

and for not paying them, the course of wisdom would be to have these legal questions answered by reference to a higher court for advice - rather than to take the arbitrary and non-legal way of settling a legal argument by a show of hands. Any differences of views among delegations around this table notwithstanding, I think that it is clear that our objectives are the same. We would hope that this proposal would lead to a solution acceptable to all.

Mr. Chairman, we have just completed a debate on amendments to the Staff Regulations designed to make those regulations more definite so as to lessen the chances of conflict between the Secretary-General and the Tribunal. We believe that the regulations as now drafted will ensure a fully competent and loyal international staff; that, on the one hand those who are unsuitable may be dismissed by proper legal process, and that on the other hand the staff as a whole will not be deprived of the full protection to which it is entitled. Having done so, we would hope that the Fifth Committee would not now take any arbitrary legislative action on the past awards either by reducing them or by refusing to pay them in full, which would undermine the position of the Tribunal as an independent organ for staff protection and by so doing strike a blow to the morale and confidence of the staff. We feel that to refuse to pay the awards of the Tribunal which this Assembly set up would strike such a blow, and that if there are doubts as to their legality they should be reviewed by a high judicial body. If this Committee is not in accord as to the necessity of such a review, the Canadian Delegation is of the opinion that there is no alternative, having regard to previous decisions of this Assembly, but to appropriate the funds required to pay the awards in full.

In the light of these considerations we reserve the right to intervene in the debate at a later stage when the views of other delegations have been made known.

Results of Voting

The following is the text of the resolution on agenda item 38 adopted in a plenary meeting of the General Assembly on December 9, 1953. The resolution, which Canada co-sponsored in company with the United Kingdom and Colombia, was approved by 42 votes in favour (including Canada), 5 against (Soviet bloc), with 13 abstentions (Australia, China, Costa Rica, Ethiopia, Guatemala, Indonesia, Mexico, Nicaragua, Paraguay, Sweden, Turkey, United States, Yugoslavia).