UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2021/057
Order No.: 111 (NY/2021)
Date: 22 November 2021
Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

INNISS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

# ORDER

## ON APPLICATION FOR SUSPENSION OF ACTION

Counsel for Applicant:
Endah Indini, OSLA

Counsel for Respondent:
Camila Nkwenti, UNEP
Thomas Deleuil, UNEP
Isabel Martinez, UNEP

## Introduction

1. On 16 November 2021, the Applicant, the Coordinator for the Cartagena Convention/Caribbean Environment Programme in the United Nations Environmental Programme ("UNEP") at the D-1 level, filed an application requesting, under art. 2.2 of the Dispute Tribunal's Statute and art. 13 of its Rules of Procedure, the suspension pending management evaluation of the decision not to renew her fixed-term appointment beyond its expiration on 30 November 2021.

## Factual background

2. On 16 November 2015, the Applicant joined the Cartagena Convention Secretariat

3. The Cartagena Convention Secretariat is administered by UNEP and was established to serve as the Secretariat of the Cartagena Convention and its Protocols.

4. The Cartagena Convention forms part of the UNEP Regional Seas Programme consisting of 18 regional seas conventions and action plans. The regional seas conventions are multilateral and legally binding environmental agreements that each have their own governing bodies and exercise their decision-making power at annual or biannual meetings of the Conferences of the Parties ("COP"). The COP adopts decisions on the programme of work and budget of each of the regional conventions, as established by the Convention and subsequent decisions of the COP. By deciding on the budget of the Convention, the COP of each regional convention decides on the budget of the Secretariat of the Convention and therefore on staff costs and staffing table.

5. On 28-30 July 2021, the Sixteenth Meeting of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region ("the COP16 of the Cartagena Convention") was held. In this

16. Furthermore, the Applicant does not provide any explanation as to why she filed the application for suspension of action more than three weeks after the filing of her request for management evaluation.

17. Therefore, in the particular circumstances of the case, the Tribunal finds that the Applicant failed to meet the requirement of urgency. Any urgency in this case was self-created.

18. Accordingly, t6 (e-10 (cas)-5 (e,)]TJ 0 Tc 0 Tw 17.47 0 Td ( )Tj 0.07 Tw 0.32 )4 ( )]TJ4w.47 0oq(i)-2