

2016-UNAT-660, Toure

UNAT Held or UNDT Pronouncements

UNAT considered the Secretary-General's appeal. UNAT found that it was uncontested that the Respondent had a fixed-term appointment and emphasized that there is no expectancy of renewal of fixed-term appointments. UNAT held that the Respondent could not rely on general statements to assume that her contract would be renewed and that she was even encouraged to apply for positions that would be published in the coming weeks. UNAT also found that there was no illegality or abuse in the decision to abolish the Respondent's post and to not renew her fixed-term appointment. UNAT held that UNDT incorrectly applied Regulation 6.2 when it decided that the ECA Executive Secretary lacked authority to abolish the post in question. UNAT noted that the Respondent held a post of temporary nature that could be discontinued without the need for the ECA Executive Secretary to seek prior approval. UNAT held that UNDT erred in fact and law. UNAT accordingly upheld the Secretary-General's appeal and vacated UNDT's judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to abolish her post. UNDT held that the United Nations Economic Commission for Africa (ECA) Executive Secretary acted beyond his authority when he unilaterally abolished the Applicant's post. UNDT awarded compensation and moral damages to the Applicant.

Legal Principle(s)

There is no expectancy of renewal of fixed-term and temporary contracts. In order for a staff member's claim of legitimate expectation of a renewal of appointment to be sustained, it must not be based on mere verbal assertion, but on a firm commitment to renewal revealed by the circumstances. An international Organisation has the power to restructure some or all of its departments or units,

including the abolition of posts, the creation of new posts, and the redeployment of staff.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Toure

Entity

ECA

Case Number(s)

2015-870

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Jun 2016

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Non-renewal

Termination (of appointment)

Abolition of position

Applicable Law

Secretary-General's bulletins

- ST/SGB/2000/8
- ST/SGB/2013/4

Related Judgments and Orders

UNDT/2015/081

2010-UNAT-084

2012-UNAT-236

2013-UNAT-281

2015-UNAT-522