

The following information from the Registry of the International Court of Justice has been communicated to the press:

In the Peace Palace on June 10th at 10.30 a.m., the Court will begin its hearings in the matter of the request for an Advisory Opinion concerning the effect of awards made by the United Nations Administrative Tribunal.

The request for an Advisory Opinion was transmitted to the Court by the General Assembly of the United Nations under a Resolution dated December 9th, 1953. The circumstances leading up to the adoption of this Resolution are as follows:

The Secretary-General of the United Nations dismissed twenty-one staff members of the Secretariat. The latter appealed to the Administrative Tribunal on the ground that their dismissal was irregular. In eleven cases the Tribunal found in favour of the applicants and ordered that compensation should be paid to them. The Secretary-General then proposed to the Assembly, at the Autumn session of 1953, that an appropriation corresponding to the total of the awards made, namely, approximately \$ 180,000, should be inserted in the Budget.

When the Fifth (Budgetary) Committee of the Assembly was seised of the Secretary-General's proposal, a discussion took place as to what action should be taken in pursuance thereof. A certain number of representatives were of the opinion that the Assembly was bound to pay the compensation; others considered not only that the Assembly was entitled to review the decisions of the Administrative Tribunal, but also that it could and should refuse to pay the compensation; and finally, some representatives were of the opinion that the Assembly had the power to alter the amount of the compensation. In short, the issue involved the powers of the Assembly in respect of a decision of the Administrative Tribunal involving financial consequences; or, in other words, the effects of such decisions.

In the circumstances, several representatives proposed that the Court should be requested to give an Advisory Opinion on the legal aspects of the question. The Resolution adopted for this purpose by the Fifth Committee and subsequently by the Assembly is as follows:

The General Assembly,

Considering the request for a supplementary appropriation of \$ 179,420, made by the Secretary-General in his report (A/2534) for the purpose of covering the awards made by the United Nations Administrative Tribunal in eleven cases numbered 26, and 37 to 46 inclusive,

Considering the concurrence in that appropriation by the Advisory Committee on Administrative and Budgetary Questions contained in its twenty-fourth report to the eighth session of the General Assembly (A/2580),

Considering, nevertheless, that important legal questions have been raised in the course of debate in the Fifth Committee with respect to that appropriation,

Decides

To submit ...

To submit the following legal questions to the International Court of Justice for an advisory opinion:

- "(1) Having regard to the Statute of the United Nations Administrative Tribunal and to any other relevant instruments and to the relevant records, has the General Assembly the right on any grounds to refuse to give effect to an award of compensation made by that Tribunal in favour of a staff member of the United Nations whose contract of service has been terminated without his assent?
- (2) If the answer given by the Court to question (1) is in the affirmative, what are the principal grounds upon which the General Assembly could lawfully exercise such a right?"

Having been seised of the request for an opinion, the Court, in pursuance of Article 66, paragraph 2, of its Statute, informed the Members of the United Nations, as well as the International Labour Organisation that it considered them as likely to be able to furnish information on the question and that it was prepared to receive Written Statements from them. March 15th, 1954, was fixed as the time-limit within which such Written Statements might be presented.

The International Labour Organisation, as well as the following States (in the order in which their communications were received in the Registry) have availed themselves of the right to submit Written Statements: France, Sweden, the Netherlands, Greece, the United Kingdom, the United States of America, the Philippines, Mexico, Chile, Iraq, China, Guatemala, Turkey and Ecuador. Furthermore, the Secretary-General of the United Nations transmitted to the Court documents which were likely to throw light upon the question, as well as a Written Statement. Finally, the Governments of Canada, the Union of Soviet Socialist Republics, Yugoslavia, Czechoslovakia and Egypt, whilst not filing Written Statements, have declared that they referred to the views expressed by their representatives in the debates of the Assembly.

The Written Statements were communicated to the States who had been informed by the Court that it was prepared to hear them, as well as to the International Labour Organisation; at the same time, they were notified that the Court would hear oral statements at the beginning of the month of June, 1954. The Secretary-General of the United Nations, as well as the Governments of the United States of America, France, Greece, the United Kingdom and the Netherlands, have signified their intention of being represented at the oral proceedings; the International Labour Organisation has informed the Court that it is not its intention to submit an oral statement unless the Court should request further information supplementing the Written Statement submitted by the International Labour Organisation.

The names of the representatives of the Secretary-General of the United Nations and of the States will be communicated subsequently.

The Hague, May 26th, 1954.