



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2022/004

Judgment No.: UNDT/2022/007

Date: 28 January 2022

Original: English

Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

SHUAEB

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

SUMMARY JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

N/A

Introduction

1. By application filed on 28 January 2022, the Applicant, a service contract holder at the Wood Food Programme (“WFP”), contests the decision not to renew his contract beyond 4 February 2022.
2. The application was registered under Case No. UNDT/GVA/2022/004 and assigned to the undersigned Judge.

Consideration

3. Having reviewed the application, the Tribunal considers that the issue at stake in the case at hand is whether this Tribunal has jurisdiction to examine an application contesting a decision made by WFP.
4. Considering that the Tribunal’s competence is a matter of law, which may be adjudicated even without serving the application to the Respondent for reply and even if not raised by the parties (see *Gehr* 2013-UNAT-313; *Boutroue* UNDT/2014/048), the Tribunal deems it appropriate to decide on the present application by way of summary judgment, as provided for in art. 9 of its Rules of Procedure:

A party may move for summary judgement when there is no dispute as to the material facts of the case and a party is entitled to judgement as a matter of law. The Dispute Tribunal may determine, on its own initiative, that summary judgement is appropriate.

5. The scope of the Tribunal’s jurisdiction is clearly determined and limited by art. 2 of the Tribunal’s Statute, providing in its relevant part that:

1. The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual, as provided for in article 3, paragraph 1, of the present statute, against the Secretary-General as the Chief Administrative Officer of the United Nations.

...

5. The Dispute Tribunal shall be competent to hear and pass judgement on an application filed against a specialized agency

brought into relationship with the United Nations in accordance with the provisions of Articles 57 and 63 of the Charter of the United Nations or other international organization or entity established by a treaty and participating in the common system of conditions of service, where a special agreement has been concluded between the agency, organization or entity concerned and the Secretary-General of the United Nations to accept the terms of the jurisdiction of the Dispute Tribunal, consonant with the present statute.

6. The Tribunal notes that the Applicant does not contest an administrative decision taken by the Secretary-General as the Chief Administrative Officer of the United Nations. Moreover, the Tribunal considers that WFP is not one of the organizations or entities with which a special agreement has been concluded, under the terms of art. 2.5 of its Statute, to establish the Tribunal's jurisdiction.

7. Accordingly, the Tribunal finds that it is not competent to examine the present application.

8. Nevertheless, the Tribunal wishes to inform the Applicant that WFP has recognized the jurisdiction of the International Labour Organization Administrative Tribunal ("ILOAT") and thus that the matter may fall under the ILOAT's jurisdiction.

Conclusion

9. In view of the foregoing, the Tribunal DECIDES to reject the application.

(Signed)

Judge Teresa Bravo

Dated this 28th day of January 2022

Entered in the Register on this 28th day of January 2022

(Signed)

René M. Vargas M., Registrar, Geneva