

UNDT/2019/145, Tshilanda

UNAT Held or UNDT Pronouncements

The evidence shows that the Applicant, on 6 June 2019, signed a contract with UNFPA that was governed by the terms and conditions of the UNFPA individual contactors. Accordingly, the Applicant, not being a staff member of UNFPA or any other entity of the United Nations, has no locus standi before this Tribunal. The present application cannot be entertained.

Decision Contested or Judgment/Order Appealed

The decision by UNFPA to terminate the Applicant's consultancy contract.

Legal Principle(s)

UNDT is competent to review its own competence or jurisdiction in accordance with art. 2.6 of its Statute. This competence can be exercised even if the parties or the administrative authorities do not raise the issue, because it constitutes a matter of law and the Statute prevents the UNDT from receiving a case which is actually non-receivable. The jurisdiction of the UNDT is limited only to persons who are staff members of the United Nations or who were former staff members as set out in art. 3.1 of the UNDT Statute. To that extent, the UNDT jurisdiction does not apply to the hearing of applications from non-staff members.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Tshilanda

Entity

UNFPA

Case Number(s)

UNDT/NBI/2019/114

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

19 Sep 2019

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Personal (ratione personae)

Applicable Law

UNDT Statute

- Article 2.1
- Article 3

Related Judgments and Orders
2013-UNAT-335