UNITED NATIONS

AT

Administrative Tribunal

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ORIGINAL: ENGLISH

ADMINISTRATIVE TRIBUNAL

Judgement No. 411

Case No. 438: AL-ALI

Against: The Secretary-General of the United Nations

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Mr. Roger Pinto, Vice-President, presiding; Mr. Ahmed Osman; Mr. Francisco A. Forteza;

Whereas, on 11 August 1987 Mohamed S. Al-Ali, a staff member of the United Nations, filed an application in which he requested the Tribunal:

"PLEAS

(1) To order the implementation by the Secretary-General of his decision, following a recourse procedure, approving the eligibility of Applicant for promotion to the Principal Officer (D-1) level as conveyed in the 1984 promotion register effective 1 April, 1984. There were two vacant posts at the D-1 level in the UNCTC [United Nations Centre on Transnational Corporations] as of that date either of which Applicant was capable of filling.

(2) Alternatively, to order the implementation by the Secretary-General of his decision approving the eligibility of Applicant's promotion to the Principal Officer (D-1) level as conveyed in the 1985 promotion register effective 1 April, 1985. There were two vacant posts at the D-1 level in the UNCTC as of that date either of which Applicant was capable of filling.

(3) Alternatively, to order the implementation by the Secretary-General of his decision approving the eligibility

of Applicant's promotion to the Principal Officer (D-1) level as conveyed in the 1986 promotion register effective 1 April 1986. There was one vacant post at the D-1 level in UNCTC as of that date which Applicant was capable of filling.

(4) Alternatively, and in case the Administrative Tribunal deems fit not to order retroactive specific performance, to award Applicant compensation in lieu thereof in an amount equal to two years' net base salary.

(5) In any case, to order the immediate promotion of Applicant to the D-1 level in the UNCTC or in any other appropriate office of the Secretariat in New York, as repeatedly promised by the Secretary-General."

Whereas the Respondent filed his answer on 11 November 1987;

Whereas the Applicant filed written observations on 1 December 1987, in which he requested under article 10, paragraph 2 of the Rules of the Tribunal, that an annex to the written observations "be treated as confidential, only to be considered by the Tribunal in camera, and to remain sealed in the Tribunal's archives after adjudication of the case."

Whereas, on 5 January 1988 and 22 March 1988 the Applicant submitted additional documents;

Whereas, on 26 April 1988 the Tribunal put questions to the Respondent, and on 28 April 1988 and 4 May 1988 the Respondent provided answers thereto.

Whereas the facts in the case are as follows:

The Applicant was recruited by the United Nations Industrial Development Organization in Vienna on 22 January 1974 as an Industrial Development Officer at the P-4 Step IV level. He served on a series of successive fixed-term appointments of six months and ten days; two years; one month; two months; one month; one year and eight months, and two years.

On 1 April 1978 the Applicant was promoted to the P-5 level as a Senior Industrial Development Officer. On 1 December 1978 he was transferred to the United Nations Centre on Transnational Corporations (UNCTC) at Headquarters as a Senior Transnational Corporations Affairs Officer. Effective 1 February 1980 the Applicant was seconded to the

Secretariat of the Conference on New and Renewable Sources of Energy. On 1 August 1980 the Applicant's appointment was extended for a further fixed-term period of three years. On 1 September 1981 the Applicant resumed his service with the UNCTC. On 1 August 1983 the Applicant was offered a probationary appointment and on 1 April 1984 his appointment became permanent.

The record of the case shows that during 1983 the Applicant discussed the possibility of his promotion to the D-1 level with Mr. Sidney Dell, then Executive Director of the UNCTC, hereinafter referred to as the Centre. On 4 March 1983 the Applicant wrote to Mr. Dell to submit his candidacy for the D-1 post of Assistant Director, Policy Analysis and Research Division and on 30 November 1983, he wrote again to Mr. Dell concerning another D-1 post in the Centre's manning table that was vacant and that could be used for his promotion. The Executive Director of the Centre did not recommend the Applicant for a promotion to the D-1 level in connexion with the 1984 promotion review.

The Applicant filed a complaint with the Panel on Discrimination and other Grievances. The Panel submitted a report dated 27 February 1984 in which it found that the Applicant had more than satisfied the standards required for promotion to the D-1 level and that the recommendation to appoint another person to the D-1 post constituted unfair treatment which might be perceived to be of a discriminatory nature.

On 26 March 1984, Mr. Dell wrote to the Director, Division of Personnel Administration concerning the Panel's recommendation and noted that "the first and by far the most important point to be made is that Mr. Al-Ali is simply not qualified for the post of Assistant Director in the Policy Analysis and Research Division".

On 31 July 1984, the Applicant, pursuant to ST/IC/84/38, instituted a recourse procedure before the Appointment and Promotion Board, in order to request the Board to include his name in the 1984 Principal Officer (D-1) promotion register and was successful. On 10 January 1985 the Assistant Secretary-General for Personnel Services informed the Applicant that the Secretary-General had approved the addition of his name to the 1984 Register

of staff members eligible for promotion to the Principal Officer (D-1) level, "as opportunity permits".

Since the Centre did not implement the Applicant's promotion, on 1 April 1985 the Assistant Secretary-General for Personnel Services wrote to Mr. Peter Hansen, the new Executive Director of the Centre, a memorandum that reads in part as follows:

> "...
>
> You may recall that I have conveyed the Secretary-General's decision to add Mr. Al-Ali's name to the 1984 Principal Officer (D-1) promotion register in my memorandum of 7 January 1985 to Mr. Dell, former Executive Director of the Centre. However, it has come to our attention that Mr. Al-Ali remains on the 1984 register, although a D-1 post is available.
>
> I should like to add in this connection that it is the responsibility of both substantive departments/offices and the Office of Personnel Services to ensure that promotions are implemented to the extent feasible.
>
> I would appreciate it therefore if Mr. Al-Ali's promotion is implemented as soon as possible within the Centre - the question of possible transfer outside the Centre can be explored independently from the question of promotion."

On 30 April 1985 the Executive Assistant to the Secretary-General informed the Under-Secretary-General for Administration and Management that the Secretary-General had decided that the Applicant's promotion should be implemented against the post of Chief of the ECWA (Economic Commission for Western Asia)/CTC Joint Unit on Transnational Corporations in Baghdad, and that the Applicant should be transferred to Baghdad to undertake his new functions. On 15 May 1985 the Director, Division of Personnel Administration communicated the Secretary-General's decision to the Applicant. On 17 May 1985 the Applicant met with the Under-Secretary-General for Administration and Management and with the Assistant Secretary-General for Personnel Services. The Applicant asserts that during that meeting he "explained to them that, as a good international civil servant he would agree, with serious reservations to a temporary assignment, not transfer, to Baghdad provided certain conditions were met."

The record of the case shows that discussions ensued between the Applicant, the Under-Secretary-General for Administration and Management, the Executive Secretary of ECWA and officials at the Office of Personnel Services, concerning the Applicant's transfer to ECWA. On 12 December 1985 the Under-Secretary-General for Administration and Management informed the Assistant Secretary-General for Personnel Services that he had "decided to review personally with [him] the latest representations made by Mr. Al-Ali regarding his transfer to Baghdad" and would be grateful if he "would postpone to 15 January 1986 the expected transfer date of the staff member". The Applicant was not transferred to Baghdad. He continued to work at the Centre.

Mr. Peter Hansen, the new Director of the Centre, did not recommend the Applicant for promotion to the D-1 level in connexion with the 1985 promotion review. However, the Secretary-General approved the inclusion of the Applicant's name on the 1985 register of staff members eligible for promotion to the Principal Officer (D-1) level.

On 14 May 1986 the Applicant requested the Secretary-General to review the administrative decision not to implement his promotion to the D-1 level. Not having received a reply, on 27 June 1986 the Applicant lodged an appeal with the Joint Appeals Board. The Board adopted its report on 18 July 1987. The conclusions and recommendations of the majority of the Board read as follows:

"Conclusions and recommendations

The majority of the Panel finds:

27. That no less a person than the Secretary-General himself took the initiative to have the appellant's promotion implemented by reassigning him as Head of the ESCWA/CTC Unit in Baghdad, where he, being from the region, could put into use his Headquarters experience.

28. That the appellant in spite of the provisions of staff regulation 1.2 failed to accept the Secretary-General's genuine bona fide offer of reassignment to ESCWA, Baghdad and promotion, although he had earlier, on more than one occasion, requested reassignment to that Commission.

29. That with a view to effecting the appellant's promotion at Headquarters, the former Under-Secretary-General for Administration and Management on his own initiative recommended to the Under-Secretary-General, UNDRO [Office of the United Nations Disaster Relief Co-ordinator], the candidature of the appellant for the D-1 post in the UNDRO Liaison Office in New York.

30. That the above actions clearly establish beyond doubt that the Administration did take steps to implement the appellant's promotion.

31. That the appellant had neither been unfairly or unjustly treated nor had there been an evidence that he had suffered morally and professionally. Consequently, it rejects his claim for compensation.

32. That a staff member has no legal or acquired right to any specific post in the Organization against which he/she could claim a lien for reassignment and/or promotion.

33. The majority of the Panel notes that the appellant is ready and willing to serve in any office/department of the Secretariat. The majority of the Panel has also taken note from the 'Note for the file' submitted by the appellant about the reported assurances given by the former Under-Secretary-General for Administration and Management concerning the appellant's retroactive promotion. Further the majority of the Panel has taken note of the Respondent's statement that OHRM* [Office of Human Resources Management] was trying to locate a post for the appellant elsewhere in the Secretariat. Unless a post is found within the Centre on Transnational Corporations suitable to the appellant's background and experience, the majority of the Panel trusts that OHRM, which is fully cognizant of the case, will take every possible step to implement at an early date the promotion of the appellant in the interest of good administration.

35[sic]. The majority of the Panel makes no further recommendations in respect to the appeal."

The opinion by the dissenting member of the Board reads as follows:

"Dissenting Opinion

For me, the essence of this case resides in the following:

According to the Staff Rules, 'The function of the Appointment and Promotion Board shall be to make recommen-

* Successor of OPS

dations to the Secretary-General in respect,' to 'the selection of staff members qualified for promotion.' The Board is required to maintain promotion registers which are established in relation to 'the total number of known and foreseeable vacancies to be filled by promotion at each grade'.

On several different occasions, the Board reviewed the qualifications of the appellant and found him qualified for promotion against vacancies existing in his Department. The Department has maintained that the appellant is not qualified for promotion and has consequently refused to implement his promotion against existing vacancies. Although the Department claims that other candidates are better suited for the available vacancies and have in fact placed staff in those posts, no recommendations have yet been forthcoming to the Appointment and Promotion Board to promote those staff currently filling the vacancies against which the appellant could be promoted.

The issue is whether the view of the Appointment and Promotion Board regarding the qualifications of the appellant for promotion should or should not have precedence over the view of the Department. The Appointment and Promotion Board was set up to provide the Secretary-General with independent advice on the suitability of candidates for placement on promotion registers in relation to available vacant posts. The recommendations of a Department are only one of the factors to be considered by the Board. Departments do not have the final say about the suitability for promotion, otherwise the Appointment and Promotion Board would be nothing but a rubber stamp for Departmental wishes. By the same token, if Departments can unilaterally stonewall or obstruct the decisions of the Appointment and Promotion Board regarding suitability, then the promotion procedure becomes a rather meaningless exercise since the Board would be in the position of only being able to put on the register those they were confident the Department supported, and would ultimately implement. It has long been recognized that Departments are not always objective and that independent review is required.

Efforts made by various members of the administration (some at very high level) to find the appellant a post outside his department and his willingness or unwillingness to accept alternative posts is not germane to the fact of his having been found qualified for promotion to posts available within his Department. If the appellant is qualified to hold a high level managerial post in ESCWA, is he less qualified to hold a similar high level post in New York? The fact that the Department has blocked the appellant from filling a Headquarters post by putting other staff in those posts should not foreclose the possibility of correcting the situation. If the administration, at any level, believes

> that the Appellant is not qualified to fill a D-1 post in his own Department, then how can it be claimed that he is qualified to fill a D-1 post elsewhere? Is it then just a question of exporting the problem to someone else? Is it the policy that the quality of D-1 staff may be less in ESCWA than in New York?
>
> I believe that the arguments of the Administrative Tribunal, Case No. 349, Marazzi, ... are compelling in this case. The Department, for its own reasons, has decided that it will not be bound by the decisions of the Appointment and Promotion [Board] and will not implement the appellant's promotion. Never having documented the appellant's alleged lack of qualifications for promotion, the Department is on weak ground in refusing to implement the promotion. Such refusal seems to me to rest more on departmental umbrage than on questions of qualifications. If the appointment and promotion process is to work, then the judgement of independent bodies such as the Appointment and Promotion Board must be respected."

On 22 July 1987 the Assistant Secretary-General for Human Resources Management (successor of Office of Personnel Services) informed the Applicant that "the Secretary-General, having re-examined [his] case in light of the Board's report, [had] decided to accept the conclusions and recommendation of the majority of the Board" and that "the Office of Human Resources [would] continue its efforts to implement his promotion to the D-1 level".

On 11 August 1987 the Applicant filed the application referred to above.

Whereas the Applicant's principal contentions are:

1. The Applicant has been the victim of prejudice and arbitrary action by the Executive Director of the UNCTC.

2. The Under-Secretary-General for Administration and Management and the Office of Human Resources Management should not abdicate their responsibility to implement sound personnel practices in the Secretariat, and permit Directors of substantive departments to operate their departments according to policies set by themselves.

3. The Secretary-General approved the inclusion of the Applicant's name in the D-1 promotion register. Failure to implement the approved

promotion constitutes failure of the Secretary-General to implement his own decisions.

4. The Executive Director of the Centre violated the Appointment and Promotion Board process and rendered the Applicant a victim of unfair and prejudicial treatment, inconsistent with his rights and entitlements as an international civil servant.

5. If a department can unilaterally obstruct the recommendations of the Appointment and Promotion Board regarding suitability for promotion, the promotion procedure becomes a meaningless exercise.

6. If the Applicant is qualified to hold a high level managerial post in ESCWA, he is just as qualified to hold a similar level job at Headquarters. If the Respondent believes that the Applicant is not qualified to fill a D-1 post in his department he cannot claim that the Applicant is qualified to fill a D-1 post elsewhere.

Whereas the Respondent's principal contentions are:

1. The Applicant had no right to be promoted, even though his name was included in the promotion register.

2. The decisions concerning the Applicant's promotion were based on considerations of merit.

3. The Applicant has not established that the failure to promote him was discriminatory or motivated by personal prejudice.

4. The Secretary-General acted in good faith in searching for a suitable post for the Applicant so that his promotion could be implemented.

The Tribunal, having deliberated from 25 April 1988 to 13 May 1988, now pronounces the following judgement:

I. The issue in this case arose originally when the Respondent refrained from implementing the Applicant's promotion to the Principal Officer (D-1) level, effective 1 April 1984, in the Applicant's department, the United Nations Centre on Transnational Corporations (UNCTC). And this, despite the fact that the Applicant's name had been included in the Principal Officer Promotion Register of 1984.

II. The Applicant submitted, with his written observations on the Respondent's answer, confidential documents, sealed in an envelope and asked that they "be treated as confidential, only to be considered by the Tribunal in camera and to remain sealed in the Tribunal's archives after adjudication of the case".

The Tribunal examined these documents at its first panel meeting held on 25 April 1988 and decided that, since the documents contained information of strictly confidential nature, which had already been communicated to the Secretary-General under the express condition that the information would be made available to no one but himself, the Tribunal decided under article 10, para. 2 of the Rules of the Tribunal, that there was no further need to communicate the documents to the representative of the Respondent.

III. The Tribunal notes first that pursuant to article IV of the Staff Regulations and chapter IV of the Staff Rules, promotions are subject to the discretion of the Secretary-General. According to this principle, staff members have no automatic right to promotion, or to a promotion at a particular time or a particular post.

While recognizing this principle, the Tribunal notes also that staff members are promoted regularly according to an elaborate process governed by rules and procedures laid down in article 104.14 of the Staff Rules and related secretariat issuances. These rules and procedures, while regulating the promotion process, also contain safeguards to ensure fairness and objectivity in a process which is vital to the life of a staff member.

The Tribunal considers that these rules and procedures are part of the conditions of service of staff members, and therefore they should be respected, correctly interpreted and properly applied, as long as they are in force.

IV. Having said this, the Tribunal will examine if the promotion process has been applied properly in the Applicant's case.

In this respect, the Tribunal observes that:

First, the Applicant had more than satisfied the standards required for promotion to the D-1 level as stated in the report dated 27 February 1984

of the Panel on Discrimination and other Grievances to which the Applicant had submitted a complaint.

Second, the Respondent, together with the Appointment and Promotion Board (APB) in charge of recommending to the Secretary-General those staff members deemed qualified to perform at the D-1 level, had both taken the required measures necessary for the actual promotion of the Applicant. Thus,

1) the APB ascertained the Applicant's qualifications for promotion and found him suitable for promotion against vacancies in his department;

2) the Secretary-General certified his eligibility for promotion by approving the recommendation of the Board;

3) the Assistant Secretary-General for Personnel Services, the competent person to authorize implementation from the promotion register, requested in his memorandum of 1 April 1985, explicitly and forcefully that the Applicant be promoted to the D-1 level in the UNCTC, where a post was available. It is to be noted that the Assistant Secretary-General for Personnel Services, in order to remove any pretext to delay or to obstruct the Applicant's promotion in the Centre, made it a point to clarify in his memorandum that the question of possible transfer outside the Centre could be explored independently from the question of promotion.

Despite the fact that all these measures were taken towards the implementation of the Applicant's promotion in the Centre, promotion was stopped short of the actual implementation.

The crucial question then arises, why implementation of the promotion was aborted at this late hour of the promotion process and whether non-implementation in this case constituted a proper application of the rules governing the promotion process.

V. The Respondent in his answer produces three main sets of arguments to justify non-implementation:

Firstly, the Respondent states that the mere approval of a register by the Secretary-General indicates his agreement that those on the register are eligible for promotion, but does not create a right to promotion for those staff members listed in the register.

The Tribunal does not question this statement, but considers it irrelevant, because what is at issue here, is not whether eligibility gives right to promotion, but whether the procedure for implementation of the Applicant's promotion was properly applied.

VI. In his second attempt to justify the halting of the implementation of the Applicant's promotion in his department, the Respondent claims that promotion of other more qualified staff members were taken on the basis of merit. This argument is certainly relevant when the implementation is from a promotion register that includes more names from a department than existing vacant posts. But the Tribunal notes that at the time the APB, acting within its terms of reference, reviewed the Applicant's eligibility for promotion to the D-1 level on the basis of his qualifications, functions and performance in the Centre, and decided to include him in the 1984 promotion register, he was the only member of the Centre whose name was on the register as eligible for promotion to the D-1 level. Therefore, the argument by the Respondent in this regard is not relevant.

VII. In his third attempt to justify the halting of the implementation of the Applicant's promotion in his department, the Respondent invokes a paragraph in the Information Circular ST/IC/84/38 dated 9 July 1984, publishing the promotion register. This paragraph states the following:

> "Promotion from the register will be authorized by the Assistant Secretary-General for Personnel Services in the context of staffing table resources and departmental wishes." (emphasis added)

The Tribunal notes that the Staff Rules are silent on the procedure to be followed in order to implement promotions from the promotion register. This afore-mentioned text shows, although succintly, the manner in which implementation of a promotion should be achieved. Therefore a proper implementation depends on a correct interpretation and a proper application of this text. According to this text, the procedure to implement a promotion from the register is for the Assistant

Secretary-General for Personnel Services to authorize the implementation and he does so in the context of two factors:

(a) staffing table resources;

(b) departmental wishes.

VIII. The Tribunal observes in this case, that the Respondent did not contest either that the authorization by the Assistant Secretary-General for Personnel Services had been given or that a post was available in the staffing table resources.

The dispute centres on the exact meaning and effect to be given to the expression "departmental wishes".

The Tribunal notes that this expression is of a very general nature and its content not very precise. The Respondent gave his understanding of this expression when he stated in his answer the following:

> "It is clear that this procedure envisages departments may have substantive views on the qualifications of a staff member and on whether such qualifications suit the needs of a particular post."

In other words, according to this interpretation, the Department can raise during the implementation process the issue of the qualifications of staff members and block the actual implementation on that basis.

IX. In view of the circumstances of this case, and on the basis of legal considerations which will be developed, the Tribunal cannot subscribe to such an application of the departmental wish for the following reasons:

The Tribunal notes, that at the very beginning of that part of the promotion process, concerning the eligibility of the staff member for promotion, whose very specific purpose is to ascertain and verify the qualifications and seniority of staff members for promotion, departments are allowed, which is normal, to pronounce themselves on the qualifications of staff members in their departments for promotion.

In this particular case, in the promotion exercise of 1984 the department had exercised its right to ascertain the qualifications of the

staff member against vacant posts in the department. The result was not in favour of the Applicant, and the department did not recommend him for promotion. The Appointment and Promotion Board, at first, did not recommend him either.

Consequently, the Applicant's name was not included in the Principal Officer (D-1) promotion register ST/IC/84/38 dated 9 July 1984.

X. This Information Circular gave the staff members whose names were not included in the promotion register the right to remedy the situation by utilizing the recourse procedure provided for that purpose. The Applicant promptly exercised his right to recourse. It is to be noted, that the Applicant, in his recourse letter to the Chairman, APB, had laid emphasis on his suitability for the D-1 post in the Advisory and Information Services Division because of his experience in that division.

The APB, having given full and careful consideration to the Applicant's communication, recommended to the Secretary-General the addition of his name to the 1984 promotion register.

The Secretary-General approved the Board's recommendation.

The Tribunal observes that the APB is the neutral independent machinery established by staff rule 104.14 to ensure a guarantee for the fairness and objectivity of the selection of staff members qualified for promotion.

XI. After the approval by the Secretary-General of the recommendation of the APB in favor of the Applicant, the Tribunal concludes that:

1) The issue of the qualifications of the Applicant has been settled.

2) The department's views on the lack of qualifications of the Applicant against vacant posts in the department has been overruled.

Moreover, the Assistant Secretary-General for Personnel Services, who is authorized to implement promotions from the register, sent on 1 April 1985, the aforementioned memorandum to the Executive Director of the Centre, expressing his concern that the Applicant still remained on that register, although a D-1 post was available, and therefore requesting implementation as soon as possible, within the Centre.

The Tribunal notes that the views of the department concerning the lack of qualifications of the Applicant to be promoted in the available post in the Centre, were again overruled by the Assistant Secretary-General for Personnel Services. The Assistant Secretary-General thus did not validate the views of the Department in this regard.

XII. In view of the foregoing reasons the Tribunal finds:

Firstly, that to allow the department to reopen without serious grounds the issue of the Applicant's qualifications at the implementation stage, on the basis of a text incorporated only in an information circular, is to violate the objectives of the APB process and to defy the authority of the Secretary-General who approved the recommendation of the APB. This conduct is not consistent with staff rule 104.14.

Secondly, to interpret the wish of the department as having the power to defeat the authorization given by the Assistant Secretary-General for Personnel Services to implement the Applicant's promotion on the general ground that he was not qualified, after the department had been overruled twice by higher competent and authorized bodies, cannot be substantiated by the language of the pertinent text which refers only to a "wish" emanating from the department.

If it was meant to confer on the department such a discretionary power to allow or to withhold implementation, equal to the power of the Assistant Secretary-General for Personnel Services, then a more appropriate technical term would have been used.

The phrase "in the context of departmental wishes" would have been substituted by some explicit terms like "Promotion from the register will be authorized by the Assistant Secretary-General in the context of ... and in agreement with the department, or with the consent of the department". The fact that the terms selected are only departmental "wishes" is an indication that the department has no absolute and irrevocable power in this regard.

XIII. In view of all the foregoing reasons, the Tribunal considers that non-implementation of the Applicant's promotion in the UNCTC, effective 1 April 1984, is based on an invalid exercise of departmental "wishes" in

this regard, for which the Applicant should be awarded appropriate compensation.

XIV. Since the Respondent has stated that he is continuing his efforts to search for a suitable post for the Applicant with a view to implementing his promotion, and taking into account that assurances had been given to the Applicant regarding the retroactivity of his promotion as of 1 April 1984, the Tribunal, accordingly, decides that the Applicant should be paid, as compensation for the injury he has sustained, the difference between the Applicant's salary at the P-5 level and the salary he would have received had he been promoted to the D-1 level from 1 April 1984 until the date of this judgement inclusive.

XV. For the foregoing reasons, the Tribunal orders that the Respondent pay to the Applicant as compensation a sum equivalent to the difference between the Applicant's salary at the P-5 level and the salary he would have received had he been promoted to the D-1 level from 1 April 1984 until the date of this judgement inclusive.

XVI. All other claims of the Applicant are rejected.

(Signatures)

Roger PINTO
Vice-President

Ahmed OSMAN
Member

Francisco A. FORTEZA
Member

Geneva, 13 May 1988

R. Maria VICIEN-MILBURN
Executive Secretary