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## Introduction

1. In an appeal submitted on 25 November 2009 to the United Nations Dispute Tribunal (the appellant) contests the decision of the \*+e)ut%e D&e)to&( United Nations \*n%&onment P&og&amme , -UN\*P./ (not to &ene0 's f\$+edl&e&m a! !o&ntment #e2ond 26 Ju"2 2009.

## Facts

2. The appellant joined UN\*P in 2000 as Deputy Director (D11) of the 'en D%\$\$son of \*n%&onmenta" Con%ent\$ons( at 4ead5ua&te&s \$n Na&o#\$. 4e a"so 0o&6ed \$n !a&a""e" on e)os2stem management &e"ated \$ssues fo& t'e D%\$\$son of \*n%&onmenta" Po"\$)2 m!"ementat\$on , -D\*P ./.

3. In 2007 (the appellant) was transferred #2 to the 'en \*+e)ut%e D&e)to&( UN\*P (from 's !os\$son \$n Na&o#& to 8onn as A)tng \*+e)ut%e 9e)&eta&2 fo& t'e 9e)&eta&2 of t'e Con%ent\$on of : \$g&ato&2 9!e)es of ; \$"d An\$ma"s , -C : 9./.

The appellant consented to 's transf& afte& d\$)uss\$ons 0st' t'e \*+e)ut%e D&e)to&. During these discussions (the appellant and the \*+e)ut%e D&e)to& 'e'd a meeting on 15 A!&\$" 2007 of 0'\$)' )onf\$dent\$a" m\$notes 0&e ta&en. These minutes &e)anded t'e 0s' of t'e \*+e)ut%e D&e)to& to ma&e t'e a!!"\$ant <ff\$)e&1\$niC'a&ge of C : 9. T'e2 state t'at -t'e =\*+e)ut%e D&e)to&> 0\$"" g\$e t'&ee o& fou& mont's as =<ff\$)e&1\$ni)'a&ge> ,e+enda#"e unt\$" =t'e \*+e)ut%e D&e)to&> ma&es f\$na" se"e)t\$on fo& t'e !ost/. During t'e t\$me =t'e a!!"\$ant> )an demonst&ate 's a#"\$t2 to 'and"e t'e !os\$son ? =t'e a!!"\$ant> sa&d t'at 'e 0ou" d g\$e \$t a t&2 and t'at 'e s\$ 'a! !2 t'at 'e 0\$"" )u"m\$ate 's )a&ee& \$n C : 9..

7. In 2005 (0 '\$st se&%\$ng as A)tng \*+e)ut%e 9e)&eta&2( C : 9( t'e a!!"\$ant a!!"sed fo& t'e !os\$son of \*+e)ut%e 9e)&eta&2( C : 9( at t'e D11 "e"e". Upon 's se"e)t\$on( 'e 0as g&anted a t0o 2e&@ f\$+edl&e&m a! !o&ntment effe)t%e 26 Ju"2 2005. 4s "ette& of a! !o&ntment stated t'at -=> =f\$+edl&e&m =a! !o&ntment does not )a&&2 an2 e+!e)tan)2 of &ene0a" o& of )on%e&ss\$on to an2 ot'e& t2!e of a! !o&ntment \$n t'e 9e)&eta&2 of t'e United Nations. and t'at 's

applicant was instructed to seek the OSt' UN\*P. The applicant's application was filed on 25 June 200A.

5. On 26 June 200A the applicant was granted a two-week extension of its application. The letter of extension stated that the applicant does not have an intention of renewing its application to another date of the applicant in the event of the United Nations, and that it was instructed to seek the OSt' UN\*P.

6. The letter dated 1 August 200B (the German Certificate : in respect of the \*non-confirmation (Natural Consequences and Nu) ) was addressed to the applicant to inform it about the fulfillment of tasks of the C : 9 event (and some staffing and administrative matters. It requested the applicant's urgent attention and to take the measures OSt' regard to the issues indicated.

A. The letter dated 2 June 200B (the German Certificate : in respect of the \*non-confirmation (Natural Consequences and Nu) )-250(C)-3.0078A. C6 2.168(2)20( )-TJD-396.840n\$# ' U54(25

6.

11. 82 memorandum dated 1 April 2009 (the "2009 Memorandum") of the Panel of Arbitration of the International Labour Office (ILO) to the Board of Directors of the International Labour Office (ILO) on 8 October 2009 (the "2009 Decision") at 4 and 5 and the Board of Directors of the International Labour Office (ILO) on 15 June 2009.

12. 82 memorandum dated 15 June 2009 to the Chairman of the Commission of Enquiry (CE) of the Panel of Arbitration of the International Labour Office (ILO) and the Board of Directors of the International Labour Office (ILO) on 8 October 2009 (the "2009 Decision") at 4 and 5 and the Board of Directors of the International Labour Office (ILO) on 15 June 2009.

13. On 5 June 2009 (the "2009 Decision") the Panel of Arbitration of the International Labour Office (ILO) recommended to the Board of Directors of the International Labour Office (ILO) to assign the work of the Panel of Arbitration of the International Labour Office (ILO) to the Board of Directors of the International Labour Office (ILO).

17. 82 "ette" dated 15 June 2009 (the "2009 Decision") of the Panel of Arbitration of the International Labour Office (ILO) at the Board of Directors of the International Labour Office (ILO) - not to come to a decision as requested ( ? UN\*P = 0 as > not in a position to extend = 's > a ! o\$ntment #e2ond \$ts e+ ! \$&at\$on..

15. 82 "ette" dated 15 June 2009 to the Board of Directors of the International Labour Office (ILO) (the "2009 Decision") of the Panel of Arbitration of the International Labour Office (ILO) recommended a management plan of the Board of Directors of the International Labour Office (ILO) not to extend 's f\$+edite&m a ! o\$ntment. 4e a"so 0\$t'd&e0 's\$ n\$it\$a" &e5uest fo& &e%\$e0 dated 5 June 2009 s\$ne 'e )ons&de&ed t'at \$t 'ad #e)ome moot #e)ause t'e de)\$s\$on not to &ene0 's\$ f\$+edite&m a ! o\$ntment 0as a )onse5uen)e of 's\$ &efusa" to a))e)t a &eass\$gnment to Na&o#\$.

16. On 15 June 2009 (the "2009 Decision") the Panel of Arbitration of the International Labour Office (ILO) recommended to the Board of Directors of the International Labour Office (ILO) to assign the work of the Panel of Arbitration of the International Labour Office (ILO) to the Board of Directors of the International Labour Office (ILO) on 22 June 2009. The Board of Directors of the International Labour Office (ILO) recommended 's\$ &e5uest #2 de)\$s\$on dated 22 June 2009.

1A. On 25 June 2009 (the "2009 Decision") the Panel of Arbitration of the International Labour Office (ILO) recommended to the Board of Directors of the International Labour Office (ILO) to assign the work of the Panel of Arbitration of the International Labour Office (ILO) to the Board of Directors of the International Labour Office (ILO).

1B. 82 "ette" dated 25 August 2009 (the "2009 Decision") of the Panel of Arbitration of the International Labour Office (ILO) recommended to the Board of Directors of the International Labour Office (ILO) to assign the work of the Panel of Arbitration of the International Labour Office (ILO) to the Board of Directors of the International Labour Office (ILO) on 22 June 2009. The Board of Directors of the International Labour Office (ILO) recommended 's\$ &e5uest #2 de)\$s\$on dated 22 June 2009.

19. On 25 November 2009 (the "1st") ant filed an appeal before the Tribunal.  
On 9 December 2009 (the "2nd") the Tribunal requested the respondent to submit 's and '2 to  
the "1st") at the on. On 6 January 2010 (the "3rd") the respondent submitted 's  
and '2. On 12 February 2010 (the "4th") ant submitted 's observations. On  
29 April 2010 (the "5th") the Tribunal issued its decision.

20. During the appeal (the "6th") the Tribunal issued its decision, 1/ the appeal was  
dismissed and 2/ the respondent's appeal was dismissed. (G4766(3).00781( )-20(d))

a. The decision to transfer the applicant from Bonn to Naos and the decision not to renew his assignment were motivated by reasons of national security and the need to protect the German Government's interests. The applicant has not demonstrated that the decision was based on an error of law.

#. The decision (i.e. the proposed transfer and subsequent non-renewal) was not taken in good faith. The applicant's status to transfer to the United States was not an absolute right. The decision not to renew his assignment was a discretionary act for his future and the need to protect national security. The applicant has not demonstrated that the decision was based on an error of law.

). The cost of the applicant's assignment to the D\*P in Naos was related to the need to protect the United States' interests and to remove the applicant from Bonn. The United States' offer of the assignment to the applicant was not needed to be funded - urgent... Nevertheless, the cost of the applicant's assignment at the D11 "level" was a significant amount of money for the applicant and not funded by the United States. The applicant's removal from the cost of his assignment is not a significant amount of money.

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allocations. The applicant alleged that the #2 signing of the allocation letters in 2005 and 2006. The letter had been issued in 2007 or 2005 (the Court did not have the information) on 21 August 2006 when the applicant signed the first amended allocation.

35. The respondent cannot be stated that the decision of non-issuance was based on





