

LEAGUE OF NATIONS ADMINISTRATIVE TRIBUNAL

**ORDINARY SESSION OF JANUARY 1932
HEARING OF 13 JANUARY 1932**

***In re* VAN TROOSTENBERGHE-CRABB**

Judgment No. 9

THE LEAGUE OF NATIONS ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed on 4 April 1931 by Mrs. Jeanne Olga Van Troostenberghe-Crabb against the Secretariat of the League of Nations, in which she seeks to be considered a non-locally recruited official in pursuance of the Staff Regulations which entered into force on 1 January 1931;

A. Relations between the League of Nations and its officials are in principle governed by the Staff Regulations in force at the time of recruitment and, insofar as the Staff Regulations contain no relevant provisions or leave an area to the discretion of the parties, by special agreements.

If, during an appointment, new Staff Regulations replacing the Staff Regulations previously in force come to regulate these relations, these new Staff Regulations must determine whether, on what terms and within what limits existing contracts will be affected by the new provisions, without prejudice to the application of general principles of law.

New Staff Regulations did in fact come into force on 1 January 1931.

These new Staff Regulations draw a distinction already implicit in the previous Staff Regulations between officials who have left their place of residence to perform their duties in Geneva and locally recruited officials, in other words those who, at the time of their recruitment, had already been established for five years in French-speaking Switzerland, or in French territory within a radius of fifteen kilometres from Geneva (Article 8).

On 10 March 1931, after the entry into force of the new Staff Regulations, the Secretary-General of the League of Nations offered Mrs. Van Troostenberghe-Crabb a category III post in the Second Division of the Secretariat of the League of Nations as a permanent locally recruited official and specified that the contract would be governed by the rules currently in force, among which he mentioned the new Staff Regulations and the Statute of the Administrative Tribunal.

On 13 March 1931 Mrs. Van Troostenberghe-Crabb accepted this offer without reservations.

The Secretariat denies that this acceptance without reservations entitles the complainant to request classification which is ruled out by the declarations exchanged between the parties.

On the contrary, the complainant submits that her request, which seeks the application of public law rules despite the contract, is admissible.

Not only does her pure and simple and unequivocal acceptance without reservations contradict this contention, but also discussion thereof is superfluous because, in any case, the complainant cannot succeed, since she has been established in Geneva since April 1922.

She may not therefore rely on residence of less than five years, which is the essential condition required by Article 8 of the Staff Regulations in order to qualify as an international official.

For the considerations set forth in Judgments Nos. 5, 6, 7 and 8, also delivered this day, the above-mentioned condition had to be met at the time the new appointment was made.

The complaint of Mrs. Van Troostenberghe-Crabb must therefore be dismissed.

However, there are grounds for ordering the full refund of the deposit made by the complainant under Article VIII of the Statute of the Tribunal.

For the above reasons,

The League of Nations Administrative Tribunal dismisses the complaint filed by Mrs. Van Troostenberghe-Crabb against the decision of the Secretary-General of the League of Nations refusing to define her status as that of a non-locally recruited official and to grant her the corresponding salary;

Orders that the deposit made under Article VIII of the Statute of the Tribunal be refunded in full to the complainant.

In witness of which judgment, pronounced in public sitting on 13 January 1932 by Mr. Albert Devèze, President, and Mr. Montagna and Mr. Froelich, Judges, the aforementioned have hereunto subscribed their signatures, as well as myself, Nisot, Registrar of the Tribunal.

(Signatures)

A. Devèze
R. Montagna
W. Froelich
J. Nisot

Certified copy,

The Registrar of the Administrative Tribunal.