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INTERNATIONAL COURT OF JUSTICE

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Application for the review of a judgement delivered
by the United Nations Administrative Tribunal

The following information is communicated to the press by the Registry of the International Court of Justice:

On 10 September 1984 the Court received a request for advisory opinion on an administrative issue from an organ of the United Nations General Assembly.

The organ in question is the Committee on Applications for Review of Administrative Tribunal Judgements, which is authorized to ask the Court for advisory opinion by virtue of Article 96 of the United Nations Charter.

In accordance with the procedure laid down by Article 11 of the Statute of the United Nations Administrative Tribunal, the tribunal for the settlement of disputes between the United Nations Secretary-General and the staff members of the organization concerning their conditions of their employment, the Committee may be asked to request an advisory opinion of the Court in connection with the judgement of the Tribunal if a member State, the United Nations Secretary-General, or the staff member in respect of whom the judgement was rendered, disputes the judgement. If the Committee considers that there is a substantial basis for the request, it brings the matter before the Court. In the present case it was the staff member in question who made an application to the Committee for review of Judgement No. 333, given by the Administrative Tribunal on 8 June 1984.

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The case in question concerned a refusal by the Secretary-General of the United Nations to renew the appointment of a staff member of the Secretariat beyond the date of expiry of the official's fixed-term contract, the reasons given for this refusal being that the official had been seconded from a national administration, that his secondment had come to an end and that his contract with the United Nations was limited to the duration of the secondment; furthermore, under the specific terms of the Staff Regulations for the Secretariat, the type of appointment in question did not entitle the incumbent to expect to be granted a renewal or a different type of appointment. The Administrative Tribunal rejected the staff member's appeal against the Secretary-General's refusal.

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On 23 August 1984 the Committee decided that there was a substantial basis for the staff member's application and decided to request the Court to give an advisory opinion on the following questions:

"(1) In its Judgement No. 333 of 8 June 1984 (AT/DEC/333), did the United Nations Administrative Tribunal fail to exercise jurisdiction vested in it by not responding to the question whether a legal impediment existed to the further employment in the United Nations of the Applicant after the expiry of his contract on 26 December 1983?

(2) Did the United States Administrative Tribunal, in the same Judgement No. 333, err on questions of law relating to provisions of the Charter of the United Nations?"

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By an Order of 13 September 1984, the President of the Court, pursuant to Article 66, paragraph 2, of the Statute of the Court, fixed 14 December 1984 as the time-limit within which written statements might be submitted by the United Nations and its member States. The subsequent procedure is reserved for further decision.

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When the Court gives its advisory opinion, the Secretary-General will either give effect to it or request the Administrative Tribunal to convene specially in order to confirm its original judgement or to give a new judgement in conformity with the opinion of the Court.

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This is the third time that the Court has been asked for an advisory opinion by the Committee on Applications for Review of Administrative Tribunal Judgements. The first case concerned the Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal (I.C.J. Reports 1973, p. 166), regarding which the Court gave its Advisory Opinion on 12 July 1973. That case related to the question of indemnity for a former United Nations staff member for non-renewal of his engagement. The second case concerned the Application for the Review of Judgement No. 273 of the United Nations Administrative Tribunal (I.C.J. Reports 1982, p. 325) and led to an Advisory Opinion given on 20 July 1982. This case related to the payment of repatriation grant to a recently retired official.