



1. The Applicant filed on 11 October 2013 the Applicant's contestation of the decision of the United Nations Economic Commission for Africa (UNECOM) not to renew the Applicant's membership (effective 31 May 2013).

2. The Applicant joined the UNECOM, on 23 February 1986 as an affiliate at the 944 Session funded ("extra-budgetary" sources under the Trust Fund for Africa)

6. The letter of 5 June 2012\* from the Australian Permanent Mission to the United Nations in Geneva\* the UN, C, 3 as informed about the intention of the Australian delegation to release the content of the report to the team managed by the existing staff of the "Justice and Reconciliation" Division /07, D12.

7. In an email dated 26 June 2012\* from the Australian Permanent Mission to the United Nations in Geneva to the Director Programme Management Unit\* the release of the "Justice and Reconciliation" UN, C, 3 as stressed that the Australian Mission should continue the funding of an "Independent" staff member of the duration of the period of an approved report that the understanding that at this moment until the report is released (the Australian representatives' presence on the release of the Australian side should be ongoing as the case). As a result, the representative agreed that the report should not be published until further notice. It is stressed that the intention of the Australian side is not to resume the report after 2013.

8. The memorandum of 26 June 2012\* the "Justice and Reconciliation" UN, C, 3 informed that the Australian Mission is not in a position to suspend the funding of the report to the UN, C, 3 as no longer in a position to extend the commitment (ended 30 November 2012).

9. In the letter of 21 November 2012\* the Australian Mission filed a request for management evaluation against the decision of 26 June 2012\* regarding the Management Unit /05, U12 to the same in accordance with 15 November 2012\* in the context of ongoing efforts to solve the matter amicably. The Australian Mission.

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25. The Committee of 15 June 2013\* of the U7G for the management information of the Applicant that the 7e)eta)4Gene)as +ad de&ded to a&&#t the )e&commendation of the 5 , U to u#+O\$d the &ontested de&ision.

26. The Applicant filed the present application on 11 ' &to(e) 2013 and the

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32. The findings of the audit and (the) analysis of the audit and of communication (between the Applicant and the UN, U) the Applicant sent a request for management evaluation on 21 February 2012 of the decision of 26 June 2012 not to extend its assignment (on 30 November 2012) and I upon its request UN, U until the end of 15 November 2012. The request UN, U to terminate the decision of 2 November 2012 not to renew its assignment after 31 May 2013 into its ending UN, U request. Thereafter and after the additional evidence submitted from communication from UN, U /f. the (the) Applicant submitted another request for management evaluation on 31 May 2013 of the decision of 28 May 2013 not to extend its assignment (on 31 May 2013. Upon receipt of the UN, U response of 15 June 2013 to its last request for management evaluation the Applicant filed the present application on 11 October 2013.

33. On the basis of the audit and (the) analysis of the Applicant's UN, U (the) Applicant's request was to assess the decision of 28 May 2013 constituted a new separate administrative decision submitted to the independent review board constituted a recommendation of the evaluation decision of 2 November 2012.

34. The UN, U notes that the memorandum of 2 November 2012 notified to the Applicant on 13 November 2012 "unduly" and "out of context" informed the latter that the TA was not going to be renewed (on 31 May 2013) and the board of UN, U as to the date of the renewal. The board of UN, U as to the date of the renewal as an administrative act of ending of "outstanding" assignment UN, U, on 31 May 2013.

35. In the one and only case after 2 November 2012 the Applicant and others in UN, U, made efforts to find alternative funding to continue the financing of its post and/or to find alternative funding for the Applicant's these actions did not in themselves modify the content of the decision of 2 November 2012. The latter's subsequent non-renewal decision of 2 November 2012 might have been revised under the circumstances e.g. if the funding of the board had continued (on 31 May 2013. However) the foregoing does not mean that I argued (the) Applicant that the above efforts failed a new decision not to

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41. The Tribunal considers that under the circumstances of the case at hand and in light of the applicable provisions of the Administrative Tribunal (Law No. 2013/UNAT/4331) the Administrative Tribunal acted in good faith and on the basis that no further action was to be taken in the absence of a decision (under article 3 of the Administrative Tribunal Law No. 2012/UNAT/4331) in the absence of a decision.





46. The nature of the Applicant's conduct and status of the Tribunal notes that the Administration did not have an obligation to take the Applicant in another department or to otherwise secure his continued employment.

47. The Tribunal notes that the Administration provided the Applicant with a legitimate reason for the non-renewal of his appointment (see paragraph 31 of the 2013 Decision and that the reason was supported by the facts. Given that the Tribunal rejects that the Applicant's proposed reasons made a considerable contribution to the Administration's decision to re-appoint him, the Tribunal is not persuaded that the decision was based on an arbitrary or capricious basis of the Administration and that the Applicant is entitled to compensation under article 46(d) of the Staff Regulations. See also paragraph 46(d) of the 2013 Decision.