



Before

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ABALOS ET AL.

v.

SECRETARY-GENERAL
OF THE WORLD METEOROLOGICAL
ORGANIZATION

JUDGMENT

Counsel for Applicants:

Christopher Bollen
Mathis Kern

Counsel for Respondent:

Daniel Trup, WMO

Introduction

1. The Applicants, staff members of the World Meteorological Organization (“WMO”

General”. In addition, the Appeals Tribunal held that “where the General Assembly takes regulatory decisions, which leave no scope for the [United Nations] Secretary-General to exercise discretion, the [United Nations] Secretary-General’s decision to execute such regulatory decisions, depending on the circumstances, do not constitute administrative decisions subject to judicial review”. See para. 51.

11. Accordingly, the Appeals Tribunal concluded that the “judicial review is limited to the question of possible normative conf

Dispute Tribunal may consider the application as a whole”. See *Fasanella* 2017-UNAT-765, para. 20, as affirmed in *Cardwell* 2018-UNAT-876, para. 21. ICJ-0 for CTw 1.48 0 Td(pos)T

17. Accordingly, in the present case, the Tribunal defines the basic issue of the case as whether the WMO Secretary-General acted within his scope of discretion in deciding, in accordance with *Al Shakour*, to implement the post-adjustment multiplier determined by the ICSC based on its 2016 cost-of-i0 t t T

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38. Accordingly, based on the language of ~~WHO~~ WHO

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45. The Applicants submit that in view of the WMO Secretary-General’s “own doubts relating [to] the legality and correctness of the ICSC Pay-Cut Decisions prior to implementing them, he should have independently assessed whether the ICSC’s Pay-Cut Decisions were legally sound”. This means that the WMO Secretary-General should have reviewed whether “the ICSC had the authority to decide on the post adjustment multiplier, change the methodology, introduce a reduced gap closure measure and whether its decisions were free from errors or omissions of relevant facts”. In this regard, in the contested decision, the WMO Secretary-General “explicitly questioned the legality of the ICSC’s Pay Cut Decisions. Indeed, he stated (emphases added): ‘I ... refer to the previous letters [questioning the legality of the ICSC’s decisions] ... which I continue to maintain’”. The WMO Secretary-General rather endorsed the ILOAT judgments “in which said Tribunal had found

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the independent agencies are treated equally, that is, if the ILOAT's judgments are applied to the independent agencies in the same manner". Whereas the Dispute Tribunal is "not bound by ILOAT judgments—[it should] ensure that the outcome of this case is aligned with that of the ILOAT's judgments regarding other Geneva-based specialized agencies in order to give effect to the principle of equal pay for equal work".

50. The Tribunal observes that the

stare decisis. Similarly, other judgments of the Dispute Tribunal, like the first instance judgment in *Al Shakour* are not binding, but simply persuasive, for this Tribunal. Accordingly, it falls outside the scope of the present case to reargue the A(he)-[Td(NY) (i)]TJ0 T-0 of

Entered in the Register on this 23rd day of November 2021

(Signed)

Nerea Suero Fontecha, Registrar, New York