



The Application and Procedural History

1. The Applicant is a Budget Officer at the Regional Service Centre in Entebbe, Uganda (RSCE). She serves at the level on a fixed term appointment.
2. On 12 November 2014, the Applicant filed the subject Application.

Case No. UNDT/NBI/2014/102

Order No. 103 (NBI/2015)

17. On 19 November 2014, the Tribunal issued Order No. 255 (NBI/2014) granting the *interim* relief sought by the Applicant.

18. Also on 19 November 2014, the Tribunal issued Order No. 256 (NBI/2014) dismissing the Applicant's motion for execution.

19. On 20 November 2014, the Tribunal issued Order No. 259 (NBI/2014) urging

DELIBERATIONS

26. The Tribunal is concerned at the ~~time~~ ~~of~~ these proceedings have taken.

27. To-date, no report/submission as to ~~the~~ ~~status~~ of the mediation has been received by the Tribunal. ~~It~~ ~~was~~ due on 6 February 2015.

28. In the meantime, the Applicant has ~~filed~~ ~~two~~ Motions before this Tribunal; which submissions, the Respondent has ~~responded~~ ~~to~~ as directed by the Tribunal. The first of these Motions by the Applicant ~~was~~ ~~in~~ fact filed before ~~the~~ deadline given to the Mediation Service.

29. Although pleadings on these motions by the Applicant are now complete, the Tribunal must ask what chance Mediatibad to properly proceed while Parties engaged in adversarial exchanges.

30. The Tribunal is now faced with the Applicant's Motion to Resume Proceedings in that she has informed ~~the~~ ~~Mediator~~ that she no longer wishes to "pursue the informal dispute settlement process."

31. The Respondent replied to that Motion ~~indicating~~ that he "remains willing to participate in mediation. However, the ~~Respondent~~ ~~agrees~~ that if the Applicant is no longer willing to participate in mediation, the proceedings should be resumed".

32. The Tribunal continues to take the ~~view~~ ~~that~~ mediation or informal resolution of this dispute would be in the best interest ~~of~~ the Parties; and in the interest of the efficient use of the Tribunal's resources ~~and~~ the expeditious conduct of proceedings.

33. The Tribunal is also mindful of paragraph 27 of General Assembly resolution 69/203 (Administration of justice at the United Nations) in which the courts are exhorted to proactively promote the successful settlement of disputes.¹

34. To this end, the Tribunal makes the following ORDERS:

a) The Office of the United Nations Ombudsman & Mediation Services will provide the Tribunal with the Report on the status of the mediation that was due on 6 February 2015, by 31 March 2015;

b) The Parties will consult between themselves and provide the Tribunal with a common position as to their willingness to have this matter settled by 10 April 2015.

(Signed)

Judge Vinod Boolell

Dated this 26th day of March 2015

Entered in the Register on this 26th day of March 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi

¹ Paragraph 27 states: "Recalls the emphasis placed by the General Assembly on the resolution of disputes, and requests the Secretary-General to report on the practice of proactive case management by the judges of the United Nations Dispute Tribunal, the promotion and successful settlement of disputes within the formal system in his next report;"