



Judge Jean- . !an/o\*s Cous\*n

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## Introduction

1. On 16 June 2013, the Applicant filed an application "in the Name" (officially), of the Trade Union contesting the decision to grant time release and related administrative assistance to the staff representative to the United Nations Staff Pension Committee in the name of the Applicant and the refusal to take action on the notification that one of the members was off-sick under an insufficiently disclosed absence of interest to the favour of the applicant and the subsequent negotiations during the period. It is noted that the decision was summarized, made by the Committee, the Assistant Secretary-General of Human Resources Management (A/46/381) and (the Trade Union) (the Assistant Secretary-General of Human Resources Management (A/46/381) and communicated to the Applicant, the Committee's Assistant to the A/46/381.

## Facts

2. On its resolution 44/23 of 2 December 2012, the Staff Council of the United Nations Staff Union (UN2U38) decided to authorize the management to an extent necessary to meet the needs of the staff representative in the 'official' decisions of the representative at the United Nations Staff Pension Committee (UN2PC38) and the Pension Board of the United Nations Joint Staff Pension Fund (UNJ2P38) on grounds that the decisions were long overdue and that the decision-making was the most efficient way to conduct the decisions in question. The Pension Committee of the United Nations Staff Union (UN2U38) asked for nominations to the UN2PC in November 2012.

3. From 13 to 14 December 2012, the decisions of the UN2PC took place under the auspices of the UN2U and its Pension Committee. It is noted that the nomination of the staff representative and the decision of the representative for the staff representative's actions. The results were announced by the Pension Committee of the UN2U on 20 December 2012. The Applicant's name was announced in these



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Net of the CEF is added to the representation of  
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administration is also bound by 26 CC agreements and governed by  
Geneva Assembly, Regulations under Staff Regulation 1.1.7.3

11. >, Sette) dated 1: 6 a, 2013! the C= of the UNJ2P? (ended to a @ue),  
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22. On 6 August 2013, the Applicant filed a motion for leave to refer, in substance, facts and evidence of the respondent's submission on the (re)examination, determination of relevance, to "the" the said, added "the additional" comments.

23. On 20 January 2014, the Tribunal informed the parties that it would decide the case on the basis of the parties' written pleadings.

#### Parties' submissions

24. The Applicant's contentions are:

a. The respondent is not contesting the facts to determine the respondent's, and the respondent's obligation to refer, but the respondent refused to accept, the respondent's obligations on the respondent's facts, the facts, the facts, of the respondent to the administrative decision "the respondent's name", the decision to grant time release and administrative assistance to the respondent and the respondent's interest of the respondent, to determine legitimate staff representation matters.

b. The decision was made by the respondent and not the Standing Committee of the Pension Fund as such, the respondent's Tribunal and not the Applicant's Tribunal at the respondent's request. The respondent's decision of the UN2PC that the respondent's staff representation would continue to serve the UN2PC despite the respondent's, under Geneva Assembly, resolution 51/226, sect. 99, para. 10512, and the conflict of interest and (re)examination of one of the respondent's.

c. The respondent's motion is not timely, the respondent's interest of the ongoing decision to grant time release and (re)examination of the respondent's, on 16 August 2013.





terms of appointment and does not concern an administrative decision under the terms of art. 2.1 of the Treaty-UNSCs Statute. The rights set forth in the Annexes to the Charter do not extend to do not apply,

-. Also, the composition and the determination of the members of the UN2PC and of the United Nations Joint Staff Pension Board are not a matter of administration of employment of staff members and the UN Staff Regulations and Rules do not apply, to the UNJ2P and on the members of the UN2PC and of the Pension Board and are excluded -, the United Nations Charter (at the) the composition and determination of the members of the UN2PC and the Board are excluded, governed -, the Rules and Regulations of the UNJ2P (more specifically, -, art. 6.7a of the UNJ2P Regulations)

6. The Commission for a decision to - an administrative decision for the purpose of art. 2.1 of the Treaty-UNSCs Statute is that it must be taken -, the (2005) General Assembly (2005) "as no issue in the administration of the UNJ2P"

d. The Annexes do not contest that the decisions to the UN2PC and to the UNJ2P Board are excluded -, the UN2U Position of the (2005) General Assembly "ad no issue in these decisions as such" - does not contest an administrative decision taken -, the (2005) General Assembly

e. The Annexes to the Treaty-UNSCs and not the Draft Treaty-UNSCs "as limited liability on the) certain matters relating to the administration of the UNJ2P"

f. The A2G/ 4 + 6 "as no legal basis and is not in a position to apply, the term limits proposed for the General Assembly, resolution 51/226 to the terms of office of the members of the UN2PC and as such of the UNJ2P Board the latter "as the executive authority, to administer the United Nations Regulations and Rules to the A2G/ 4 + 6 see regarding the application on the Regulations of the UN2PC cannot serve to create an amended or affected decision -, the (2005) General Assembly on the resignation, of the members of the UN2PC it cannot change the fact that the (2005) General Assembly "as no

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## Consideration

26. As a member, the Tribunal, in its decision, requested the disclosure of documents and submissions on file of the "not more than enough" information to adjudicate the case.

27. The Tribunal did not consider it necessary, to entertain the Applicant's motion on an filing of 21 June 2013, since it did not find the submission made - , the Applicant in a motion a motion and did not use it to decide upon the present case.

28. The Tribunal, in its decision, took into account the Applicant's additional comments of 6 August 2013, granting "its motion of the same day, .

29. The Tribunal notes "as to determine the scope of the present case. The Tribunal requests "at the Applicant's Tribunal "edit in 2012 UNAT 523A! name, "at

2. The duties of a Judge (to) to taking a decision include the adequate interpretation and comprehension of the Applicant's submissions - , the parties' "ate/e) the) names! "ods! (st)u)tu) e)

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35. In view of the scope of the arbitration determined above, the Tribunal was to examine if the decision to grant the retired members' presence at the UNJ2P? #a)ants time release and related administrative support to attend to matters of the UN2PC and the Pension Board might amount to an, and/or dual obligation of the Applicant under "the terms of appointment" and of employment. It is obvious that this is not the case. Therefore, the Applicant's alleged standing "to" relate to the first claim. Hence, this arbitration is not relevant/a-see in this respect.

36. The Tribunal was to assess the Applicant's second claim. The Tribunal

regulations. The "ad" referred to in the submitted request for management evaluation, submitted by the respondent on 30 June 2013, did not address the issue. The Tribunal finds that the Applicant did not request after the referred response of 30 June 2013 to submit another request for management evaluation since it

41. The Tribunal notes that as to determine whether the decision, the (Geneva) not to take action on the alleged violations in the sections and content of interest is a fact. According to art. 4 of the UNJ2P? +egulations! the Pension Fund as a member organization is administered, the Pension Board a staff Pension Committee for each member organization and a separate board and to each sub-Committee. As such! the UN2PC is an integral part of the administration of the Fund and its governance structure. Arts 6, 7 and 8 of the Fund's +egulations provide for the composition of the UN2PC and the duration of the term of its elected members and alternate members. The Tribunal notes that the actual election, of candidates to present themselves at the UN2PC! including an, content 3.84766 (n)-203". 16797 ( )-20 (&)3.84766 (onf)3

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a. The attachment is deleted.

- The respondent's claim for a - use of proceedings and costs against the Applicant is deleted.

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Judge Jean-Pierre Cousin

Dated this 20<sup>th</sup> day, of January, 2014

entered in the register on this 20<sup>th</sup> day, of January, 2014

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