



OFFICE DES NATIONS UNIES A GENEVE UNITED NATIONS OFFICE AT GENEVA
COMMISSION D'ARBITRAGE ARBITRATION COMMISSION

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All staff members 8 December 2010

Arbitration Commission: Decision

Subject: Appeal submitted by Ms. Norma Alicia Roulin-Hernández on behalf of Force Intersyndicale on 15 November 2010 and the appeal submitted by Ms. Norma Alicia Roulin-Hernández on behalf of Force Intersyndicale on 2 December 2010.

Appeal received: 18 November 2010
Receipt of last piece of information requested: 6 December 2010
Date of decision: 8 December 2010

Decision¹

Appeal submitted by Ms. Norma Alicia Roulin-Hernández on behalf of Force Intersyndicale on 15 November 2010

1. After consideration of elements received by the appellant and other relevant parties, the Arbitration Commission rejects the appeal submitted by Ms. Norma Alicia Roulin-Hernández on behalf of Force Intersyndicale on 15 November 2010.

2. The Arbitration Commission's inquiries indicate that the Polling Board organized the November 2010 elections to the SAFI Management Board under the 1968 SAFI Statutes. No claim is made by any interested party to the contrary. Therefore, the only question the Arbitration Commission is considering is whether the candidacies of individuals on any specific lists are barred from running for the three seats on the SAFI Management Board. In this connection, there does not appear to be any restriction based on list affiliation or on membership in the Coordinating Council, in the Regulations on Representation of the Staff at the United Nations at Geneva (the Regulations), as to who may stand for election to seats allocated to the staff on the SAFI Management Board.

3. With respect to the argument made by the appellant that the nominations of certain staff to the SAFI Management Board should not have been accepted by the Polling Board because the staff members' contract on the date of the election must be at least equal to the term of the office for which they are standing (Electoral Regulations Annex I, Article 2(2)), it should be noted that the prevailing practice has been to accept staff candidates so long as they have a renewable fixed-term contract. Independent enquiries undertaken by the Arbitration Commission have indicated that this is in keeping with the Regulations. The Arbitration

¹ This decision will also be issued in French shortly.

Commission agrees that the flexibility of Article 2(2) of the Regulations has to be maintained in this manner otherwise the result would be to disenfranchise a substantial number of staff at the UN in Geneva.

Appeal submitted by Ms. Norma Alicia Roulin-Hernández on behalf of Force Intersyndicale on 2 December 2010

4. As the merits of the appeal of 15 November 2010 have been decided as per the above decision, the Arbitration Commission declares the appeal submitted by Ms. Norma Alicia Roulin-Hernández on behalf of Force Intersyndicale on 2 December 2010 non-receivable.

Geneva, 8 December 2010

Signed

Kiyoshi ADACHI
Member

Evelina RIOUKHINA
Member

Raoul SANCHEZ
Member

Deepali FERNANDES
Member