CHAPTER 11


Compilation of a Data Base for the 1,499 Judgements of UNAT

As a first step in the statistical analysis presented below, a data base has been compiled for all the 1,499 Judgements rendered by UNAT from 1950 until 2009. It included, in particular, the following information: the number of each judgement, its date and place of delivery; the case or cases to which it refers; the name and gender of the Applicant plus whenever possible his or her nationality, grade and function; the Respondent and particular organization involved; the length of the judgement document as well as the length of the judgement stricto sensu delivered by the Tribunal; the composition of the panel in each case with the names of the judges constituting it; the way the Tribunal’s decision was taken, unanimously or by a majority with a dissenting opinion or a separate opinion; the main subject of the complaint and the major claims of the applicant; the requests made by the parties for oral proceedings and their acceptance or rejection by the Tribunal; the final result in terms of total rejection of the application or its acceptance wholly or partly by the Tribunal; the compensation and legal costs claimed and granted, if any; the delays at each major stage of the procedure; and, whenever possible, a comparison between the Joint Appeals Board’s or the Joint Disciplinary Committee’s recommendation, the Secretary-General’s decision and the Tribunal’s findings. This helped to identify the most significant trends in the sixty-year existence of the Tribunal and to detect some of its special characteristics or peculiarities.

Evolution of the Number of Judgements Per Year

As would normally be expected, the number of applications made by staff members, and consequently of judgements delivered by UNAT, was bound to increase with the increase of the number of staff in the United Nations and the few other organizations covered by the Tribunal. Although this did happen, the evolution of the average annual number of judgements could not, however, be explained merely by the evolution of the number of staff members of these organizations. The number of judgements per year fluctuated between the low
of 1 in 1960 and the peak of 66 in 2009. It reached a first peak of 34 with the so-called McCarthy cases in 1953, then remained relatively stable during two decades at around 5 judgements per year before it began following an exponential trend, doubling every ten years or so. Indeed, when 10-year annual averages are considered, a steady upward trend clearly emerges, from 5 judgements per year until 1970 (excluding the exceptional peak of 1953) to 12 during the 1970s, 22 during the 1980s, 47 during the 1990s and some 56 on average during 2000–2009, the last decade of UNAT’s operation. In summary, 252 judgements were delivered by UNAT during the first 30 years of its operation against 1,247 judgements, or five times more, during the last thirty years of its life.

The Different Respondents Involved

UNAT was essentially the Tribunal for staff members of the Secretariat of the United Nations submitting applications against the Secretary-General. Indeed, in 1,198 judgements out of the 1,499 judgements rendered by the Tribunal, or some 80 percent of the total, the Respondent was the Secretary-General of the United Nations; in 155 other judgements, or 10.3 per cent of the total, the Respondent was the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); in 68 other judgements, or 4.5 per cent of the total, the Respondent was the United Nations Joint Staff Pension Board; in 49 other judgements, or 3.3 per cent of the total, the Respondent was the Secretary-General of the International Civil Aviation Organization (ICAO); in 28 other judgements, or 1.9 per cent of the total, the Respondent was the Secretary-General of the International Maritime Organization (IMO), previously called, until 1982, the Inter-Governmental Maritime Consultative Organization; finally, in one judgement, the Respondent was the Secretary-General of the International Seabed Authority (ISA). Comparatively, only 293 out of the 3,194 judgements delivered by ILOAT from February 1947 until February 2013, or 9.2 per cent of the total, concerned ILO.515

Judgements in Cases Brought Against the Successive Secretaries-Generals of the United Nations

It is interesting to note the evolution of the annual average number of judgements rendered by UNAT in cases submitted by staff members against the

515 Information from the website of ILOAT, 21 February 2013.