

2011-UNAT-165, Cherif

UNAT Held or UNDT Pronouncements

UNAT held that the contested decisions of the ICAO Council are not administrative decisions within the mandate of UNAT. UNAT held that these decisions are regulatory decisions that are not subject to review by UNAT. UNAT dismissed the appeal for want of subject-matter jurisdiction.

Decision Contested or Judgment/Order Appealed

ICAO Council's decisions: The ICAO Secretary General contested the decisions by the Council: C-DEC 186/1 (20 January 2009) and C-DEC 186/12 (18 March 2009). In decision C-DEC 186/1, the Council announced inter alia that it had it would require the written approval of the President of the Council for any hiring, appointment, and promotion of P-4 employees and above. On 18 March 2009, the Council amended its decision through the issuance of decision C-DEC 186/12 by requiring, subject to certain exceptions, the written approval of the President of the Council for any hiring, appointment, promotion, extension and termination of P-4 employees and above. The ICAO Secretary General filed his application with the Former Administrative Tribunal. Following the abolishment of that Tribunal, the case was transferred to UNAT.

Legal Principle(s)

The decisions of the governing body of ICAO are not, within the mandate of UNAT, administrative decisions. These decisions are regulatory decisions that are not subject to judicial review by UNAT.

Outcome

Appeal dismissed on receivability

Outcome Extra Text

No relief ordered

Full judgment

[Full judgment](#)

Applicants/Appellants

Cherif

Entity

ICAO

Case Number(s)

2010-137

Tribunal

UNAT

Registry

New York

Date of Judgement

21 Oct 2011

President Judge

Judge Painter

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Applicable Law

Agreements, conventions, treaties (etc.)

- Convention on International Civil Aviation

Related Judgments and Orders

2010-UNAT-029