

No. 53/60

UNITED NATIONS PERSONNEL POLICY
(Awards of the Administrative Tribunal)

Text of a statement delivered on December 5, 1953, by the Vice-Chairman of the Canadian Delegation, Mr. Alcide Côté, in the Fifth Committee of the eighth session of the United Nations General Assembly (Agenda Item 38).

Note: The resolution adopted and the results of the voting are included at the end of the statement.

In this debate on the supplementary estimates for 1953, I shall confine my remarks to the particular question whether the Assembly should appropriate the funds requested by the Secretary-General for the purpose of giving effect to the awards of compensation made by the United Nations Administrative Tribunal to staff members whose appointments have been terminated.

The time left at the disposal of the Committee is very limited. The Canadian Delegation, therefore, does not wish to take up an undue amount of the Committee's time by going into every detail of this very important and complex issue.

Mr. Chairman, as every member of the Committee will agree, the United Nations Administrative Tribunal was created by the General Assembly for the protection of the staff. With this intention the Assembly vested the Tribunal with certain powers. The resolution by which it was established and the record of the proceedings and debates leading up to its establishment confirm beyond all reasonable doubt the clear and definite intention of the General Assembly to be bound by the decisions of the Tribunal. This record is clearly borne out by the text of the documents actually establishing the Tribunal and under which it operates at the present time.

Certain delegations have claimed that the Tribunal exceeded its jurisdiction in the cases before us. We are in agreement that the Secretary-General must be able to control his staff in disciplinary matters and that his actions in such cases should not be subject to review in a manner which would permit the Tribunal to substitute its view for his. On the other hand, there must be an area within which, for the protection of the staff, the Tribunal can review. There must be a minimum standard of proper staff conduct which it is the responsibility of the Secretary-General to ensure and in respect of which his decision cannot be challenged. However, if the Secretary-General seeks to impose arbitrary standards the Administrative Tribunal is clearly competent to act, and under these circumstances it cannot be argued that if the Tribunal reverses the Secretary-General's decision this is a substitution of its discretion for his.

The amendments to the Staff Regulations which we have now approved will narrow the areas of possible disagreement between the Secretary-General and the Administrative