

Introduction

1. By motion filed on 18 January 2020, the Applicant requested a 60-day extension of time to file an application against the decision to withdraw an offer of Special Service Agreement (“SSA”) consultancy contract made to him by the United Nations Children’s Fund (“UNICEF”) in Bangladesh. The motion was registered under Case No. UNDT/GVA/2020/003 and assigned to the undersigned Judge.

Consideration

2. Before entering into an examination of the Applicant’s motion, the Tribunal first has to determine the status of the Applicant and consider whether his motion is receivable, *ratione personae*, pursuant to art. 2 and 3 of its Statute.

3. Art. 2.1 of the Dispute Tribunal’s Statute reads:

The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual, as provided for in article 3, paragraph 1, of the present statute, against the Secretary-General as the Chief Administrative Officer of the United Nations.

4. Art. 3.1 of the Dispute Tribunal’s Statute stipulates that an application under article 2, para. 1 of the said Statute may be filed by:

(a) Any staff member of the United Nations, including the United Nations Secretariat or separately administered United Nations funds and programmes;

(b) Any former staff member of the United Nations, including the United Nations Secretariat or separately administered United Nations funds and programmes;

(c) Any person making claims in the name of an incapacitated or deceased staff member of the United Nations, including the United Nations Secretariat or separately administered United Nations funds and programmes.

5. Pursuant to these rules, the status of a staff member is a necessary condition for access to the Tribunal. This interpretation has been upheld by the Appeals Tribunal notably in *Basenko* 2011-UNAT-139.

6. In *Basenko* UNDT/2010/145, the Dispute Tribunal addressed the issue of the limitation of its jurisdiction in the following terms:

In Judgments UNDT/2010/098, *Gabaldon*, and UNDT/2010/142, *Roberts*, the Tribunal held that the limitation of its jurisdiction to persons having acquired the status of staff member was the clear wish of the General Assembly. Indeed, the General Assembly, which had considered proposals to open the Tribunal to non-staff personnel, such as Interns and Type II gratis personnel (e.g., A/62/748, referred to in A/RES/63/253), opted to reject such proposals and to limit the scope of the Tribunal's statute as reflected in article 3.1. Hence, this limitation does not constitute an unintended lacuna and there is no room for a larger interpretation of the actual wording of the statute. The limitation of the scope of the Tribunal's jurisdiction has been confirmed by the United Nations Appeals Tribunal in its Judgment 2010-UNAT-008, *Onana*.

7. In the present case, there is no dispute that the Applicant did not acquire the status of a staff member. Therefore, the Applicant has no standing before this Tribunal and the present motion must be denied on the grounds that it is not receivable *ratione personae* pursuant to art. 3.1 of the Dispute Tribunal's Statute.

IT IS ORDERED THAT:

8. The Applicant's motion for extension of time is rejected; and

9. Given there being no longer any matter to adjudicate, Case No. UNDT/GVA/2020/003 is hereby closed.

(Signed)

Judge Francesco Buffa

Dated this 17th day of February 2020

Entered in the Register on this 17th day of February 2020

(Signed)

René M. Vargas M., Registrar, Geneva