



Judgment No. 2020-UNAT-1018

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Counsel for Appellants: Amer Abu Khalaf, LOSA

Counsel for Respondent: Rachel Evers

**THE UNITED NATIONS APPEALS TRIBUNAL**

Judgment No. 2020-





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Submissions

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23. The reliance on the Area Staff Regulation to assert acquired rights is patently misplaced. No amendment to the Staff Regulations was relevant or in contention.

24. The CG finally submits that the UNRWA did not err in consolidating the applications on the grounds of convenience and on the basis that the applications required the determination of common questions of law and fact.

25. The CG asks the Appeals Tribunal to dismiss the appeal.

Consideration s

26. We deal first with the challenge to the consolidation of the applications. The UNRWA DT, having reviewed the applications and having noted the common questions of law and fact, considered it appropriate to consolidate the applications and issue only one judgment. Its decision in that regard was within its discretion and justifiable. Where separate applications have been filed and it appears to the UNRWA DT convenient to do so, it may on application of any party consolidate the applications whereupon the applications shall proceed as one application. The overriding consideration is convenience, expedience and judicial economy. The UNRWA DT may order consolidation if it is satisfied that such a course of action is favoured by the balance of convenience and that there is no possibility of substantial prejudice to any party. The convenience of consolidating the applications in this case is selfevident. All the staff members with LDCs were in exactly the same position and the contested decision affected them all equally. The facts and the applicable law were the same for each application. Moreover, Abu Ouda *et al.* have not made out any cogent case that anyone of them was substantially prejudiced in any respect. The UNRWA DT accordingly exercised its discretion lawfully and appropriately and Abu Ouda *et al.* are entitled to no relief on this score.

27.

decision Abu Ouda *et al.* reserved their rights of review. Furthermore, the CG has not pleaded peremption. Accordingly, we will assume there was no peremption in this case.

28. With respect to the renewal and extension of their LDCs, the Letters of Appointment of Abu Ouda *et al.* expressly provide that the LDC carries no expectation of renewal or extension and renewal or extension is subject to availability of project funding, continuing need for the position and satisfactory performance of the staff member. In addition, Area Personnel Directive PD/A/ 4/Part II/Rev.7/Section II/Amend.1 governing LDCs provides in relevant parts that there should be a clear understanding on the part of the LDC holders regarding the time-limited and non-career nature of such appointments and that an LDC cannot be converted to another category of appointment.



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33. In the premises, the appeal must be dismissed.

Judgment

34. The appeal is dismissed and Judgment No. UNRWA/DT/2019/046 is affirmed.

Original and Authoritative Version: English

Dated this 26<sup>th</sup> day of June 2020.

*(Signed)*

Judge Murphy , Presiding  
Cape Town, South Africa

*(Signed)*

Judge Knierim  
Hamburg, Germany

*(Signed)*

Judge Raikos  
Athens, Greece

Entered in the Register on this 16<sup>th</sup> day of July 2020 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar