



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. ABDELHAKIM MIHOUBI, COUNSELLOR, PERMANENT MISSION OF ALGERIA TO THE UNITED NATIONS, ON AGENDA ITEM 134: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 2012-2013 - COMPREHENSIVE REVIEW OF THE PENSION SCHEMES FOR THE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE AND JUDGES OF THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA AND THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, AT THE FIRST RESUMED SESSION OF THE SIXTY-SIXTH SESSION OF THE FIFTH COMMITTEE OF THE GENERAL ASSEMBLY (New York, 6 March 2012)**

Mr. Chairman,

1. I have the honor to speak on behalf of the Group of 77 and China on this important item.
2. We thank the Director of the Strategic Planning and Staffing Division, Office of Human Resources Management, Ms. Martha Elena Lopez, for the introduction of the Secretary-General's report on the comprehensive review of the pension schemes for the members of the International Court of Justice and the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. We further wish to thank the Chair of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), Mr. Collen Kelapile, for introducing the report of the Advisory Committee on this matter.
3. The Group of 77 and China reiterates that it attaches the highest importance to the work of the International Court of Justice (ICJ), and the Tribunals and, accordingly, considers that the members of the ICJ and the judges of the Tribunals should receive a compensation package at the level of importance of their high status and responsibilities.
4. The Group of 77 and China supports the key principles enshrined in the statutes of the ICJ and the Tribunals that the salary and allowances of the judges shall be fixed by the General Assembly and that they may not be decreased during the term of office. Bearing in mind the provisions of the statutes of the Court and the tribunals, the Group of 77 and China generally supports the principle of equity in the benefits to the judges of the tribunals with those of the ICJ.

Mr. Chairman,

5. In respect to the proposals that we must consider today, the Group recalls resolution 63/259 and appreciates that, in the review of the conditions of service for the members of the Court and the Judges of the Tribunals, the Secretary-General took advantage of the expertise available within the United Nations through the working group consultations between the United Nations Joint Staff Pension Fund, the Office of Human Resources Management, the Court and the Tribunals.
6. We believe that the pension scheme should provide adequate after-service benefits to judges having met the requisite eligibility criteria relating to retirement age and period of service based on the premise that the pension benefit maintains a standard of living as replacement income.
7. The Group stands ready to discuss with our partners the different options presented to design a pension scheme, respecting the statutes of the ICJ and the Tribunals on the basis of a pension

scheme that remains non-contributory, determined by reference to years of service and that supports the high level of standards, impartiality and independence required during the judges' tenure.

8. In this regard, the Group strongly believes that any outcome under this agenda shall enhance the performance of the Court and its judges instead of undermining it through a decrease of the pension benefits.

9. The Group of 77 and China wishes to state also that the outcome with regard to the pension scheme of the members of the ICJ and of the judges of the Tribunals shall not constitute a precedent for any other category of the judges working within the United Nations system.

I thank you, Mr. Chairman.