staff mem/er's re:uired independence and impartialit&+ t)us potentiall& reflecting ad"ersel& on t)e 6und andAor gi"ing rise to reputational concerns.

; Ba ed on t-e fo"e.oin.) t-e UN Et-ic Office note t-at t-e fact t-at (i) a taff +e+,e") 2-ile e"vin. on t-e Pen ion Boa"d) pa"ticipate in ove" eein. t-e pe"fo"+ance of t-e %EO) 2-o in t*"n +ana.e t-e taff +e+,e"' pe"fo"+ance) and t-at (ii) ,/ e"vin. on t-e B*d.et 6o"kin. #"o*p) t-e taff +e+,e" 2o*ld -ave a a/ in t-e app"oval of -i o" -e" Office' ,*d.et and po t)incl*din. po i,l/ -i o" -e" o2n po ition and ,enefit).ive "i e to ,ot- a pe" onal conflict of inte"e t a 2ell a a conflict of f*nction .

; Accordingl&+ gi"en t)e ris- of reputational damages to t)e UNJ5$6 in t)e e"ent of a conflict of interest+ or e"en a perception or appearance t)ereof+ t)e UN Bt)ics 4ffice notes t)at it 9ould /e prefera/le for an& UNJ5$6 staff mem/er not to ser"e on t)e $ension 'oard+ as indeed pro"ided for in amended #ule C.1. Noting t)at amended #ule C.1 9as adopted after t)e April 2013 election+ from an et)ics perspecti"e+ and to mitigate an& potential conflict-of-interest ris- arising from an& staff mem/er concurrentl& ser"ing in t)e UNJ5$6 5ecretariat 0e2ecuting /od&1 and on t)e $ension 'oard 0go"erning /od&1+ t)e UN Bt)ics 4ffice notes t)at it 9ould /e ad"isa/le to re:uire an& suc) staff mem/er to restrict)im- or)erself from)andling matters in"ol"ing t)e UNJ5$6+ in accordance 9it) t)e re:uirements of 5taff #ule 1.20:1.

?. !n an e-mail dated 19 4cto/er 2018+ t)e C)airperson informed mem/ers of t)e ?7t) session of t)e $ension 'oard+ including (s. #oc-cliffe+ of t)e ad"ice t)at)e)ad recei"ed from t)e %irector of t)e Bt)ics 4ffice+ and proposed t)at (r. 6itCgerald+ anot)er participants/ representati"e appointed to t)e '. as an alternate+ ser"e su/stanti"el& on t)e '. + in place of (s. #oc-cliffe. !n a follo9-up e-mail dated 22 4cto/er 2018+ t)e C)airperson confirmed)is proposed arrangement.

3. 4n 22 4cto/er 2018+ (s. #oc-cliffe filed an application for e2ecution of Judgment No. 2013-UNAT-803.

S*,+i ion

$. Rockcliffe' Application fo" E7ec*tion

8.

constituent groups, committees and working groups, the Chairperson had removed her name from the list of members of the Panel.

9. Ms. Holcroft maintains that the decision by the Chairperson was procedurally flawed as it circumvented the established process where only the Standing Committee of the Extension Board is authorized to act for the Extension Board when it is not in session.

10. Ms. Holcroft contends that the Chairperson based his decision on an opinion from the Ethics Office that had personally solicited. That opinion in turn based its rationale on the amendment to the Rules of Procedure of the Fund that had been found to be Enull and "oidF.

11. Ms. Holcroft believes that the decision to remove her from the Panel appeared to be a direct act of retaliation against her for expressing her agreement with the report of the Office of Internal Oversight Services 04-451. It also demonstrates bad faith and collusion on the part of the secretariat of the Fund and the Chairperson.

12. Ms. Holcroft requests that the Appeals Tribunal order the execution of Judgment No. 2013-UNAT-803.

Background

13. Judgment No. 2013-UNAT-803 issued by the Appeals Tribunal was fully executed. Ms. Holcroft received documents and training for, and attended, the 62nd UNSC meeting on 8 November 2013. She also participated in the subsequent UNSC meetings as well as the 77th session of the Extension Board from 27 July to 3 August 2018. In a word, Ms. Holcroft has not been denied her right to participate in the UNSC and the Extension Board's work has been accorded all rights and privileges in accordance with the Appeals Tribunal Judgment, including access to all documents.

14. However, Ms. Holcroft's participation in the Extension Board is not unfettered. It is governed by the norms of conduct that govern all members of the Extension Board, including acting with the highest standards of efficiency, competence and integrity. After the Ethics Office's finding that there was a conflict of interest for Ms. Holcroft to serve as a member of the Panel, the matter should be, and was, resolved in favor of the interests of the Fund. There is no right for Ms. Holcroft to serve on the Panel. Aware of a possible conflict of interest in her case, the Extension Board nominated an alternate to take Ms. Holcroft's place if the Ethics Office found

)er ser"ing on t)e ' . 9as a conflict of interest. .)ile s)e is not a mem/er of t)e ' . + (s. #oc-cliffe can continue to ser"e on t)e $ension 'oard.

17. (s. #oc-cliffe)as failed to pro"ide an& proof to su/stantiate)er allegations of /ad fait)+ retaliation+ or collusion for t)e dela& in re:uesting an opinion from t)e Bt)ics 4ffice.

%on ide"ation

1?. T)e cru2 of t)e matter for consideration and determination is 9)et)er (s. #oc-cliffe's appointment to+ and)er remo"al from+ t)e ' . in 2018 falls 9it)in t)e scope of t)e

c)ec-s and /alances from t)e go"ernance of t)e 6und.[3] (s. #oc-cliffe 9as t)us gi"en t9o options: eit)er remain on t)e $ension 'oard and accept to /e mo"ed to anot)er post outside of t)e 6und+ or continue to 9or- in t)e 6und and resign from t)e $ension 'oard and t)e UN5$C.[8]

21. T)e main findings of t)e Appeals Tri/unal on t)e merits 9ere t)at i1 t)ere 9as no la9 t)en pro)i/iting (s. #oc-cliffe from running for election to t)e UN5$CG ii1 s)e 9as la9full& electedG and iii1 (s. #oc-cliffe s)ould conse:uentl& /e accorded t)e same rig)ts and pri"ileges as t)e ot)er dul& elected UN5$C mem/ers+ including participating in $ension 'oard sessions and meetings and its constituent groups+ committees and 9or-ing groups.

22. Conse:uentl&+ alt)oug) t)e Appeals Tri/unal did not e2plicitl& address t)e issue of conflict of interest in its Judgment+ it impliedl& re[ected it+ /& means of appl&ing t)e la9 in force at t)e time. T)e Appeals Tri/unal stated t)at: E<a=t t)e time 9)en (s. #oc-cliffe decided to /e a candidate in t)e election t)ere 9as no la9 9)ic) pre"ented)er from /eing elected to t)e UN5$CF.[9] T)e Appeals Tri/unal)eld:[10]

> ; !t t)erefore follo9s t)at as a direct conse:uence of)er election to t)e UN5$C t)e same rig)ts and pri"ileges pertaining to an elected mem/er are conferred upon (s. #oc-cliffe. T)ere is no la9 9)ic) empo9er t)e 5tanding Committee to remo"e or restrict t)ese rig)ts and pri"ileges.
>
> ; The Standing Committee's decision to den& (s. #oc-cliffe access to t)e $ension 'oard documents and

2>.