

UNDT/2013/171, Applicant

UNAT Held or UNDT Pronouncements

In accordance with staff rule 4.3, when a staff member has been legally accorded nationality status by more than one state, the staff member's nationality for purposes of the Staff Regulations and the Staff Rules shall be the nationality of the State to which the staff member is, in the opinion of the Secretary-General, most closely associated. In light of the provisions of staff rule 4.3, and in absence of any evidence that the discretion granted the Secretary-General by that rule has been exercised arbitrarily, in an abusive manner or vitiated by improper motives, the Tribunal finds that the Administration was correct in determining the Applicant's nationality as German. This is especially so since the Applicant has not adduced any evidence that he is in fact more closely associated with Tunisia rather than Germany according to the requirement of the Staff Rule. The Tribunal therefore finds and holds that the Secretary-General's discretion was properly exercised in deciding to determine the Applicant's nationality as German for UN purposes.

Decision Contested or Judgment/Order Appealed

The Applicant filed his Application on 22 July 2012 contesting a decision taken by the Human Resources Management Service (HRMS), United Nations Office in Geneva (UNOG) to determine his nationality as German instead of Tunisian for United Nations purposes.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

UNOG

Case Number(s)

UNDT/NBI/2012/49

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

18 Dec 2013

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Applicable Law

Staff Rules

- Rule 4.3