



Before: Judge Margaret Tibulya

Registry: Geneva

Registrar: René M. Vargas M.

DAWADI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**SUMMARY JUDGMENT
ON RECEIVABILITY**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Not Applicable

Introduction

1. The Applicant contests the decision to cancel his assignment as an International UN Volunteer Specialist of Information Management Officer (“IMO”), in the United Nations Office for the Coordination of Humanitarian Affairs (“OCHA”), Fiji, and to withdraw his contract with UN Volunteer (“UNV”).

Facts

2. On 23 October 2022, the Applicant accepted a UNV offer of assignment to serve as an IMO in OCHA, Fiji (the “Host Entity”).

3. On 28 December 2022, the Applicant purchased flight tickets to arrive in Fiji on 15 January 2023 and, on 5 January 2023, his contract with UNV was issued.

4. On 10 January 2023, a Programme Specialist, UNV Pacific Multi-Country Field Unit, contacted the Applicant to inform him that the Host Entity had decided to withdraw the offer of assignment and, subsequently, to cancel the position.

5. On 14 March 2023, the Applicant filed the instant application, which was completed on 27 March 2023 following requests from the Registry.

Consideration

6. Art. 9 of the Tribunal’s Rules of Procedure provides that:

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.

7. The Dispute Tribunal may issue a summary judgment without taking any argument or evidence from the parties pursuant to the above provision.

8. The Tribunal’s Statute, moreover, prevents it from receiving a case that is not receivable (*Faust* 2016-UNAT-695, para. 23).

9. Based on Art. 19 of the Tribunal's Rules of Procedure, under which the Tribunal may issue any order or direction that is appropriate for the fair and expeditious disposal of the case, the Tribunal may deal with the issue of receivability as a preliminary matter in the interest of judicial economy (*Ngoma-Mabiala* 2013-UNAT-361).

10. In keeping with the above legal provisions, the Tribunal will determine the matter of receivability as a preliminary issue by way of a summary judgment.

Whether the application is receivable

11. The Tribunal acknowledges that the Applicant has identified the contested decision as the one contained in the 10 January 2023 email informing him of the cancellation of his assignment with UNV.

12. The Tribunal, however, determines that the application is not receivable for two reasons.

13. Firstly, as a holder of an UN Volunteer offer of assignment, the Applicant may not file an application before the Tribunal under art. 3 of the Tribunal's Statute, since he is neither a staff member or a former staff member of the United Nations, nor a person making claims in the name of an incapacitated or deceased staff member of the United Nations.

14. The Applicant should, therefore, have sought internal administrative recourse under the UN Volunteer Conditions of Service ("COS"), to which he agreed to when he signed the offer of assignment.

15. Secondly, there is no evidence that the Applicant submitted a timely management evaluation request, as required under art. 8.1(c) of the Tribunal's Statute and Staff Rule 11.2 (Management evaluation).

Conclusion

16. In view of the foregoing, the Tribunal DECIDES that the application is not receivable *ratione personae* and *ratione materiae*. It stands dismissed.

(Signed)

Judge Margaret Tibulya

Dated this 28th day of April 2023

Entered in the Register on this 28th day of April 2023

(Signed)

René M. Vargas M., Registrar, Geneva