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Appointments to fill vacancies in subsidiary organs and other appointments: appointment of the judges of the United Nations Dispute Tribunal

Appointment of the judges of the United Nations Dispute Tribunal

Memorandum by the Secretary-General

I. Introduction

1. By its resolution [62/228](#) on administration of justice at the United Nations, the General Assembly decided, among other matters, to establish a two-tier formal system of administration of justice, comprising a first-instance United Nations Dispute Tribunal and an appellate-instance United Nations Appeals Tribunal.
2. In the same resolution, the General Assembly decided that the judges of the Tribunals were to be appointed by the Assembly on the recommendation of the Internal Justice Council.
3. The statute of the Dispute Tribunal was adopted by the General Assembly in its resolution [63/253](#), and the Tribunal became operational on 1 July 2009. The statute was subsequently amended in resolutions [69/203](#), [70/112](#), [71/266](#) and [73/276](#).
4. As of 1 July 2019, the following seven judges are serving on the Dispute Tribunal:
 - (a) Joëlle Adda, full-time judge based in New York (France)¹
 - (b) Teresa Maria da Silva Bravo, full-time judge based in Geneva (Portugal)²
 - (c) Francesco Buffa, half-time judge (Italy)³
 - (d) Rowan Downing, ad litem judge based in Geneva (Australia)⁴

¹ Term ends on 30 June 2026.

² Term ends on 30 June 2023.

³ Term ends on 30 June 2026.

⁴ The ad litem positions expire on appointment of the four new half-time judges in accordance with General Assembly resolution [73/276](#), paragraph 37, and decision 73/408 B.



- (e) Alexander W. Hunter, Jr., half-time judge (United States of America)⁵
- (f) Nkemdilim Amelia Izuako, ad litem judge based in Nairobi (Nigeria)⁶
- (g) Agnieszka Klonowiecka-Milart, full-time judge based in Nairobi (Poland)⁷

5. In paragraphs 32 and 33 of resolution [73/276](#), the General Assembly approved the addition of four half-time judges in lieu of the three ad litem judges to the Dispute Tribunal and decided to amend article 4.1 of the statute of the Tribunal accordingly. In paragraph 37 of the same resolution, the Assembly decided to extend two ad litem judicial positions pending the nomination of candidates by the Internal Justice Council and the appointment of the four new half-time judges by the Assembly, which should take place no later than 31 December 2019. Accordingly, there is a need to appoint four half-time judges to the Tribunal for a term of seven years beginning on the date of their appointment.

II. Internal Justice Council

6. In its report ([A/73/911](#)), the Internal Justice Council recommended to the General Assembly seven candidates for the four positions in the Dispute Tribunal. The names of those candidates are indicated in the report and reproduced in paragraph 9 of the present memorandum.

7. A full public process was instituted, in accordance with paragraph 45 of General Assembly resolution [65/251](#), to identify suitable candidates for presentation to the Assembly. The Internal Justice Council received 325 applications from 65 countries and, following a review of all applications, invited 96 candidates to take a common written examination to test their legal expertise and drafting ability. On the basis of the written test, the Council selected 23 applicants for interviews and interviewed 22 applicants, as one had withdrawn from consideration.

8. As it had done for the previous rounds of judicial appointments, the Internal Justice Council approached the relevant national bar or judicial associations for confirmation of the integrity of each recommended candidate. Written references were also requested of each candidate.

9. The seven candidates recommended by the Internal Justice Council for half-time appointment to the Dispute Tribunal, in alphabetical order, are:

- (a) Francis Belle (Barbados)
- (b) Eleanor Donaldson-Honeywell (Trinidad and Tobago)
- (c) Heinrich Glasser (Germany)
- (d) Ole Jan van Leeuwen (Netherlands)
- (e) Rachel Sikwese (Malawi)
- (f) Cristiane Souza de Castro Toledo (Brazil)
- (g) Margaret Tibulya (Uganda)

10. The candidates' curricula vitae are provided in annex II to the report of the Internal Justice Council ([A/73/911](#)).

⁵ Term ends on 30 June 2023.

⁶ The ad litem positions expire on appointment of the four new half-time judges in accordance with General Assembly resolution [73/276](#), paragraph 37, and decision [73/408 B](#).

⁷ Term ends on 30 June 2023.

III. Procedure in the General Assembly

11. The appointment of judges to the Dispute Tribunal will be made in accordance with:

- (a) The statute of the Dispute Tribunal;
- (b) The rules of procedure of the General Assembly;
- (c) The recommendations of the Internal Justice Council as set out in paragraph 26 of its report to the General Assembly (A/73/911).

12. The appointment of judges to the Dispute Tribunal is addressed in article 4 of its statute, as amended, which states, in the relevant part, as follows:

“1. The Dispute Tribunal shall be composed of three full-time judges and six half-time judges.

“2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance.

“3. To be eligible for appointment as a judge, a person shall:

“(a) Be of high moral character and impartial; and

“(b) Possess at least 10 years of judicial experience in the field of administrative law, or the equivalent within one or more national jurisdictions.

“(c) Be fluent, both orally and in writing, in English or French.

“4. A judge of the Dispute Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, two of the judges (one full-time judge and one half-time judge) initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Dispute Tribunal for a further non-renewable term of seven years. A current or former judge of the United Nations Appeals Tribunal shall not be eligible to serve in the Dispute Tribunal.”

13. It is proposed that the General Assembly proceed to appoint the judges through an election, held pursuant to the rules of procedure of the Assembly, bearing in mind paragraph 58 of Assembly resolution 63/253, in which the Assembly invited Member States, when electing judges to the Tribunals, to take due consideration of geographical distribution and gender balance.

14. Only those candidates recommended by the Internal Justice Council whose names appear in paragraph 9 of the present memorandum are eligible for election. The electors in the General Assembly will indicate the candidates for whom they wish to vote by placing a cross against each name on the ballot papers. Each elector may vote for no more than the number of judicial positions in the Dispute Tribunal to be filled at the present election.

15. Those candidates who obtain the highest number of votes, and a majority of votes in the General Assembly of the members present and voting, will be considered to be elected and thereby appointed by the Assembly to the Dispute Tribunal.

16. Balloting shall continue in accordance with the rules of procedure until as many candidates as are required to fill the elective positions in the Dispute Tribunal have obtained, in one or more ballots, a majority of votes of the members present and voting.