
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2016/021

Order No.: 174 (NBI/2016)

Date: 30 March 2016

Original: English

Before:



Introduction

1. The Applicant filed this Application for a suspension of action on 20 January 2016 in French.

2. The present Order is drafted in English. These are the reasons for that course of action.

a. First, with the exception of the Judge dealing with this Application, all Legal Officers and the Registrar in Nairobi are English speaking. Drafting the Order in English would therefore ensure that the Judge gets the necessary support from Legal Officers and the Registrar.

b. Secondly, the s Reply is in English.

c. Thirdly, in her Application, the Applicant, who is self-represented, does make reference to quotes from cases and statutory provisions in English and the presiding Judge infers -249(to)-0[

Submissions

12. The Respondent submits that the Applicant has no *locus standi* before the Dispute Tribunal because, on 1 July 2014, the Respondents transferred all its national staff members, including the Applicant, from appointments governed by the United Nations Staff Regulations and Staff Rules to appointments governed by the Food and Agriculture Organization (FAO) Staff Regulations and Rules.

13. In support, the Respondent refers to FAO staff regulation 301.11.2 through which the Respondent now accepts the jurisdiction of the International Labour Organization Administrative Tribunal (ILOAT) in respect of actions filed by any of its staff members, whether recruited nationally or internationally, in respect of matters arising after 1 July 2014.

14. Given the above it is ILOAT that has jurisdiction over the present Application.

15. The Respondent also submits that the jurisdictional arrangement is signed thereby expressing her consent and acquaintance with the FAO Staff Regulations and Rules.

Considerations

16. Chapter VIII.2 of the WFP Human Resources Manual titled Appeals clearly indicates, at section 5.1 that,

An appellant who is not satisfied with a final decision of the Director General made pursuant to Staff Rule 303.1.311 or 303.1.38 may lodge a complaint with the International Labour Organization Administrative Tribunal (ILOAT) in accordance with Staff Regulation 301.11.

17. On 1 July 2014 the Respondent transferred its national staff members, including the Applicant, from appointments governed by the United Nations Staff Regulations and Rules, to those governed by the FAO Staff Regulations and Rules.

