

Procedural History

1. The Applicant is a former staff member of the United Nations High Commissioner for Refugees (UNHCR). She filed an appeal with the former United Nations Administrative Tribunal (former United Nations Administrative Tribunal) challenging UNHCR's decision to not renew her fixed-term appointment on grounds of poor performance.

2. On 1 January 2010, the matter was transferred to the Geneva Registry of the United Nations Dispute Tribunal (UNDT) in accordance with ST/SGB/2009/11 (Transitional measures related to the introduction (r)] TJ ET Q q1(e)-3(d.n)-11(d)-11

9. The Applicant filed her Application on 18 June 2015.

10. The Respondent filed his Reply on 20 July 2015.

11. On 4 August 2016, the Tribunal issued Order No. 408 (NBI/2016) setting this matter down for a case management discussion (CMD). The Parties were required to come with their respective client's instructions on their willingness to have this matter mediated or otherwise settled informally.

12. The CMD took place on 20 September 2016. Both Parties were represented by Counsel. The Applicant was also present and participated in the discussion.

13. The CMD began with preliminary submissions by Counsel for the Respondent on UNHCR's position with regard to representation. Counsel considered herself conflicted in these proceedings given her previous discussions119.04 444.96 Tm [(c)-30

Considerations and Order

17. The Tribunal continues to take the view that mediation or informal resolution of this dispute would be in the best interest of the Parties and in the interest of the efficient use of the Tribunal's resources and the expeditious conduct of proceedings.

18. The Tribunal is also mindful of paragraph 27 of General Assembly resolution 69/203 (Administration of justice at the United Nations) in which the courts are exhorted to proactively promote the "successful settlement of disputes."¹

19. Therefore, pursuant to arts. 10.3 of its Statute and 15.1 of the Rules of Procedure, the Tribunal firmly urges the Parties to undertake settlement discussions in good faith for a meaningful and effect resolution to be achieved.

20. The Tribunal hereby **DIRECTS** the Parties to jointly advise the Registry by **27 October 2016** on:

- a) The likelihood of this matter being settled informally *inter partes*; OR
- b) If an order formally referring the matter for Mediation by the Office of the Ombudsman and Mediation Services is necessary.

(Signed)

Judge Agnieszka Klonowiecka-Milart
Dated this 21st day of September 2016

Entered in the Register on this 21st day of September 2016

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi

¹ Paragraph 27 states: "Recalls the emphasis placed by the General Assembly on the resolut(d)-72.rapapss Tf 0 0 0 rg 0.9981 0