

review of judgements of the United Nations Administrative Tribunal,

Having considered the report¹² of the Special Committee on Review of Administrative Tribunal Judgements submitted pursuant to that resolution.

1. *Decides* to amend the Statute of the United Nations Administrative Tribunal, effective from the date of adoption of the present resolution, with respect to judgements rendered by the Tribunal thereafter, as follows:

(a) Add the following new articles 11 and 12:

"Article 11

"1. If a Member State, the Secretary-General or the person in respect of whom a judgement has been rendered by the Tribunal (including any one who has succeeded to that person's rights on his death) objects to the judgement on the ground that the Tribunal has exceeded its jurisdiction or competence or that the Tribunal has failed to exercise jurisdiction vested in it, or has erred on a question of law relating to the provisions of the Charter of the United Nations, or has committed a fundamental error in procedure which has occasioned a failure of justice, such Member State, the Secretary-General or the person concerned may, within thirty days from the date of the judgement, make a written application to the Committee established by paragraph 4 of this article asking the Committee to request an advisory opinion of the International Court of Justice on the matter.

"2. Within thirty days from the receipt of an application under paragraph 1 of this article, the Committee shall decide whether or not there is a substantial basis for the application. If the Committee decides that such a basis exists, it shall request an advisory opinion of the Court, and the Secretary-General shall arrange to transmit to the Court the views of the person referred to in paragraph 1.

"3. If no application is made under paragraph 1 of this article, or if a decision to request an advisory opinion has not been taken by the Committee, within the periods prescribed in this article, the judgement of the Tribunal shall become final. In any case in which a request has been made for an advisory opinion, the Secretary-General shall either give effect to the opinion of the Court, or request the Tribunal to convene specially in order that it shall confirm its original judgement, or give a new judgement, in conformity with the opinion of the Court. If not requested to convene specially, the Tribunal shall at its next session confirm its judgement or bring it into conformity with the opinion of the Court.

"4. For the purpose of this article, a Committee is established and authorized under paragraph 2 of Article 96 of the Charter to request advisory opinions of the Court. The Committee shall be composed of the Member States the representatives of which have served on the General Committee of the most recent regular session of the General Assembly. The Committee shall meet at United Nations Headquarters and shall establish its own rules.

"5. In any case in which award of compensation has been made by the Tribunal in favour of the person concerned and the Committee has requested an advisory opinion under paragraph 2 of this article, the

Secretary-General, if satisfied that such person will otherwise be handicapped in protecting his interests, shall within fifteen days of the decision to request an advisory opinion make an advance payment to him of one-third of the total amount of compensation awarded by the Tribunal less such termination benefits, if any, as have already been paid. Such advance payment shall be made on condition that, within thirty days of the action of the Tribunal under paragraph 3 of this article, such person shall pay back to the United Nations the amount, if any, by which the advance payment exceeds any sum to which he is entitled in accordance with the opinion of the Court.

"Article 12

"The Secretary-General or the applicant may apply to the Tribunal for a revision of a judgement on the basis of the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgement was given, unknown to the Tribunal and also to the party claiming revision, always provided that such ignorance was not due to negligence. The application must be made within thirty days of the discovery of the fact and within one year of the date of the judgement. Clerical or arithmetical mistakes in judgements, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Tribunal either of its own motion or on the application of any of the parties";

(b) Renumber the former articles 11 and 12 as articles 13 and 14 respectively, and in paragraph 3 of article 9 substitute the words "article 14" for "article 12";

(c) Amend paragraph 2 of article 10 to read:

"Subject to the provisions of articles 11 and 12, the judgements of the Tribunal shall be final and without appeal";

2. *Recommends* that Member States and the Secretary-General should not make oral statements before the International Court of Justice in any proceedings under the new article 11 of the Statute of the Administrative Tribunal adopted under the present resolution.

*541st plenary meeting,
8 November 1955.*

958 (X). Report of the Negotiating Committee for Extra-Budgetary Funds

A

The General Assembly,

Having considered the report¹³ of the Negotiating Committee for Extra-Budgetary Funds appointed at the ninth session of the General Assembly,

Believing that provision should be made for the continuation of the work of the Committee,

1. *Requests* the President of the General Assembly to appoint a Negotiating Committee for Extra-Budgetary Funds consisting of not more than ten members to serve from the close of the tenth session to the close of the eleventh session of the General Assembly for the purpose of consulting with Member and non-member States as to the amounts which Governments may contribute on a voluntary basis toward each of the programmes approved by the General Assembly for which funds are not available through the regular budget of the United Nations and for which the Committee is specifically requested by the General Assembly to obtain pledges of voluntary contributions from Governments;

¹³ *Ibid.*, agenda item 40, document A/2945.

¹² *Ibid.*, Tenth Session, Annexes, agenda item 49, document A/2909.

2. *Reaffirms* the terms of reference of the Committee as laid down in General Assembly resolutions 693 (VII) of 25 October 1952;

3. *Decides* that the Secretary-General shall, if the Committee so requests, arrange an appropriate meeting or meetings of Member and non-member States at which the pledges of Members and non-members may be made known;

4. *Decides* to include in the provisional agenda of the eleventh session of the General Assembly the item "Report of the Negotiating Committee for Extra-Budgetary Funds".

541st plenary meeting,
8 November 1955.

B

The General Assembly,

Having noted the concern again expressed by the Negotiating Committee for Extra-Budgetary Funds in the light of its experience during the past year at the effect of the establishment of financial targets unlikely to be realized in actual receipts of contributions,

1. *Requests* the organs of the United Nations concerned with the approval of activities and programmes to be financed by voluntary contributions to take into account, when establishing the budgetary levels of those programmes, the probabilities of collection of contributions for such activities and programmes;

2. *Appeals* to the Governments of Member and non-member States to make voluntary contributions to the fullest extent to carry out the programmes approved by the General Assembly to which reference is made in paragraph 1 of resolution A above.

541st plenary meeting,
8 November 1955.

*
* * *

At the 558th plenary meeting, on 16 December 1955, the President of the General Assembly announced that, in accordance with the terms of resolution A above, he had appointed a Negotiating Committee for Extra-Budgetary Funds, composed of representatives of the following Member States, to serve until the close of the eleventh session of the General Assembly:

ARGENTINA, AUSTRALIA, CANADA, CHILE, FRANCE, LEBANON, PAKISTAN, the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND and the UNITED STATES OF AMERICA.

959 (X). Appointments to fill vacancies in the membership of the Advisory Committee on Administrative and Budgetary Questions

The General Assembly

1. *Appoints* the following persons as members of the Advisory Committee on Administrative and Budgetary Questions:

Mr. Carlos Blanco,
Mr. Arthur H. Clough,
Mr. John E. Fobes,
Mr. T. J. Natarajan;

2. *Declares* Mr. Blanco, Mr. Clough and Mr. Fobes to be appointed for a three-year term to commence on 1 January 1956, and Mr. Natarajan for a one-year term to commence on 1 January 1956.

549th plenary meeting,
29 November 1955.

960 (X). Appointments to fill vacancies in the membership of the Committee on Contributions

The General Assembly

1. *Appoints* the following persons as members of the Committee on Contributions:

Mr. Robert E. Merriam,
Mr. Jiří Nosek,
Mr. Agha Shahi;

2. *Declares* Mr. Merriam, Mr. Nosek and Mr. Shahi to be appointed for a three-year term to commence on 1 January 1956.

549th plenary meeting,
29 November 1955.

961 (X). Confirmation of the appointment made by the Secretary-General to the membership of the Investments Committee

The General Assembly

Confirms the reappointment by the Secretary-General of Mr. Ivar Rooth as a member of the Investments Committee for a three-year term to commence on 1 January 1956.

549th plenary meeting,
29 November 1955.

962 (X). Appointments to fill vacancies in the membership of the United Nations Administrative Tribunal

The General Assembly

1. *Appoints* the following persons as members of the United Nations Administrative Tribunal:

Mrs. Paul Bastid,
Mr. Omar Loutfi,
Mr. R. Venkataraman;

2. *Declares* Mrs. Bastid, Mr. Loutfi and Mr. Venkataraman to be appointed for a three-year term to commence on 1 January 1956.

549th plenary meeting,
29 November 1955.

963 (X). Audit reports relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account

The General Assembly

Takes note of the audit reports¹⁴ relating to expenditure by specialized agencies of technical assistance funds allocated from the Special Account, for the financial year ended 31 December 1954, and of the observations thereon of the Advisory Committee on Administrative and Budgetary Questions, as set forth in its twelfth report¹⁵ to the General Assembly at its tenth session.

549th plenary meeting,
29 November 1955.

964 (X). United Nations Relief and Works Agency for Palestine Refugees in the Near East: accounts for the financial year ended 30 June 1955 and report of the Board of Auditors

The General Assembly

1. *Accepts* the accounts of the United Nations Relief

¹⁴ *Ibid., Annexes*, Audit reports of specialized agencies, document A/2958 and Corr. 1.

¹⁵ *Ibid., Annexes*, agenda item 46, document A/3015.