

RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL

CHAPTER IV ARBITRATION, CONCILIATION, MEDIATION, AND SETTLEMENTS

Article 16: General Principle

Before submitting a case to the Tribunal, the parties may seek to settle their disputes by means of any form of arrangement or voluntary agreement, including arbitration, conciliation, mediation, and settlement.

Article 17: Affirmation of the validity of agreements

The result of any of the aforementioned agreements shall be accepted by the Tribunal as binding upon the parties, and shall not be reviewed or reopened, unless such is requested in writing by all the parties or unless any of the conditions set forth in Article VII (2) and (3) of the Statute, and in Articles 18 and 19 of these Rules apply.

Article 18: Total or partial revocation of agreements or arbitration decisions

The Tribunal may rescind or reopen an arbitration award or mediation agreement, in whole or in part, only where a party proves by clear and convincing evidence that:

1. The agreement or arbitration award exceeds the maximum indemnities that may be imposed by the Tribunal under its Statute or the limit otherwise agreed to by the parties;
2. The award was procured or determined through corruption or misconduct or bad faith of the arbitrators or of the parties including misrepresentation or withholding of material facts;
3. The arbitrators or parties failed to follow the material provisions of the rules of procedure, if any, agreed to by the parties, or otherwise exceeded their authority.

Article 19: Correction of errors

The Tribunal may, at the request of either party, correct any conciliation, mediation, voluntary agreement or an arbitration decision and award where it is clear that:

1. There was an evident miscalculation of figures or an evident mistake in the description of any person, thing, property, or amount referred to in the award;
2. The arbitrators have awarded upon a matter not submitted to them and the award may be corrected without affecting the merits of the decision on the issues submitted.

Article 20: Confirmation of agreements and arbitration decisions

In cases where the Tribunal decides not to rescind, reopen, remand or correct a mediation agreement or arbitration award for the reasons mentioned ut supra, it shall confirm it.

Article 21: Classification of posts

In disputes over the classification level of a post, the President of the Tribunal shall request, at a party's request or on his own initiative, an audit of the post in question from a qualified independent job classification expert selected in accordance with Article 38 and, absent clear and convincing evidence of corruption or misconduct on the part of the classification expert, the Tribunal shall confirm the results of the classification expert's audit as final and binding on the parties.

Article 22: Suspension of proceedings

The President of the Tribunal may recommend that the parties submit their claims to binding or non-binding arbitration, conciliation, or mediation. If the parties accept that recommendation, the President of the Tribunal shall suspend the proceedings before the Tribunal pending the conclusion of the arbitration, conciliation, or mediation process recommended. This decision shall be submitted to the Tribunal at its next session for confirmation or correction of errors.

Article 23: Inadmissible statements

No statements made by a party in the binding or non-binding arbitration, conciliation, or mediation proceedings shall be admissible against a party in the proceedings before the Tribunal on the same case, absent that party's written consent.