



Judge Jean- . !an/o*s Cous*n

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Introduction

1. On 16 June 2013, the Applicant filed an application for the 'Right to be Heard' (Article 41 of the UN Charter) against the Secretary-General, requesting the revocation of the decision to grant a leave of absence and to suspend administrative assistance to the staff representative to the United Nations Staff Pension Committee in the person of the Applicant's representative and the refusal to take action on the notification that one of the members of the Applicant's representative was off-duty during the absence of the Applicant's representative. The Applicant also requested the revocation of the decision to grant a leave of absence and to suspend administrative assistance to the staff representative to the United Nations Staff Pension Committee in the person of the Applicant's representative and the refusal to take action on the notification that one of the members of the Applicant's representative was off-duty during the absence of the Applicant's representative.

Facts

2. On 12 September 2012, the Staff Council of the United Nations Staff Union (UN2U38) decided to authorize the Applicant to act as a representative of the Staff Union at the United Nations Staff Pension Committee (UN2PC38) and the Pension Board of the United Nations Joint Staff Pension Fund (UNJ2P38) on 12 September 2012. The Applicant was elected as a representative of the Staff Union at the United Nations Staff Pension Committee (UN2PC38) and the Pension Board of the United Nations Joint Staff Pension Fund (UNJ2P38) on 12 September 2012. The Applicant was elected as a representative of the Staff Union at the United Nations Staff Pension Committee (UN2PC38) and the Pension Board of the United Nations Joint Staff Pension Fund (UNJ2P38) on 12 September 2012.

3. From 13 to 14 December 2012, the Applicant was elected as a representative of the Staff Union at the United Nations Staff Pension Committee (UN2PC38) and the Pension Board of the United Nations Joint Staff Pension Fund (UNJ2P38) on 12 September 2012. The Applicant was elected as a representative of the Staff Union at the United Nations Staff Pension Committee (UN2PC38) and the Pension Board of the United Nations Joint Staff Pension Fund (UNJ2P38) on 12 September 2012. The Applicant was elected as a representative of the Staff Union at the United Nations Staff Pension Committee (UN2PC38) and the Pension Board of the United Nations Joint Staff Pension Fund (UNJ2P38) on 12 September 2012.

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&. Use the following information, listed in 2T/2G/2011/4(a).
2.2 The 7th, 7th and 7th as well as the 4th Human Resources
Net of the CEF is added to the representation of
the said team, the other affected agencies, the
-)ea" -, the staff representation of the Staff Pension
Committee, UN9C and UNDP. The human resources
administration is also bound by 26 CC agreements and governed by
Geneva Assembly, Regulations under Staff Regulation 1.1.7e.3

11. >, Sette) dated 1: 6 a, 2013! the C= of the UNJ2P? (ended to a @ue),
of the President of the Association of (ome) International C/2e)ants! noting
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22. On 6 August 2013, the Applicant filed a motion for leave to refer, in substance, facts and evidence of the respondent's submission on the (re)mission, determination of relevance, to the "and" the head, added "as additional comments.

23. On 10 July 2014, the Tribunal informed the parties that it would decide the case on the basis of the parties' written pleadings.

Parties' submissions

24. The Applicant's contentions are:

a. The respondent is not contesting the facts to determine the respondent's, and the respondent's refusal to accept, the respondent's regulations on the respondent's facts, the respondent's, the respondent's, of the respondent's to the administrative decision "the respondent's name", the decision to grant time release and administrative assistance to the respondent's in excess of the term limit set by the Geneva Assembly, resolution A/52/226. The facts are the proof of the respondent's motion of the respondent's, to determine legitimate staff representation means.

b. The decision was made by the respondent and not the Standing Committee of the Pension Fund as such. It is the Dispute Tribunal and not the Appeals Tribunal that is competent to hear the case. It is the respondent's decision of the UN2PC that the respondent's staff representation should continue to serve the UN2PC despite the respondent's, under Geneva Assembly, resolution 51/226, sect. 99, para. 10512, and the conflict of interest and related provisions of one of the respondent's.

c. The respondent's motion is not timely. The respondent's name and the respondent's of the ongoing decision to grant time release and related administrative decision on, on 16 August 2013.

d. The decision of " " " "e soug"t management e/a\$uat%on %s t"e same one "e &"a\$\$enged -efo)e t"e T%-una\$H t"e a##\$%&at%on %s)e&e%/a-\$e

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terms of appointment and does not concern an administrative decision under the terms of art. 2.1 of the Treaty-UNSCs Statute. The rights set forth in art. 2.1 of the Treaty-UNSCs Statute do not extend to the

-. Also, the composition and the determination of the members of the UN2PC and of the United Nations Joint Staff Pension Board are not a matter of administration of employment of staff members and the UN Staff Regulations and Rules do not apply, to the UNJ2P and on the members of the UN2PC and of the Pension Board and are excluded - , the provisions mentioned in art. 2.1 of the Treaty-UNSCs Statute and the determination of the members of the UN2PC and the Board are excluded - , the Rules and Regulations of the UNJ2P (more specifically, art. 6.7a of the UNJ2P Regulations)

6. The Commission for a decision to - an administrative decision for the purpose of art. 2.1 of the Treaty-UNSCs Statute is that it must be taken - , the (2005) General Assembly (2005) "as no case in the administration of the UNJ2P"

d. The Applicant does not contest that the decisions to the UN2PC and to the UNJ2P Board were rendered - , the UN2U Position Files of the (2005) General Assembly "ad no case in these decisions as such" - does not contest an administrative decision taken - , the (2005) General Assembly

e. The Applicant Treaty-UNSCs and not the Dispute Treaty-UNSCs "as limited liability on the relevant matters relating to the administration of the UNJ2P"

f. The A2G/ 4 + 6 "as no case - as is and is not in a position to apply, the term limits provided for in General Assembly Resolution 51/226 to the terms of office of the members of the UN2PC and as such of the UNJ2P Board. The State "as the author of the administrative decisions and rules of the UNJ2P see the email to the A2G/ 4 + 6 concerning the application on the Regulations of the UN2PC cannot see to create an amended or affected decision - , the (2005) General Assembly on the resignation of the members of the UN2PC and cannot change the fact that the (2005) General Assembly "as no

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Consideration

26. As a member, the Tribunal, in its decision, has taken into account the request for disclosure of documents and the /ofsuminous documents and submissions on file /of the 't' motion to admit the case.

2. The Tribunal did not consider it necessary, to entertain the Applicant's motion on an filing of 21 June 2013. It did not find the submission made - , the Applicant in a /of) application /e/ant and did not use it to decide upon the /esent case.

2A. The Tribunal, in its decision, took into account the Applicant's additional comments of 6 August 2013. Thus, granting the motion of the same day, .

2B. The Tribunal notes that as to determine the scope of the /esent case. The Tribunal has noted that the Applicant's Tribunal "e" in 2012 UNAT 523A! name, that

2. The duties of a Judge /of) to taking a decision include the adequate /nte/etation and /om/ens/on of the /at/ons submitted - , the /a/tes! /ate/e) the) names! /ods! st/ut/ue o)

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35. In view of the scope of the arbitration determined above, the Tribunal was to examine if the decision to grant the trustee elected members presenting the UNJ2P? #a)ants time release and related administrative support to attend to matters of the UN2PC and the Pension Board might amount to an, and/or dual obligation of the Applicant under "the terms of appointment" and of employment. It is obvious that this is not the case. Therefore, the Applicant's alleged standing "to" present to the first claimant and "his" arbitration is not relevant in this respect.

36. The Tribunal was not to assess the Applicant's second claim. The Tribunal

regulations. The "ad" referred to in the submitted request for management evaluation, submitted by the respondent on 30 June 2013, did not address the Tribunal's findings that the Applicant would not be requested after the referred response of 30 June 2013 to submit another request for management evaluation, since it

41. The Tribunal notes that as to determine whether the decision, the
2013, Geneva) not to take action on the alleged violations in the sections
and content of interest as a result. According to art. 4 of the UNJ2P?
+regulations the Pension Fund as a member organization is administered - ,
the Pension Board a staff Pension Committee for each member organization and a
secretariat to the Board and to each sub-Committee. As such the UN2PC is an
integral part of the administration of the Fund and its governance structure.
Art. 6.7a and 7-8 of the Fund's Regulations provide for the composition of the
UN2PC and the duration of the term of its elected members and alternate
members. The Tribunal notes that the actual election, of candidates to present
candidates at the UN2PC including an, content 3.84766 (n)-203". 16797 ()-20 (&)3.84766 (onf)3

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a. The attachment is deleted

- The respondent's claim for a - use of proceedings and costs against the Applicant is deleted.

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Judge Jean-Pierre Cousin

Dated this 20th day, of January, 2014

entered in the register on this 20th day, of January, 2014

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