

ARTICLE 8

The oral proceedings of the Tribunal shall be held in public unless the Tribunal decides that exceptional circumstances require that they be held in private.

ARTICLE 9

If the Tribunal finds that the application is well founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked; but if, in exceptional circumstances, such rescinding or specific performance is, in the opinion of the Secretary-General, impossible or inadvisable, the Tribunal shall within a period of not more than sixty days order the payment to the applicant of compensation for the injury sustained. The applicant shall be entitled to claim compensation in lieu of rescinding of the contested decision or specific performance. In any case involving compensation, the amount awarded shall be fixed by the Tribunal and paid by the United Nations or, as appropriate, by the specialized agency participating under article 12.

ARTICLE 10

1. The Tribunal shall take all decisions by a majority vote.

2. The judgments shall be final and without appeal.

3. The judgments shall state the reasons on which they are based.

4. The judgments shall be drawn up, in any of the five official languages of the United Nations, in two originals which shall be deposited in the archives of the Secretariat of the United Nations.

5. A copy of the judgment shall be communicated to each of the parties in the case. Copies shall also be made available on request to interested persons.

ARTICLE 11

The present Statute may be amended by decisions of the General Assembly.

ARTICLE 12

The competence of the Tribunal may be extended to any specialized agency brought into relationship with the United Nations in accordance with the provisions of Articles 57 and 63 of the Charter upon the terms established by a special agreement to be made with each such agency by the Secretary-General of the United Nations. Each such special agreement shall provide that the agency concerned shall be bound by the judgments of the Tribunal and be responsible for the payment of any compensation awarded by the Tribunal in respect of a staff member of that agency and shall include, *inter alia*, provisions concerning the agency's participation in the administrative arrangements for the functioning of the Tribunal and concerning its sharing the expenses of the Tribunal.

*255th plenary meeting,
24 November 1949.*

B

The General Assembly

1. *Appoints* the following persons as members of the United Nations Administrative Tribunal in accordance with article 3 of the Statute of the Administrative Tribunal:

Madame Paul Bastid;
Sir Sydney Caine;

Lt. General His Highness Maharaja Jam Shri Digvijayasinhji Sahib;
Mr. Roland Andrews Egger;
Mr. Omar Loutfi;
Dr. Emilio N. Oribe;
Dr. Vladimir Outrata;

2. *Declares* the following members to be appointed for a three-year term, to commence on 1 January 1950:

Madame Paul Bastid;
Lt. General His Highness Maharaja Jam Shri Digvijayasinhji Sahib;
Mr. Omar Loutfi;

3. *Declares* the following members to be appointed for a two-year term, to commence on 1 January 1950:

Mr. Roland Andrews Egger;
Dr. Emilio N. Oribe;

4. *Declares* the following members to be appointed for a one-year term, to commence on 1 January 1950:

Sir Sydney Caine;
Dr. Vladimir Outrata.

*274th plenary meeting,
9 December 1949.*

352 (IV). Amendment to the United Nations Provisional Staff Regulations

The General Assembly

Resolves that Provisional Staff Regulation 23 shall be revised, as of 1 January 1950, to read as follows:

"(a) The Secretary-General shall establish joint administrative machinery with staff participation to advise him before disciplinary action is taken against any staff member.

"(b) The Secretary-General shall establish joint administrative machinery with staff participation to advise him in case of any appeal by staff members against any administrative decision alleging the non-observance of contracts of appointment or regarding the application of rules and regulations and established administrative practices or against disciplinary action.

"(c) An Administrative Tribunal shall be established¹⁵ to hear and pass judgment upon applications from staff members alleging non-observance of their contracts of employment or terms of appointment, including all pertinent regulations and rules."

*255th plenary meeting,
24 November 1949.*

353 (IV). Expenses of the Permanent Central Opium Board: assessment of non-members of the United Nations, signatories of the Convention of 19 February 1925 relating to narcotic drugs

The General Assembly,

Taking note of the last paragraph of resolution 201 (VIII)¹⁶ of the Economic and Social Council

¹⁵ See resolution 351 (IV).

¹⁶ See *Official Records of the eighth session of the Economic and Social Council, Resolutions*, page 15.