United AT/DEC/1459
Nations



Administrative Tribunal

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ADMINISTRATIVE TRIBUNAL

Judgement No. 1459

Case No. 1541 Against: The Secretary-General

of the United Nations

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Mr. Spyridon Flogaitis, President; Sir Bob Hepple; Mr. Agustín Gordillo;

Whereas at the request of a former staff member of the International Trade Centre (ITC), the President of the Tribunal granted an extension of the time limit for filing an application with the Tribunal until 1 August 2007;

Whereas, on 30 July 2007, the Applicant filed an Application in which he requested the Tribunal, inter alia:

"PLEAS

[Requests the Tribunal to fully consider the Applicant's case, in particular, the decision not to select him for the post of Programme Coordinator and the decision not to retain him in service after the age of retirement. To order that the Applicant be adequately compensated for the violation of his due process rights.]

Whereas at the request of the Respondent, the President of the Tribunal granted an extension of the time limit for filing a Respondent's answer until 24 January 2008, and once thereafter until 25 February;

Whereas the Respondent filed his Answer on 11 February 2008;

Whereas the Applicant filed Written Observations on 8 April 2008;

Whereas the statement of facts, including the employment record, contained in the report of the Joint Appeals Board (JAB) reads, in part, as follows:

"Appellant's Professional Record

- ... The [Applicant] entered service at the United Nations on 1 August 1975, initially under a 6 month short-term appointment at the L-2 level as Marketing Adviser at the Market Development Service (MDS)/Division of Technical Services (DTS) of the International Trade Centre (ITC), Geneva. This appointment was subsequently extended until June 1976 and thereafter until 31 October of the same year.
- ... On 1 August 1976, the [Applicant's] short-term appointment was converted into an intermediate term appointment (200 series). This appointment was successively extended for further periods of different duration. In December 1976, the [Applicant] was transferred to the Office of the Director/DTS. This appointment was further extended twice until [the] end March 1978. On 1 January 1978, the [Applicant] was transferred to the Office for Asia and Pacific (OAP)/Division of Technical Cooperation (DTC).
- ... On 1 April 1978, he was awarded a fixed-term appointment (100 series) for a period of one year as Associate Market Development Officer at the P-2 level, at the Market Development Service (MDS)/Technical Division (TD).
- ... On 1 January 1979, the [Applicant] was granted a promotion to Market Development Officer at the P-3 level, at the MDS/TD. On 1 April 1979, his fixed-term appointment was extended for a period of three years.
- ... From 1 October 1980 to 28 February 1982, the [Applicant] was assigned to an ITC project based in New Delhi, India, as Programme Coordinator at the L-4 level at the OAP/DTC.
- ... On 1 March 1982, the [Applicant] returned to ITC Geneva as Trade Promotion Officer at the P-3 level in OAP/DTC. On 1 April 1982, his fixed-term appointment was extended for a period of five years.
- ... On 1 April 1984, he was promoted to Commodity Marketing Officer at the P-4 level in the Division of Product and Market Development (DPMD).
- ... On 1 January 1991, the [Applicant] was awarded a permanent appointment. On 1 July 1991, he was granted a promotion to the P-5 level, as Chief, Office for Europe, Mediterranean and Middle East (OEMME)/DTC.
- ... On 1 January 1996, his functional title was changed to Chief, Office for Asia and the Pacific, Europe and Middle East (OAPEME)/Division of Technical Cooperation Coordination (DTCC).
- ... On 24 April 1998 his functional title changed to Chief, Office for Arab States, Europe and the CIS (OASEC)/DTCC. Until his retirement on 31 August 2004, the [Applicant] remained at the P-5 level.

Summary of Facts

- ... The [Applicant] reached his mandatory age of retirement on 31 August 2004. Therefore, the post he occupied was advertised on February 2004 ... in line with the standard procedures for succession planning.
- ... On 6 May 2004, the project position of Programme Coordinator, Asia Trust Fund Programme, managed by ITC (level L-5) was advertised ... The deadline for applications was 3 June 2004. The [Applicant] applied for the post on 21 May 2004.

By letter dated 28 May 2004, the Officer-in-Charge, Human Resources Section (HRS), informed the [Applicant] of the administrative actions required in connection with his upcoming retirement and his entitlements upon separation. On 23 June 2004, HRS submitted forty-nine applications (four from internal candidates including the one of the [Applicant]) to the Director, DTCC for assessment and short-listing along with a comparative grid listing of all candidates. On 25 June 2004, the Chief, Office for Asia and the Pacific, Latin America and the Caribbean (OAPLAC), DTCC submitted a short list of four candidates (one internal candidate and three external ones) to HRS after 'having carefully reviewed and analysed the CV's of all applicants (...)'. The [Applicant] was not short-listed. Until early June 2004 no suitable candidate was found for the post the [Applicant] occupied. Therefore, on 6 July 2004 the post was re-advertised ... with a closing date of 15 August 2004. According to the [Applicant], he met with the Chief, HRS, to discuss the possibility of his retention in service beyond the mandatory age of retirement on 27 July 2004. The Chief, HRS, informed the [Applicant] that in view of difficulties to fill his post, a request for retention in service could be considered. However, according to the Respondent no recommendation for retention was submitted to HRS. On 2 August 2004, the [Applicant] sent his secretary to the HRS to obtain the files containing the applications for the post of Programme Coordinator in order to consult the data with regard to his application. The same day, the [Applicant] wrote an e-mail to the Senior Human Resources Officer informing her that he noticed that his nationality was listed as Hungarian in the comparative grid although he was Austrian. He asked her to explain this mistake. Furthermore, he asked her to rectify the error in the documentation related to the selection process for the post concerned by issuing a memorandum to the concerned persons. On 3 August 2004, the Senior Human Resources Officer apologized for the oversight. Moreover, she informed him that the records were corrected. The same day, she wrote another email to the [Applicant] stating that she never gave her agreement that he could access the recruitment files in his personal capacity and furthermore, that he did not have a right to obtain access to the file. Also on 3 August 2004, the Director, DTCC, contacted the [Applicant] via e-mail asking him for the reason why he obtained access to the recruitment and selection files. The [Applicant] informed the Director, DTCC, that he had asked HRS to see the file on the vacancy notice in his capacity as [an] ITC staff member He pointed out that he was not aware of any UN Rule or Regulation or any administrative issuance by the UN Secretary-General, which would not permit this. Furthermore, he stated that the reason for consulting this file was his doubt as [to] whether his nationality was correctly reflected in the documentation and he informed the Director, DTCC, that this indeed was not the case. To bring the matter to a closure, on 11 August 2004, a meeting was held between the [Applicant]; the Deputy Executive Director [DTCC]; the Director, DTCC; and the Chief, HRS. A note for the file, dated 16 August 2004, was prepared as a record of the meeting. On 17 August 2004, the Director, DTCC, the Chief, HRS, and the [Applicant] met. The Director/DTCC informed the [Applicant] that there would be no recommendation for his retention in service.

- ... By e-mail dated 18 August 2004, the Chief, HRS, confirmed [to] the [Applicant] that he 'will now need to proceed with the preparations for his retirement on 31 August as outlined in the memorandum ... dated 29 May 2004.'
- ... On 6 September 2004, the [Applicant] was notified that his candidature for the post of Programme Coordinator, Asia Trust Fund Programme had not been successful.
- ... On 3 October 2004, the [Applicant] submitted a request for review to the Secretary-General. He asked for review of the 'administrative decision taken by ITC's Executive Director concerning [his] application for the project vacancy ... Programme Coordinator (L 5), DTCC, OAPLAC'. On 14 October 2004, the Chief, Administrative Law Unit (ALU), New York acknowledged receipt of the [Applicant's] letter to the Secretary-General dated 3 October 2004.
- ... On 2 December 2004, the Chief, ALU, New York informed the [Applicant] that she had received comments from the ITC and that these comments had been carefully reviewed. She notified the [Applicant] that it was found that the ITC comments 'demonstrated that his candidacy was given full and fair consideration in the selection processes of the vacant L-5 post of Programme Coordinator of the Asia Trust Fund at ITC'. She also noted that it was agreed that ITC procedures for selection of staff under the 200 series staff rules were correctly followed. Finally, she stressed that her letter constitutes the review of the administrative decision.

...''

On 30 December 2004, the Applicant submitted his appeal to JAB. The JAB adopted its report on 1 December 2006. Its considerations, conclusions, and recommendations read, in part, as follows:

"Considerations

Admissibility

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43. [T]he Panel decided [that] the [Appellant's] request to examine the decision not to retain the [Appellant] in service until the end of 2004 was non-admissible.

...

46. [T]he appeal against the administrative decision 'concerning [his] application for the project vacancy ... communicated to [him] by the letter ... dated 6 September 2004' was deemed admissible.

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Merits

- 50. The Panel recalled that the Appellant had put forward that he was not given a fair consideration for the post of Programme Coordinator and that he explained this by the years of harassment he was subjected to and the procedural and substantive irregularities in the selection and appointment process. It took note that the Appellant stated that the 'ITC persons concerned did not apply objective criteria of evaluation in a consistent manner and thus violated his rights as a staff member (...)'.
- 51. With regard to the appointment process, the Panel first considered the question whether it was a procedural flaw that the Appellant was not short-listed although he fulfilled all the requirements listed in the vacancy announcement. It stressed that the filling of vacancies were

subject to the discretion of the Secretary-General, and that staff members possessed no legally enforceable right to be appointed (see Staff Regulation 4.1). The Panel recalled that UNAT ruled in its Judgement N° 362 Williamson (1986) that 'the Tribunal has always recognized the considerable latitude of discretion the Secretary-General must have in (...) filling vacancies (...)'. However, the Panel pointed out that the Secretary-General's discretionary power to evaluate candidates was neither absolute nor unfettered: The Respondent's discretion should be reviewed when there were allegations of abuse of discretion (UNAT Judgement N° 870, Choudhury and Ramchandani (1998)). It recalled Staff Regulation 4.2 and Art. 101 of the Charter and underlined that in order to achieve the purpose of these provisions 'it is indispensable that full and fair consideration should be given to all applicants for the post' and that 'the Respondent [bore] the burden of proof with respect to this issue' (Judgement N° 1031, Klein (2001)). Finally, the Panel emphasised that full and fair consideration should to some measurable degree meet the criterion of 'fullest regard' in a reasonable manner and there must be good faith and consciousness of all circumstances surrounding any claim (UNAT Judgement N° 447, Abbas (1989)).

- 52. The Panel stressed that, in general, every candidate fulfilling the requirements listed in the vacancy announcement should be short-listed and if not there should be a written documentation on the records giving a valid reason why the concerned candidate was not put on the shortlist. [T]he Panel requested additional information concerning the documents indicating on which criteria the shortlist was established and why the Appellant was not short-listed. Furthermore, it requested the minutes of the meeting of the ITC Selection Panel with regard to the appointment of the candidate for the post of Programme Coordinator. The Panel received inter alia the minutes of the Interdivisional Interview Panel for the post of Programme Coordinator, L-5, Asia Trust Fund as well as the minutes of the Selection Panel.
- 53. The Panel noted that the minutes of the Selection Panel indicated that the Staff Representative had inquired why the Appellant had not been short-listed. The document revealed that the Appellant was not short-listed because of the insufficient continuity of the programme, which was expected to run for at least three years. The Panel took note that according to the vacancy announcement, the duration of the appointment was 12 months, with the possibility of extension. The Panel also learned from the documents submitted by ITC that the functions of the concerned post took effect 1 October 2004. Furthermore, the Panel noted that the Appellant reached his retirement age on 31 August 2004. It pointed out that in case the Appellant would have been short-listed, interviewed and then selected for the post, Section 5 of the ST/AI/2003/8 would have applied because on 1 October 2004, the Appellant was already a retiree. One consequence would have been that the Appellant would not have been able to work more than six months per calendar year since Section 6, para. 6.1 (a) stipulates that 'Except for language services staff, such former staff may not earn more than US \$ 22,000 for work performed and/or services provided during a calendar year. Their cumulative period of service shall not exceed six months per calendar year.' Furthermore, the Panel noted that the Appellant could have only started his new function as of 1 December 2004 since Section 5, para. 5.1 (b) states 'when such employment is approved, it shall begin only after a period of at least three months has elapsed since the date of retirement of the staff member'. Moreover, ITC would have had to prove that 'the operational requirements of the Organization cannot be met by staff members who are qualified and available to perform the required functions' and that 'the proposed employment would not adversely affect the career development or redeployment opportunities of other staff members and represents both a cost-effective and operational sound solution to meet the needs of the service' (para. 5.1 (a) and (b)).
- 54. In view of the above, the Panel found that the continuity of the programme was indeed at risk. It underlined that the fact that a staff member who would only be able to take up his functions when he was already a retiree was a valid reason not to short-list a candidate since the unhampered functioning of a Division/Section would be at risk. It found that operational reasons were reasons that could be considered by the Administration when establishing a shortlist. In the present case, the functioning of the Division would have been hampered by the fact that the Appellant had to retire as of 31 August 2004 and therefore could have only worked six months per calendar year

and could have only started as of 1 December 2004. Moreover, the Panel stressed that there were other qualified candidates to fill the post and that the Administration had to consider candidates who were still active when the functions of the post had to be taken up on a [priority] basis. The Panel emphasised that in view of the above quoted provisions of ST/AI/2003/8, management must take into account the fact that a candidate would already be retired when the functions of the post to be filled were to be taken up. Therefore, the Panel decided that the decision not to put the Appellant on the shortlist was well justified and in line with the applicable law.

- 55. Moreover, it pointed out that the justification given by the management not to short-list the Appellant did not amount to age discrimination. While the Panel considered that his age was indeed a factor because he reached the age on which he had to retire, it found that in the present case the decision not to short-list the Appellant did not amount to age discrimination but was a legitimate and reasonable decision in the interest of the Organization which had to ensure that the functions of the post could be taken up as foreseen in October 2004 with a view to ensuring continuity. The Panel stressed that if the functions of the post would have been taken up at a time when the Appellant was still an active staff member, the case may have been considered differently.
- 56. Furthermore, the Panel stressed that during the meeting of the Selection Panel, the Staff Representative was present and asked why the other three internal candidates who had applied for the post, including the Appellant, had not been short listed. The Panel observed that the Staff Representative was satisfied with the above-mentioned explanation.
- 57. With regard to the Appellant's claim that the senior management changed his nationality [form] Austrian to Hungarian in the documentation relating to the application process to reduce his chances to be selected for the post in question, the Panel agreed with the Respondent that this was most likely an oversight by the Human Resources Officer as it could easily happen when transferring information to a table. Furthermore, the Panel noted that the P-11 form of the Appellant, which he updated and submitted to the HRS on 28 June 2004, indicated that his nationality at birth was Hungarian and the present nationality was Austrian, which might have also contributed to oversight. It took note of the Appellant's statement that his nationality had been correctly recorded in all ITC documents for over 30 years but concluded that this does not exclude such a mistake.
- 58. The Panel examined the Appellant's claim that the ITC management [listed his name] intentionally on the grid as a Hungarian national to ensure that he was not short-listed. According to the Appellant, the European Commission [EC] preferred a European Union (EU) national from the 'established EU Member States', the ITC management, however, preferred the internal Chinese candidate. Therefore –according to him three external candidates from old Member States were put on the short-list as well as the internal Chinese candidate. The Panel noted that he claimed that [this] was arranged to avoid that he would be a suitable internal candidate from an old EU Member State and that the ITC management would therefore eventually be pushed by the EC to shortlist the Appellant. The Panel stressed that it could not find any proof of the abovementioned course of action and recalled that the Appellant bore the onus of proving ill will, bias and discrimination (UNAT Judgement N° 428 Kumar, 1988). Finally, the Panel expressed its astonishment that the Appellant was able to access the files containing the applications for the post of Programme Coordinator since the application process and all documentation received with regard to it was confidential.
- 59. In this context, the Panel also stressed that there was no evidence in the file confirming the Appellant's allegation that there was a gentlemen's agreement that the [EC] would prefer [an] EU national from [an] old EU member state and that the ITC management consulted with relevant senior officials of the concerned department in the [EC] about the short-listed candidates. Therefore, a violation of Staff Regulation 1.2 (d) could not be proved. With regard to the correspondence between the Permanent Mission of the Federal Republic of Germany in Geneva and the Executive Director, ITC concerning the application of a German national for the post, the

Panel noted that the German Mission asked if 'Mr. (...) could be considered favourably'. The Panel stressed that - although the practice is questionable – it is common. It concluded that this inquiry did not constitute a violation of Staff Regulation 1.2 (d) because it did not amount to an instruction on the side of the German Mission and the selected candidate was not from that country.

- 60. The Panel underlined that the examination of the 49 candidates within less than two days by the Chief, OAPLAC, DTCC was indeed very fast although HRS had pre-screened the candidature and had established the grid which allowed the responsible Chief to get an overview of all the applicants. However, it did not find any evidence that the examination was flawed and that it was influenced by any extraneous factors.
- Finally, the Panel noted that the Appellant alleged that the chosen candidate did not meet 61. the requirements of the post, specifically the requirements for academic and linguistic skills. According to him, the selected candidate neither had an advanced university degree, which was a mandatory requirement nor was he proficient in French, which was a desirable requirement. The Panel took note that the vacancy announcement stated that an advanced university degree was a mandatory requirement but that 'a first university degree or equivalent specialized education, with a relevant combination of academic qualifications and experience may be accepted in lieu of an advanced university degree'. Furthermore, the Panel underlined that the knowledge of French or 'another UN official language used in the region' was a desirable requirement. The Panel pointed out that - according to the grid - the selected candidate held a Bachelor degree, had the minimum of 16 years of experience required and knew French. Furthermore, the Panel noted that the Respondent stressed that the selected candidate held a first level degree in international trade and a post-graduate certificate in international trade law, that he had some 23 years of relevant experience, and that he was fluent in English and Chinese and had furthermore some knowledge of French. The Panel did not doubt that this information was true and considered therefore the Appellant's allegations as baseless.
- 62. The Panel finally considered the Appellant's allegation that he had 'suffered from and been subject to a consistent pattern of discrimination, personal hostility and prejudice, during the last seven years of active service'. Given the terms of reference of the [JAB] and the appeal against the non-selection decision, the Panel considered the question if the Appellant had become a victim of discrimination, personal hostility and prejudice during his last years of active service to be beyond its mandate.
- 63. The Panel concluded that there is no evidence that the candidature of the Appellant was [not] fully and fairly considered and that ITC management did not abuse its discretionary power when it decided not to short-list the Appellant but gave a valid reason for not doing so. The Panel concluded that there appears to have been valid management reasons [as to] why the [Applicant] was not short listed, and notes that the decision to select another candidate does not appear to have been tainted by any documented evidence of 'discrimination, personal hostility and prejudice'.

Conclusions and Recommendations

- 64. In the view of the above, the Panel concludes that the decision not to select him for the post of Programme Coordinator, Asia Trust Fund (L-5) ... was in conformity with the applicable rules.
- 65. Accordingly, the Panel recommends the Secretary-General to reject the appeal."

On 8 May 2007, the Under-Secretary-General for Management transmitted a copy of the report to the Applicant and informed him as follows:

"The Secretary-General has examined your case in the light of the JAB's report and all the circumstances of the case. He accepts the JAB's findings and conclusions and, in accordance with its unanimous recommendation, has decided to take no further action in this case ..."

On 30 July 2007, the Applicant filed the above-referenced Application with the Tribunal.

Whereas the Applicant's principal contentions are:

- 1. The Respondent has not properly observed due process and has failed to fully observe and apply the pertinent UN Staff Regulations and Rules, Procedures and Administrative Instructions, and Respondent's Personnel Policy Guidelines and Procedures, as a result of which certain of its administrative actions and decisions are tainted and defective.
 - 2. The JAB erred in its interpretation of the Rules and their application of the facts.
- 3. Some of the JAB's findings of fact were inaccurate and as a result the conclusions drawn were not sound.
- 4. The JAB's decision not to consider the administrative decisions not to retain him was harsh and inequitable.

Whereas the Respondent's principal contentions are:

- 1. The Applicant had no expectancy or right to selection for the post he applied for, and the selection of another candidate did not violate his rights.
- 2. The contested decision was not tainted by prejudice, improper motive, or other extraneous factors.
- 3. The procedures applicable to the placement and promotion system were followed and the Applicant's due process rights were protected.
- 4. The Applicant's request for review of retention of contract beyond the retirement age is not receivable.
- 5. The Applicant obtained and submitted confidential documents for personal use, in violation of the Organization's long standing policies.

The Tribunal, having deliberated from 29 June to 31 July 2009, now pronounces the following Judgement:

- I. The Tribunal considers that the central issues in the present case are: (1) whether the applicable placement and promotion procedures were followed and (2) whether the contested decision was vitiated by prejudice or other extraneous motivations.
- II. The Tribunal has repeatedly "recognize[d] that the selection of a staff member for any post in the United Nations falls within the discretionary power vested in the Secretary-General" (See Judgement No.

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- 1117, *Kirudja* (2003); see also Judgements No. 1193, *Chow* (2004), para. IV and No. 958, *Draz* (2001), para. II), which discretion should be exercised fairly and without extraneous considerations and improper motivation.
- III. Based on its review of the record, the Tribunal notes that the Applicant's official retirement date was 31 August 2004 and that the contested vacancy was advertised on 6 May 2004. The VA stated that the duration of the appointment was for 12 months, with the possibility of extension and that the functions of the post were to be taken up effective 1 October 2004. The record shows that the Applicant was not shortlisted for interviews for the contested post because of the "insufficient continuity of the programme" which was expected to run for three years. Noting the Applicant's official retirement date, the Tribunal finds that Section 5 of ST/AI/2003/8 was correctly applied, making the Applicant ineligible for the post, because as of 1 October 2004, he would be officially a retiree. Additionally, Section 5 provides that retired staff members may be re-employed by the Organization "only after a period of at least three months has elapsed since the date of retirement", making the Applicant again ineligible because he could not have taken up the functions of the new post until after 1 December 2004. Lastly, Section 5 also provides that former staff members would only be considered for reemployment if "the operational requirements of the Organization cannot be met by staff members who are qualified and available to perform the required functions" and that "the proposed employment would not adversely affect the career development or redeployment opportunities of other staff members and represents both a cost-effective and operational sound solution to meet the needs of the service." The Tribunal is mindful that operational considerations are reviewed by the Administration before creating a short-list and agrees with the Respondent that the continuity of the programme would have been at risk had the Applicant been short-listed and selected to the contested post. Therefore, the Tribunal concludes that the Respondent applied the applicable placement and promotion procedures in its decision not to short-list the Applicant.
- IV. The Tribunal went on to consider the Applicant's assertions that he was better qualified for the post than the selected candidate. The Tribunal has consistently held that "while a staff member is entitled to evaluate his own achievement and performance in any way he wishes", the assessment of candidates for posts remains the responsibility of the Respondent. (See Judgement No. 1230 (2005), para. III and Judgement No. 1209, *El-Ansary* (2004), para. II). The Tribunal finds that in the instant case, the Applicant has failed to substantiate that the Secretary-General erred in the exercise of his discretion in making the contested decision.
- V. In relation to the Applicant's allegations of "discrimination, personal hostility and prejudice", mainly age discrimination, in the selection process, the Tribunal has consistently held:

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"The burden of proving, *onus probandi*, extraneous factors or improper motivation as prompting the contested decision rests with the Applicant who has made such allegation." (See Judgement, No. 612, Proper (1002) and W.)

No. 613, Besosa (1993), para. IV...)

The Tribunal finds that the Applicant's claim of age discrimination is not supported by the evidence.

Additionally, the Applicant's assertion that he could have been selected to the contested post if he had been

granted retention past the age of retirement, pursuant under staff regulation 9.5 is inapplicable because

other candidates with the requisite qualifications for the post of Program Coordinator were available.

VI. The Applicant also requests the Tribunal to review the ITC Administration's decision not to retain

him in service beyond retirement age. However, this claim is unrelated to the Applicant's non-selection to

the contested post, which forms the subject of this appeal. Staff rule 111.2 (a) (i) and (ii) provides:

"A staff member wishing to appeal an administrative decision pursuant to staff regulation 11.1 shall, as a first step, address a letter to the Secretary-General requesting that the administrative

decision be reviewed; such letter must be sent within two months from the date the staff member

received notification of the decision in writing.

If the Secretary-General does not reply to the letter within one month in respect of a staff member stationed in New York or within two months in respect of a staff member stationed elsewhere, the

staff member may appeal against the original administrative decision within one month of the

expiration of the time limit specified in this subparagraph for the Secretary-General's reply."

Therefore, this request to review the ITC Administration's decision is a separate claim which is not

receivable under staff rule 111.2.

VII. For the foregoing reasons, the Tribunal rejects the Application in its entirety.

(Signatures)

Spyridon Flogaitis

B. a. Kepple

President

Bob **Hepple** Member

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Agustín **Gordillo** Member

Geneva, 31 July 2009

Tamara Shockley
Executive Secretary