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REVIEW OF THE PROCEDURE PROVIDED FOR UNDER ARTICLE 11 OF THE STATUTE OF THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS

Report of the Sixth Committee

Rapporteur: Mr. Walid OBEIDAT (Jordan)

I. INTRODUCTION

1. The item entitled "Review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations" was included in the provisional agenda of the fiftieth session of the General Assembly pursuant to Assembly decision 49/425 of 9 December 1994.

2. At its 3rd plenary meeting, on 22 September 1995, the General Assembly decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it a report of the Secretary-General containing the views submitted by Governments pursuant to decision 48/415 (A/49/258), as well as a report of the Secretary-General prepared pursuant to the same decision and containing a review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations (A/C.6/49/2).

4. The Sixth Committee considered the item at its 10th, 11th and 35th meetings, on 9 and 11 October and 9 November 1995. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/50/SR.10, 11 and 35).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/50/L.3

5. At the 35th meeting, on 9 November, the Chairman introduced a draft resolution entitled "Review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations" (A/C.6/50/L.3).

6. At the same meeting, the Committee adopted draft resolution A/C.6/50/L.3 without a vote (see para. 7).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Review of the procedure provided for under article 11
of the statute of the Administrative Tribunal of the
United Nations

The General Assembly,

Having considered the report of the Secretary-General, 1/

Noting that the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations has not proved to be a constructive or useful element in the adjudication of staff disputes within the Organization, and noting also the Secretary-General's views to that effect,

1. Decides to amend the statute of the United Nations Administrative Tribunal with respect to judgements rendered by the Tribunal after 31 December 1995 as follows:

(a) Delete article 11;

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

(c) Amend paragraph 2 of article 10 by substituting the words "article 11" for "articles 11 and 12";

2. Decides also that, with respect to judgements rendered by the Tribunal before 1 January 1996, the statute of the Tribunal shall continue to apply as if the amendments in paragraph 1 above had not been made;

3. Stresses the importance for the staff and the Organization alike of ensuring a fair, efficient and expeditious internal system of justice within the United Nations, including effective mechanisms for the resolution of disputes.
