Introduction

1.

T(e A$%#&g D#re$%or/Ge&era" of UNOG $o&$*rred 3#%(%(#s re$o++e&da%#o& a&d re)*es%ed %(a% o* .e &o%#f#ed of (#s de$#s#o& %o !"a$e o* o& ad+#&#s%ra%#,e "ea,e 3#%(#++ed#a%e effe$%. T(e ad+#&#s%ra%#,e "ea,e 3#"" $o&%#&*e for %(ree +o&%(s or *&%#" $o+!"e%#o& of a& #&,es%#ga%#o& a&d a& d#s$#!"#&ar !ro$ess' 3(#$(e,er #s ear"#er' a% 3(#$(!o#&% %(e +a%%er 3#"" .e re,#s#%ed.

<& %(e $o&%e:% of %(e #&,es%#ga%#o&' #% #s $o&s#dered %o .e #& %(e #&%eres% of %(e Orga&#Ba%#o& %o !"a$e o* o& ad+#&#s%ra%#,e "ea,e #& order %o !reser,e a"" e,#de&$e a&d %o a,o#d a& #&%erfere&$e 3#%(%(e #&,es%#ga%#o&. T(e reaso&s for o*r !"a$e+e&% o& ad+#&#s%ra%#,e "ea,e a"so #&$"*de a& assess+e&% %(a% o*r rede!"o +e&% 3o*"d &o% .e feas#."e #& %(e $*rre&% $#r$*+s%a&$es.

17. T(e A!!"#$a&% f#"ed a re)*es% for +a&age+e&% e,a"*a%#o& o& 29 A!r#" 2015.

Parties' contentions

15. T(e A!!"#$a&%>s !r#+ar $o&%e&%#o&s +a .e s*++ar#Bed as fo""o3sA

a. T(e de$#s#o& (as &o% e% .ee& f*"" #+!"e+e&%edC as %(e Tr#.*&a" (e"d #& UNDT/2012/025' 0a de$#s#o& %o !"a$e a s%aff +e+.er o& ad+#&#s%ra%#,e "ea,eD 3#%(or 3#%(o*% !a D#s a de$#s#o& 3#%($o&%#&*#&g effe$% 3(#$(+a .e s*s!e&ded E a% a& %#+e as "o&g as %(e ad+#&#s%ra%#,e "ea,e e&d*res1C

.. T(e de$#s#o& #s *&"a3f*"C

#. T(e (A$%#&g) D#re$%or/Ge&era"' UNOG' d#d &o% (a,e de"ega%#o& of a*%(or#% %o %a-e %(e $o&%es%ed de$#s#o&C #& a!!"#$a%#o& of !ara. 5 of =T/A</721 a&d A&&e: V of =T/A</275/4e,.1' %(e re$o++e&da%#o& . %(e 8#g(Co++#ss#o&er' O8C84' &eeded %(e a!!ro,a" . %(e Ass#s%a&% =e$re%ar /Ge&era" (0A=G1) for 8*+a& 4eso*r$es 6 a&age+e&%C

##. T(e O8C84' "#-e a"" o%(er UN =e$re%ar#a% Off#$es a&d De!ar%+e&%s' #&$"*d#&g e.g. %(e F%(#s Off#$e a&d %(e Off#$e of %(e

$. T(e *rge&$ res*"%s fro+ %(e $o&%#&*#&g "ega" effe$% of %(e *&"a3f*" de$#s#o& of 12 A!r#" 2015' 3(#$(%(e A!!"#$a&% $(a""e&ged #++ed#a%e" C (e&$r25(3)-2.792131734(e)-3.6 6 653(d)-0.96$

#&,es%#ga%#o& #s #&for+ed of %(e Orga&#sa%#o&>s #&%e&%#o& %o #&,es%#ga%e %(e a""eged +#s$o&d*$%C

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A& a""eged 0re!*%a%#o&a"1 da+age %o %(e A!!"#$a&% #s &o% %(e res*"% of (#s !"a$e+e&% o& ad+#&#s%ra%#,e "ea,eDor of #%s a""eged $o&%#&*#&g effe$%D.*% ra%(er %(a% of O<O= de$#s#o& %o #&,es%#ga%e %(e a""ega%#o&s of +#s$o&d*$%

!rod*$e "ega" effe$%s .e o&d %(e#r #+!"e+e&%a%#o&' %(e are $(ara$%er#Bed . %(e fa$% %(a% %(e $o++e&$e+e&% a&d $o+!"e%#o& of %(e#r #+!"e+e&%a%#o& are s#+*"%a&eo*s. T(erefore' a&d s#&$e #+!"e+e&%a%#o& #s &o% $o+!"e%ed .efore %(e a$%*a" !er#od of ad+#&#s%ra%#,e "ea,e (as e:!#red' a de$#s#o& %o !"a$e a s%aff +e+.er o& ad+#&#s%ra%#,e "ea,e $a& .e s*s!e&ded a% a& %#+e .efore s*$(e:!#r ' *&der ar%. 2.2 of %(e Tr#.*&a">s =%a%*%e.

19. A$$ord#&g" ' s#&$e %(e re)*es% for +a&age+e&% e,a"*a%#o& #s s%#"" !e&d#&g a&d %(e ad+#&#s%ra%#,e "ea,e #s s%#"" o&go#&g #& %(e !rese&% $ase' %(e Tr#.*&a" f#&ds %(a% %(e a!!"#$a%#o& #s re$e#,a."e.

20. 9*r%(er' %(e Tr#.*&a" $a& order s*s!e&s#o& of %(e $o&%es%ed de$#s#o& o&" #f #% $o&$"*des %(a% a"" %(ree $*+*"a%#,e $r#%er#a' &a+e" *&"a3f*"&ess' !ar%#$*"ar *rge&$ a&d #rre!ara."e da+age' are +e%.

21. J #%(res!e$% %o %(e f#rs% $r#%er#o&' %(e Tr#.*&a" (as re!ea%ed" (e"d %(a% %(e !rere)*#s#%e of *&"a3f*"&ess does &o% re)*#re +ore %(a& ser#o*s a&d reaso&a."e do*.%s a.o*% %(e "a3f*"&ess of %(e $o&%es%ed de$#s#o& (see ***!*** " UNDT/2009/007℄ UNDT/2009/021℄ Order No. 90 (GVA/2010)℄ UNDT/2011/175℄ " " UNDT/2011/198℄ **#** UNDT/2012/080℄ **#** Order No. 188 (GVA/2017)).

22. <& %(#s res!e$%' #% (e"d #& Order No. 90 (GVA/2010) %(a%A

> ?T@(e $o+.#&a%#o& of %(e 3ords 0a!!ears1 a&d 0!r#+a fa$#e1 s(o3s %(a% %(#s %es% #s *&de+a&d#&g a&d %(a% 3(a% #s re)*#red #s %(e de+o&s%ra%#o& of a& arg*a."e $ase of *&"a3f*"&ess' &o%3#%(s%a&d#&g %(a% %(#s $ase +a .e o!e& %o so+e do*.%. T(#s 3as e$(oed #& Cor$ora&' UNDT/2009/021' #& 3(#$(%(e Tr#.*&a" (e"d %(a% 0s#&$e %(e s*s!e&s#o& of a$%#o& #s o&" a& #&%er#+ +eas*re

de"ega%ed a*%(or#% %o !"a$e %(e A!!"#$a&% o& ad+#&#s%ra%#,e "ea,e !*rs*a&% %o s%aff r*"e 10.5.

25. A% %(e o*%se%' %(e Tr#.*&a" re$a""s 3(a% %(e A!!ea"s Tr#.*&a" re)*es%ed #& ;*dg+e&% 2015/UNAT/511' &a+e" %(a% a& +e$(a&#s+ *sed for %(e !*r!ose of de"ega%#o& of a*%(or#% +*s% $o&%a#& 0a $"ear %ra&s+#ss#o& of814(*)-0.958%%(ors&(

28. A&&e: V of %(e sa+e ad+#&#s%ra%#,e #&s%r*$%#o&' " "
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+ (e+!(as#s added)' s./se$%#o& , - & ' de"ega%es %(e de$#s#o& %o !"a$e s%aff +e+.ers *&der ad+#&#s%ra%#,e "ea,e *&der s%aff r*"e 10.5 %o UNOG 03#%(res!e$% %o ?#%s@ s%aff1.

29. 9*r%(er' %(e Tr#.*&a" %oo- &o%e of =T/=GB/2000/5 (Orga&#Ba%#o& of %(e U&#%ed Na%#o&s Off#$e a% Ge&e,a)' 3(#$(!ro,#des #& se$. 2' ' %(a% 0?UNOG@ E !ro,#des ad+#&#s%ra%#,e a&d o%(er s*!!or% ser,#$es for %(e Off#$e of %(e U&#%ed Na%#o&s 8#g(Co++#ss#o&er for 8*+a& 4#g(%s1. T(e .*""e%#& f*r%(er s%a%es %(a% UNOG #s d#,#ded #&%o orga&#Ba%#o&a" *&#%s' as des$r#.ed #& %(e .*""e%#&' &a+e" %(e D#re$%or/Ge&era" (Off#$e)' %(e D#,#s#o& of Ad+#&#s%ra%#o&' %(e Co&fere&$e =er,#$es D#,#s#o&' UNOG H#.rar a&d %(e U&#%ed Na%#o&s <&for+a%#o& Ce&%re. T(e O8C84 #s &o% $o&%a#&ed #& %(e .*""e%#& as a& orga&#Ba%#o&a" *&#% of UNOG© ra%(er' #% #s e:!"#$#%" a&d s#+!" referred %o as a *&#% %o 3(#$(0ad+#&#s%ra%#,e a&d o%(er s*!!or% ser,#$es1 are !ro,#ded . UNOG.

70. T(#s #s f*r%(er e"a.ora%ed . %(e 6e+ora&d*+ of U&ders%a&d#&g (06oU1)' da%ed 1 ;*&e 2010' .e%3ee& UNOG a&d O8C84' 3(#$($o&%a#&s a de%a#"ed "#s% of ser,#$es %(a% UNOG re&ders %o O8C84. U&der 08*+a& reso*r$es ser,#$es1' %(e 6oU s%a%es' ' %(a% UNOG' o& %(e o&e (a&d' a!!ro,es 0<6<= !erso&a" a$%#o&s E %ra,e" a*%(or#Ba%#o&s E© ed*$a%#o& gra&%s1 e%$.' 3(ereas' o& %(e o%(er (a&d' UNOG #s 0?!@ro,#d#&g g*#da&$e a&d ass#s%a&$e #& (a&d"#&g s%aff gr#e,a&$es a&d $ases #&,o",#&g $o&d*$% a&d e%(#$s #ss*es1. As s*$(' %(e Tr#.*&a" o.ser,es %(a% %(e 6oU +a-es a $"ear d#s%#&$%#o& .e%3ee& +a%%ers for 3(#$(UNOG (as f*"" de$#s#o& +a-#&g !o3er a&d o%(ers' s*$(as 0$ases #&,o",#&g $o&d*$% a&d e%(#$s #ss*es1' #& 3(#$(#%s s*!!or% #s "#+#%ed %o g#,#&g g*#da&$e %o O8C84.

71. <& ,#e3 of %(e "e,e" of de%a#" $o&%a#&ed #& %(e 6oU' %(e Tr#.*&a" $o&$"*des %(a% #% does &o% !ro,#de for a ge&era" a&d (o"#s%#$!ro,#s#o& of ser,#$es' .*% ra%(er $o&%a#&s a& e:(a*s%#,e "#s%' 3(#$(does &o% refer %o a& de$#s#o& re"a%#&g %o %(e !"a$#&g of s%aff +e+.ers o& ad+#&#s%ra%#,e "ea,e.

72. T(e Tr#.*&a" a"so e:a+#&ed Ge&era" Asse+." reso"*%#o& A/4es/58/151 of 20 De$e+.er 1997' . 3(#$(%(e Ge&era" Asse+." de$#ded %o $rea%e %(e !os% of 8#g(Co++#ss#o&er for 8*+a& 4#g(%s' as 0%(e U&#%ed Na%#o&s off#$#a" 3#%(!r#&$#!a" res!o&s#.#"#% for U&#%ed Na%#o&s (*+a& r#g(%s a$%,#%#es *&der %(e d#re$%#o& a&d a*%(or#% of %(e =e$re%ar /Ge&era"1. B sa#d reso"*%#o&' %(e Ge&era" Asse+." f*r%(er de$#ded %(a% %(e 0Off#$e of %(e 8#g(Co++#ss#o&er for 8*+a& 4#g(%s s(a"" .e "o$a%ed a% Ge&e,a a&d s(a"" (a,e a "#a#so& off#$e #& Ne3 Ior-1 a&d 0?r@e)*es%s %(e =e$re%ar /Ge&era" %o !ro,#de a!!ro!r#a%e s%aff a&d reso*r$es' 3#%(#& %(e e:#s%#&g a&d f*%*re reg*"ar .*dge%s of %(e U&#%ed Na%#o&s' %o e&a."e %(e 8#g(Co++#ss#o&er %o f*"f#" (#s/(er +a&da%e1. No%(#&g #& %(e reso"*%#o& #&d#$a%es %(a% O8C84 fa""s *&der %(e 0*+.re""a1 of UNOG or %(a% s%aff of %(e O8C84 .e$o+e 0UNOG s%aff1.

77. <& "#g(% of %(e forego#&g "ega" #&s%r*+e&%s' #% a!!ears %(a% O8C84 #s a +ere $"#e&% of a&d ad+#&#s%ered . UNOG o&" %o %(e e:%e&% !ro,#ded for #& %(e a.o,e/+e&%#o&ed .*""e%#& a&d %(e 6oU. O8C84 #s &o% !ar% of UNOG orga&#Ba%#o&a" s%r*$%*re. As s*$(' O8C84 Ge&e,a .ased s%aff do &o% fa"" *&der %(e de"ega%#o& of a*%(or#% !ro,#ded for *&der A&&e: V of %(e =T/=GB/275/4e,.1 %o UNOG 03#%(res!e$% %o ?#%s@ s%aff1. T(e 4es!o&de&%>s arg*+e&% %(a% 0a& refere&$e %o 0%(e#r s%aff1 #& =T/A</275/4e,.1 s(o*"d .e *&ders%ood as #&$"*d#&g a"" s%aff +e+.ers of %(e =e$re%ar#a%' .ased #& %(e d*% s%a%#o& a&d ad+#&#s%ered . UNOG1' #s &o% s*!!or%ed . %(e a,a#"a."e "ega" #&s%r*+e&%s. To f#&d o%(er3#se' a&d %o ado!% %(e 4es!o&de&%>s arg*+e&%' 3o*"d "ead %o %(e res*"% of (a,#&g s%aff +e+.ers 3#%(d#s!ersed a&d/or de$e&%ra"#Bed off#$esD#&$"*d#&g O8C84 %(a% (as #%s +a#& off#$e #& Ge&e,a' .*% a"so a "#a#so& off#$e #& Ne3 Ior- a&d ,ar#o*s f#e"d off#$esD de!e&d o& d#ffere&% a*%(or#%#es 3#%(res!e$% %o s*$(a& #+!or%a&% de$#s#o& as %(a% %o .e !"a$ed o& ad+#&#s%ra%#,e "ea,e.

75. B refere&$e %o %(e s%a&dard se% . UNAT #& %(e a.o%dor(()-0.960221(1295892(r-3.6 6 653

Ge&era"' UNOG' (ad s*$(a*%(or#% 3#%(res!e$% %o !"a$#&g %(e A!!"#$a&% o& ad+#&#s%ra%#,e "ea,e.

75. T(e Tr#.*&a" f*r%(er &o%es %(a% %(e fa$% %(a% %(e A=G for 8*+a& 4eso*r$es 6a&age+e&% 3as $o!#ed o& %(e +e+ora&d*+ of 12 A!r#" 2015' a&d %(a% s(e $o&f#r+ed' #& a& e+a#" of 1 6a 2015' %(a% #% 3as (er *&ders%a&d#&g %(a% %(e D#re$%or/Ge&era"' UNOG' (ad %(e de"ega%ed a*%(or#% %o %a-e %(e $o&%es%ed de$#s#o&' d#d &o% $orre$% %(e fa$% %(a% %(e #&#%#a" de$#s#o& 3as %a-e& . a& off#$#a" 3(ose a*%(or#% %o %a-e %(e $o&%es%ed de$#s#o& #s o!e& %o ser#o*s a&d reaso&a."e do*.%s' as des$r#.ed a.o,e.

76. 9*r%(er' %(e Tr#.*&a" $o&s#dered 3(e%(er %(e de$#s#o& 3as %a-e& o& "ega"" so*&d gro*&ds. <& %(#s regard' %(e Tr#.*&a" &o%es %(a% !*rs*a&% %o s%aff r*"e 10.5(a)' a s%aff +e+.er +a .e !"a$ed o& ad+#&#s%ra%#,e "ea,e' s*.Ge$% %o $o&d#%#o&s s!e$#f#ed . %(e =e$re%ar /Ge&era"' a% a& %#+e !e&d#&g a& #&,es%#ga%#o& *&%#" %(e $o+!"e%#o& of %(e d#s$#!"#&

f#&ds %(a% %(e +eas*re %o !"a$e %(e A!!"#$a&% o& ad+#&#s%ra%#,e "ea,e for %(e reaso& !ro,#ded for #& %(e +e+ora&d*+ of 12 A!r#" 2015 defea%s #%s !*r!ose.

57. 9#&a"" ' %(e Tr#.*&a" &o%es %(a% %(e 4es!o&de&%' #& (#s re!" ' refers %o a& #&$#de&% #&,o",#&g a&o%(er O<O= #&,es%#ga%#o&' 3(#$(a""eged" (as .ee& o&go#&g aga#&s% %(e A!!"#$a&% a&d 3(#$(e)*a"" $o&$er&s a""ega%#o&s of "ea- of $o&f#de&%#a" #&for+a%#o&. T(e Tr#.*&a" re$a""s %(a% s%aff r*"e 10.5(.) !ro,#des %(a% 0?a@ s%aff +e+.er !"a$ed o& ad+#&#s%ra%#,e "ea,e E s(a"" .e g#,e& a 3r#%%e&

58. T(e Tr#.*&a" &o%es %(a% !"a$#&g a s%aff +e+.er o& ad+#&#s%ra%#,e "ea,e +*s%