Introduction

1. B a!!"#$a%#o& f#"ed o& 18 '(&e 2013) %*e A!!"#$a&% re+(es%s %*e s(s!e&s#o&) !e&d#&g , a&age , e&% e-a"(a%#o&) of %*e .de$#s#o& %o $a&$e" %*e /o0 o!e&#&g (&der 1&s!#ra /o0 1D 22213) re4draf% %*e /o0 des$r#!%#o& 5#%*o(% go#&g %*ro(g* a for , a" re$"ass#f#$a%#o&) a&d %o re4ad-er%#se #% as &e5 %e , !orar /o0 o!e&#&g) for #&%er&a" a&d e6%er&a" $a&d#da%es7.

2. T*e a!!"#$a%#o& 5as ser-ed o& %*e 8es!o&de&% o& 13 '(&e 2013 a&d *e f#"ed *#s re!" o& 20 '(&e 2013.

Facts

3. T*e A!!"#$a&% 5or9s as a :a&ager) 1T a&d Co&fere&$e ;er-#$es) a% %*e ;e$re%ar#a% of %*e Base") 8o%%erda , a&d ;%o$9*o" , Co&-e&%#o&s (.%*e Co&-e&%#o&s7)) U&#%ed Na%#o&s <&-#ro& , e&% Progra , , e (.UN<P7)) a% %*e P42 "e-e".

=. T*e !os% of C*#ef) Ad , #&#s%ra%#-e ;er-#$es Bra&$*) P42) UN<P) 5as #&#%#a"" o!e&ed fro , 12 '(" 2012 %o 10 ;e!%e , 0er 2012) (&der 'o0 O!e&#&g ('O) No. 124AD : 4UN<P423236484G<N<VA (>).

2. T*e a0o-e 'O 5as s(0se+(e&%" $a&$e""ed 0efore #%s $"os#&g da%e a&d %*e !os#%#o& 5as re4ad-er%#sed o& 7 ;e!%e , 0er 2012 (&der 'O No. 22213. T*e A!!"#$a&% a!!"#ed a&d 5as #&%er-#e5ed for %*e !os%.

6. O& 16 A!r#" 2013) %*e ;e$re%ar#a% of %*e Co&-e&%#o&s de$#ded %o $a&$e" %*e se$o&d 'O a&d %o !ro$eed 5#%* #%s re-#s#o&) for %*e !(r!ose of re4ad-er%#s#&g #%. Af%er f("f#""#&g d#ffere&% ad , #&#s%ra%#-e for , a"#%#es) %*e ;e$re%ar#a% of %*e

7. O& 1= '(&e 2013) %*e De!(% <6e$(%#-e ;e$re%ar of %*e Co&-e&%#o&s se&% a& e , a#" %o %*e A!!"#$a&%) #&for , #&g *# , of %*e de$#s#o& %o $a&$e" 'O No. 22213 .as a res("% of a &eed %o re-#se #% #& order %o ref"e$% %*e f("" ra&ge of res!o&s#0#"#%#es of %*e Bra&$* C*#ef7.

8. B a&o%*er e , a#" of %*e sa , e da) %*e De!(% <6e$(%#-e ;e$re%ar of %*e Co&-e&%#o&s #&for , ed *er $o""eag(es %*a% a %e , !orar /o0 o!e&#&g *ad 0ee& #ss(ed o& 1= '(&e 2013 for %*e !os% of C*#ef) Ad , #&#s%ra%#-e ;er-#$es Bra&$*) P42) #& %*e Co&-e&%#o&s? se$re%ar#a%) %o %e , !orar#" f#"" %*e -a$a&% !os% .!e&d#&g %*e f#&a"#@a%#o& of %*e reg("ar se"e$%#o& !ro$ess7.

3. T*e sa , e da) %*e A!!"#$a&% re+(es%ed , a&age , e&% e-a"(a%#o& of %*e de$#s#o& %o o!e& %*e %e , !orar re$r(#% , e&% for %*e !os% of C*#ef) Ad , #&#s%ra%#-e ;er-#$es Bra&$* (P42) a&d of %*e "ega"#% of %*e $a&$e""a%#o& of 'O No. 22213 as 5e"" as %*a% of %*e re$r(#% , e&% !ro$ess (&der sa#d 'O.

Applicant's contentions

10. T*e A!!"#$a&%?s $o&%e&%#o&s , a 0e s(, , ar#@ed as fo""o5sA

a. T*e <6e$(%#-e ;e$re%ar , ade a"" effor%s %o o0s%r($% *#s $a&d#da%(re) !ar%#$("ar" 0 !(%%#&g *# , #& a $o , !e%#%#-e d#sad-a&%age) 0 draf%#&g a %a#"or4 , ade /o0 des$r#!%#o&) $a&$e""#&g %*e /o0 o!e&#&g) $*a&g#&g %*e s$ree&#&g +(es%#o&s %o a$$o , , oda%e o%*er $a&d#da%es a&d f#&a"" $a&$e""#&g %*e 5*o"e !ro$ess 5*e& %*e $a&d#da%e *e !ro!osed for se"e$%#o& 5as &o% a$$e!%ed) a&d 5#%*o(% $o&s#der#&g o%*er +(a"#f#ed $a&d#da%es fro , %*e "#s%B

0. T*e de$#s#o& $o&s%#%(%es a -#o"a%#o& of s%aff reg("a%#o& =.=B

$. T*e fa$%s ra#se ser#o(s $o&$er&s a0o(% %*e %ra&s!are&$ a&d #, !ar%#a"#% of %*e !ro$ess) 5*#$* 5as $"ear" &o% free fro , 0#asB so , e #, !or%a&% #&for , a%#o& , a 0e$o , e a$$ess#0"e d(r#&g %*e , a&age , e&% e-a"(a%#o&B

d. T*e s%aff se"e$%#o& s s%e , does &o% !ro-#de for %*e s(s!e&s#o& of a se"e$%#o& !ro$ess a&d re4ad-er%#se , e&% of a -a$a&$) 5#%*o(% $o , !"e%#&g %*e se"e$%#o& !ro$ed(res %*a% *a-e 0ee& #&#%#a%ed) !ar%#$("ar" #f %*e /o0 des$r#!%#o& #s $o , !"e%e" re4draf%ed 5#%*o(% go#&g %*ro(g* a for , a" re$"ass#f#$a%#o& !ro$essB

e. T*e (rge&$ "#es #& %*e fa$% %*a% %*e %e , !orar /o0 o!e&#&g 5#"" 0e $"osed o& 2= '(&e 2013 a&d %*a% %*e s($$essf(" $a&d#da%e #s e6!e$%ed %o %a9e (! f(&$%#o&s o& 1 A(g(s% 2013. 1& $ase a &e5 !erso& #s *#red o& %*e !os%) $orre$%#-e a$%#o&s 5#"" 0e , ore d#ff#$("% #& %*e e-e&% %*a% %*e ad , #&#s%ra%#-e de$#s#o& #s fo(&d %o 0e (&"a5f("B

f. 1f %*e $o&%es%ed de$#s#o& 5ere %o 0e # , !"e , e&%ed) %*#s 5o("d # , !ede %*e A!!"#$a&%?s a!!o#&% , e&% %o %*e !os%) e-e& #& $ase %*e : a&age , e&% <-a"(a%#o& U&#% or %*e D#s!(%e Tr#0(&a" 5ere %o r("e #& *#s fa-o(r) %*#s 5o("d $a(se #rre!ara0"e *ar , %o %*e A!!"#$a&%?s r#g*%s %o *a-e a fa#r re$r(#% , e&% !ro$ess #& a$$orda&$e 5#%* %*e UN 8eg("a%#o&s a&d 8("esB

g. T*e # , !"e , e&%a%#o& of %*e de$#s#o& # , !"#es %*e %ra&sfer of a"" *#s $(rre&% f(&$%#o&s %o %*e &e5" a!!o#&%ed !erso&) as s($* , a9#&g *#s $(rre&% !os% a $"ear %arge% for a0o"#%#o&B

*. T*e !erso& se"e$%ed for %*e %e , !orar /o0 o!e&#&g 5o("d 0e *#s # , , ed#a%e s(!er-#sor) 5#%* %*e d(!"#$a%#o& of f(&$%#o&sB #& -#e5 of *# , *a-#&g %a9e& "ega" a$%#o& aga#&s% %*e de$#s#o& %*#s , #g*% $rea%e $o&f"#$%s #& %*e 5or9#&g e&-#ro& , e&%. : oreo-er) #% 5o("d re#&for$e %*e e6#s%#&g re!or%#&g "#&es) 5*#$* are #""ega") s#&$e *e #s $(rre&%" re!or%#&g %o P4= /(&#or s%aff , e , 0ers.

The Respondent's contentions

11. T*e 8es!o&de&%?s $o&%e&%#o&s , a 0e s(, , ar#@ed as fo""o5sA

a. T*e ;e$re%ar#a% of %*e Co&-e&%#o&s *as $o , e %o (&ders%a&d %*a% %*e A!!"#$a&% #s of %*e -#e5 %*a% #f *e 5ere %o a!!" for %*e %e , !orar /o0 o!e&#&g) *e 5o("d 0e !re$"(ded fro , a!!" #&g %o %*e reg("ar /o0 o!e&#&g) o&$e #% #s ad-er%#sed. T*e De!(% <6e$(%#-e ;e$re%ar for %*e Co&-e&%#o&s $*e$9ed 5#%* %*e C(, a& 8eso(r$es De!ar% , e&% 0o%* of %*e U&#%ed Na%#o&s Off#$e #& Na#ro0# a&d %*e U&#%ed Na%#o&s Off#$e a% Ge&e-a) %o $o&f#r , %*e ;e$re%ar#a% of %*e Co&-e&%#o&s? -#e5 %*a% #&%er&a" $a&d#da%es o& f#6ed4%er , a&d !er , a&e&% a!!o#&% , e&%s are e"#g#0"e %o a!!" for a f#6ed4%er , !os% af%er *a-#&g 0ee& re$r(#%ed aga#&s% %*e sa , e !os% o& a %e , !orar /o0 o!e&#&gB

0. T*e de$#s#o& #s &o% (&"a5f("B %*e ;e$re%ar#a% *as 0ee& #& $o&s("%a%#o& 5#%* %*e C(, a& 8eso(r$es De!ar% , e&% a&d UN<P Cead+(ar%ers %*ro(g*o(% %*e 5*o"e !ro$ess %o e&s(re a& o0/e$%#-e a&d fa#r re$r(#% , e&% !ro$ess for %*e !os%) #& a$$orda&$e 5#%* %*e ;%aff 8eg("a%#o&s a&d 8("es a&d a!!"#$a0"e ad , #&#s%ra%#-e #ss(a&$esB

$. Pro$eed#&gs %o f#"" %*e %e , !orar /o0 o!e&#&g) 5#%* %*e A!!"#$a&% or a&o%*er $a&d#da%e 5*o #s dee , ed +(a"#f#ed for %*e !os%) 5#"" &o% $a(se #rre!ara0"e da , age %o %*e $o&s#dera%#o& of %*e A!!"#$a&% for %*e reg("ar /o0 o!e&#&gB *e fa#"ed %o s*o5 %*a% %*e # , !"e , e&%a%#o& of %*e de$#s#o& 5o("d # , !ede *#s a!!o#&% , e&% %o %*e !os%.

Urge&$

d. T*e 8es!o&de&% does &o% +(es%#o& %*e (rge&$ of %*e re+(es%.

Consideration

12. 1& a$$orda&$e 5#%* ar%. 2.2 of #%s ;%a%(%e) %*e D#s!(%e Tr#0(&a" , a order a s(s!e&s#o& of a$%#o& of a& a!!"#$a%#o& f#"ed 0 a& #&d#-#d(a" re+(es%#&g %*e Tr#0(&a" %o s(s!e&d %*e # , !"e , e&%a%#o& of a $o&%es%ed de$#s#o&) d(r#&g %*e !e&de&$ of , a&age , e&% e-a"(a%#o&) 5*ere %*e de$#s#o& a!!ears %o 0e

(&"a5f(") #& $ase of !ar%#$("ar (rge&$ a&d 5*ere #%s # , !"e , e&%a%#o& 5o("d $a(se #rre!ara0"e da , age. 1% fo""o5s %*a% for a& a!!"#$a%#o& for s(s!e&s#o& of a$%#o& %o 0e gra&%ed) %*e %*ree $o&d#%#o&s *a-e %o 0e f("f#""ed a&d #% *as %o 0e re/e$%ed #f a% "eas% o&e of %*e $o&d#%#o&s #s &o% , e%.

13. : oreo-er) a& a!!"#$a%#o& for s(s!e&s#o& of a$%#o& $a& o&" 0e gra&%ed #f %*e

18. T*e Tr#0(&a" f#&ds %*a% #& %*e $ase a% *a&d) %*e # , !"e , e&%a%#o& 5o("d &o% $a(se *ar , %o %*e A!!"#$a&%?s $areer !ros!e$%s s#&$e &o%*#&g !re-e&%s *# , fro , a!!" #&g for %*e %e , !orar /o0 o!e&#&g. As a s%aff , e , 0er *o"d#&g a !er , a&e&% a!!o#&% , e&%) #f *e 5ere %o 0e se"e$%ed for %*e %e , !orar /o0 o!e&#&g *e 5o("d s%#"" 0e e"#g#0"e %o a!!" o&$e %*e !os#%#o& #s o!e&ed (&der a Ereg("ar? /o0 o!e&#&g (se$. 3.7 (a)) 2.7 of ;T/A1/2010/=/8e-.1 (Ad , #&#s%ra%#o& of %e , !orar a!!o#&% , e&%s)).

13. <-e& #f a&o%*er !erso& 5ere se"e$%ed for %*e %e , !orar /o0 o!e&#&g) %*e A!!"#$a&% !reser-es a"" *#s r#g*%s %o a!!" %o %*e !os#%#o& o&$e #% #s o!e&ed (&der a Ereg("ar? /o0 o!e&#&g.

20. T*erefore) #& -#e5 of a"" %*e $#r$(, s%a&$es of %*e $ase) %*e Tr#0(&a" f#&ds %*a% %*e # , !"e , e&%a%#o& of %*e de$#s#o& 5o("d &o% $a(se #rre!ara0"e da , age %o %*e A!!"#$a&%.

21. ;#&$e o&e of %*e %*ree $(, ("a%#-e $o&d#%#o&s re+(#red for %e , !orar re"#ef 3.84766(r)3.00781(-)-10(e)3.880.88 -20e 3f-6.99219(e)4o220.0013
3671)-6.024((.847668] T J D32.3)0.488281(0)a0.839844(*T1( )-109.51AU)-180(s)-O)500(")-76