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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Mr. Diego Simancas (Mexico)

I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-first session the items entitled “Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994” and “Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991” and to allocate them to the Fifth Committee.



2. The Fifth Committee resumed its consideration of the items at its 54th and 58th meetings, on 29 May and 27 June 2007. Statements and observations made in the course of the Committee's consideration of the items are reflected in the relevant summary records (A/C.5/61/SR.54 and A/C.5/61/SR.58).

3. For its further consideration of the items, the Committee had before it the report of the Secretary-General on a comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia (A/61/824) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/61/923).

II. Consideration of draft resolution A/C.5/61/L.50

4. At its 58th meeting, on 27 June, the Committee had before it a draft resolution entitled "Comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia" (A/C.5/61/L.50), submitted by the Chairman on the basis of informal consultations coordinated by the representative of Australia.

5. At the same meeting, the Committee adopted draft resolution A/C.5/61/L.50 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia

The General Assembly,

Having considered the report of the Secretary-General¹ and the related report of the Advisory Committee on Administrative and Budgetary Questions,²

Recalling its resolutions 61/241 and 61/242 of 22 December 2006 on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Recalling also paragraph 1, section E, of its resolution 61/239 of 22 December 2006,

1. *Takes note* of the report of the Secretary-General;¹
2. *Underlines* the importance it attaches to the Tribunals being able to function effectively throughout their completion phases;
3. *Emphasizes* the specialized nature of the Tribunals;
4. *Acknowledges* that the retention of personnel in key positions of the Tribunals is critical to enable the Tribunals to fulfil the completion strategy;
5. *Notes with concern* that there may be difficulties in retaining and recruiting key staff as the Tribunals complete their mandates, as noted in the reports of the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions;²
6. *Notes* that a retention incentive could address possible difficulties in retaining personnel in key positions, while other instruments should be explored;
7. *Also notes* that any measures aimed at retaining staff should clearly outline the difficulties experienced by the Tribunals in retaining personnel in key positions during the completion phase of the Tribunals;
8. *Recognizes* that the payment of a retention incentive is not provided for by the United Nations common system and could have implications for the common system, and therefore requests the International Civil Service Commission to advise

¹ A/61/824.

² A/61/923.

it on the proposal of the Secretary-General contained in his report no later than the main part of its sixty-second session;

9. *Requests* the Secretary-General, without prejudging any decision on the implementation of measures for staff retention, to submit a report to it no later than the first part of its resumed sixty-second session, which would include cost implications and, inter alia:

(a) Updated human resources data, including on current and projected staff turnover, also taking into account the expiration of contracts, the number of staff departures and the identification of key positions where the problem of retention could arise;

(b) Drawdown plans for each Tribunal, which would show clearly the anticipated post reductions for each year until the Tribunals complete their mandates;

(c) Non-monetary incentives and measures, including those that would take advantage of the foreseen downsizing of staff at the Tribunals, such as outplacement, enhanced system-wide coordination in the areas of career development, mobility and secondment, that are within the United Nations common system and staff regulations and rules;

(d) Clear justification for the possible payment of a retention incentive;

(e) All legal aspects related to the implementation of a staff retention scheme;

(f) Alternative approaches to the calculation of the amount of a retention incentive, including focusing the proposals on core positions, required years of service, possible cap mechanisms and the timing of their payment, as well as the conditions attached to such retention schemes.
