composed exclusively of ad litem judges, such judges were now also serving as presiding judges. The Group recalled that, when the ad litem judges had been initially appointed, it had not been anticipated that they would be required to serve for more than three years or asked to preside over multi-accused trials.

82. The differences in the conditions of service should be addressed not only in the interest of equity, but also in order to ensure the successful implementation of the Tribunals' completion strategy. The Group supported the Secretary-General's proposals because they went a long way towards addressing the challenges faced by the judges of the International Court of Justice and of the two Tribunals.

83. With regard to remuneration, the Group reaffirmed its strong support for upholding the principles of the Charter and the Statutes of the Tribunals. The Group had carefully considered the comments of the Presidents of the two Tribunals and, in that connection, stressed its commitment to ensuring equity in the salaries and conditions of service of all judges, including ad hoc and ad litem judges. Any decision with regard to entitlements and other

allowances for any category of judge working within the United Nations should be based on merit. It was crucial to recognize the services of all categories of judges.

84. **Mr. Coffi** (Côte d'Ivoire), speaking on behalf of the Group of African States, said that the ad litem judges had been initially appointed on the express understanding that they would serve in the Trial Chambers for one or more trials for a cumulative period of up to three years. As a result of that limitation, it had been decided that they would not be entitled to a pension, relocation allowance or education grant.

85. However, the situation of the Tribunals was now markedly different from the time when the ad litem judges had been initially appointed. Both Tribunals had adopted a completion strategy and, in order to ensure the successful implementation of those strategies, the ad litem judges had taken on additional work and responsibilities. They had also been authorized by Security Council to serve beyond the maximum cumulative period of three years. In the case of the International Criminal Tribunal for Rwanda, seven of the 12 ad litem judges had served for a cumulative period of more than six years.

86. Under the Tribunals' Statutes, ad litem judges should benefit from the same terms and conditions of service, *mutatis mutandis*, as the permanent judges. Given that the workload and responsibilities of the ad litem judges were identical to those of the permanent judges, and that some ad litem judges had served for more than three years, the differences in their conditions of service were not justified. He therefore called on Member States to adopt the Secretary-General's proposals as a matter of priority.

87. **Mr. Lieberman** (United States of America) said that his Government remained committed to ensuring the judicial independence of the International Court of Justice and the two Tribunals. His delegation would carefully consider the report of the Secretary-General and that of the Advisory Committee and looked forward to working constructively on the matter with other delegations.

88. **Mr. Zhang Wanhai** (China) said that it was important to establish equitable conditions of service for the ad litem judges in order to ensure the smooth functioning of the International Court of Justice and the two Tribunals, as well as the successful conclusion

of the cases before the two Tribunals. Given the importance of the Tribunals' completion strategies and the exceptional services rendered by the ad litem judges, Member States should devote due attention to the issue of the conditions of service of the ad litem judges in order to develop an appropriate solution.

89. With regard to review of the retirement benefits of the judges of the Court and the two Tribunals, his delegation hoped that the Secretariat would continue to take advantage of the expertise of the United Nations Joint Staff Pension Fund. It also took note of the Fund's suggestion that a working group consisting of representatives of the Office of Human Resources Management, ICSC, the Court, the Tribunals and the Fund should be established to conduct the review. In that connection, his delegation would welcome further information on the feasibility of that suggestion and the amount of coordination that would be required of the relevant entities.

90. His delegation further noted that the Fund had conducted an actuarial analysis of the possibility of granting pension rights to the currently serving ad litem judges of the Tribunals, on the basis of which the total liability was estimated at \$12,000,000. His delegation would welcome additional information on the analysis, the total pension liability for permanent judges and the calculation methods.

91. **Ms. Berlanga** (Mexico) said that each of the Secretary-General's proposals on the conditions of service and compensation for members of the International Court of Justice and judges and ad litem judges of the two Tribunals should be evaluated on its own merits. In that connection, her delegation agreed with the Secretary-General that no changes should be made to the current remuneration system of members of the International Court of Justice and judges and ad litem judges of the two Tribunals.

92. Aligning the conditions under which the judges of the two Tribunals would be eligible for the relocation allowance with those of the judges of the Court was a matter that should be carefully analysed in view of the amount of time each of the Tribunals was in session. With regard to retirement benefits, the General Assembly should defer a decision on the matter until its sixty-sixth session, by which time it should have received the results of the review of the options for defined benefit and defined contribution

pension schemes for the judges of the Court and the two Tribunals.

93. Recalling that the letter of appointment of ad litem judges contained a proviso stipulating that any extension of service would not give rise to any additional entitlements or benefits other than those which already existed and which would be extended pro rata by virtue of the extension of service, she said that no changes should be made to the current conditions of service of the ad litem judges in respect of the education grant, relocation allowance and retirement benefits. However, the Advisory Committee's suggestion that a one-time ex gratia payment should be made to ad litem judges upon completion of service merited consideration.

The meeting rose at 12.45 p.m.