
ADMINISTRATIVE TRIBUNAL

Judgement No. 475

Case No. 487: MARTORANO

Against: The Secretary-General
of the United Nations

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,
Composed of Mr. Roger Pinto, President; Mr. Jerome Ackerman,
Vice-President; Mr. Samar Sen;

Whereas, on 23 November 1988, Joseph Martorano, a staff
member of the United Nations, filed an application the pleas of
which read as follows:

"II. Pleas

10. I request that the Tribunal will order that as a result of
the non-compliance with ST/AI/313 my personal candidacy was
adversely affected and further that I be immediately promoted
to the P-2 level retroactive to January 1985.
11. In addition, I would ask the Tribunal to award additional
punitive damages, as it may see fit, for the gross negligence
of both the JAB [Joint Appeals Board] Panel and the
Administration, for the stress and mental anguish I have
suffered along with the loss of career development since
1984."

Whereas the Respondent filed his answer on 3 March 1989;
Whereas the Applicant filed written observations on 4 April
1989;

Whereas, on 12 September 1989, the President of the Tribunal,
pursuant to article 10 of the Rules of the Tribunal, put questions
to the Respondent and on 19 September 1989, the Respondent provided

answers thereto;

Whereas, on 3 October 1989, the President of the Tribunal ruled that no oral proceedings would be held in the case;

Whereas, on 19 October 1989, the Applicant submitted further observations on the answers provided by the Respondent to the questions put by the President of the Tribunal;

Whereas, on 13 November 1989, the Tribunal put further questions to the Respondent and informed the parties that it adjourned its consideration of the case until the Tribunal's Spring session of 1990;

Whereas, on 14 February 1990, the Respondent provided answers to the questions put by the Tribunal and on 19 March 1990, the Applicant commented thereon;

Whereas, on 27 March 1990, the President of the Tribunal, pursuant to article 10 of the Rules of the Tribunal, requested the Respondent to provide the Tribunal with further documents which he submitted on 29 March 1990;

Whereas the facts in the case are as follows:

Joseph Martorano entered the service of the United Nations on 22 November 1976, under a three month fixed-term appointment at the G-3, step IV level, as an Accounting Clerk. On 1 July 1977, he was promoted to the G-4 level as a Senior Accounting Clerk. On 1 November 1977, he was offered a probationary appointment and on 1 November 1978, a permanent appointment. The Applicant was detailed to the United Nations Interim Force in Lebanon for a one year period, from 5 March 1979 until 14 April 1980 and to the International Research and Training Institute for the Advancement of Women from 17 October 1983 to 21 February 1984.

On 1 November 1983, the Assistant Secretary-General for Personnel Services (OPS) announced to the staff in administrative instruction ST/AI/313, the "policies and procedures" governing the "Fifth Competitive Examination for Promotion to the Professional Category of Staff Members from Other Categories" scheduled for April

1984. On 26 January 1984, the Assistant Secretary-General, OPS, issued information circular ST/IC/83/85 in which he set forth general information "on the format and procedures" for the examination to be held in April 1984.

The Applicant, who at the time served as Senior Audit Clerk at the Internal Audit Division, was eligible for, and sat for the written portion of the examination in the Finance category. On 6 July 1984, the President of the Central Examination Board (CEB) informed Members of the Board that there was one "definite" and three "possible" professional posts available in the Finance field for promotion of successful candidates. On 10 July 1984, the Chairman of the Specialized Board of Examiners for Finance (the Specialized Board), who conducted the examinations for the specialized occupational group of Finance, informed the President of the CEB that the Board had completed marking the written portion of the examination and "understood that the exact number of candidates to be convoked for the oral examination [would] be decided by the Central Examination Board in the light of the number of posts available". The Specialized Board subsequently convoked 13 candidates for the oral portion of the examination, to be held from 10 to 12 September 1984. The Applicant was among these 13 candidates.

In a memorandum dated 1 October 1984, the Chairman of the Specialized Board informed the President of the CEB of the results of the examination. The Board recommended six out of the thirteen candidates as eligible for promotion to the Professional category. The Chairman noted that "the list of posts in the finance field was still not available and the candidates had therefore not yet been given an opportunity to indicate their preference in accordance with the procedures laid down in ST/AI/313 ...". In view of the "highly satisfactory results" achieved that year, the Chairman of the Specialized Board urged that "every effort [be] made to obtain the necessary posts and suggest[ed] that possible alternative methods [be] explored so that all six of the successful candidates can be

promoted to the Professional category as soon as possible."

In two memoranda dated 2 October 1984 and 16 October 1984, the Assistant Secretary-General, OPS, communicated to the President of the CEB the number of professional posts available to promote successful candidates in the Fifth Competitive Examination to the Professional category, in all occupational groups. Four posts were available in the Finance occupational group. The Applicant asserts he was informed that before the results of the examination were known, a target of six and not four finance posts had been established. In reply to a question put by the Tribunal, the ex-officio member of the Specialized Board denied the Applicant's assertion.

On 17 October 1984, the Chief, Training and Examinations Service (TES), informed the Applicant of the four posts available in the Finance occupational group, and asked him to advise her in writing, on a special form, of his preferred choice of post. She noted that these posts had not been "available at the time of the oral examination"; that all 13 candidates convoked for the oral examination were being notified and that he would receive a separate communication concerning his "final ranking in the examination". She assured the Applicant that the anonymity of all candidates had been preserved until the list of posts was finalized, in order to "ensure that the determination of the list was in no way influenced by the knowledge of which candidates were in particular positions in the ranking". In a reply dated 22 October 1984, the Applicant asserted that the ranking of candidates had "been generally known while the official list [of posts] was still being determined". He enumerated a list of the top six successful candidates, in the order of their ranking. His name appeared as sixth on the list. The Applicant did not state his choice of post on the ground that it was "superfluous at this time ... since the ranking is generally known by most of the staff." He requested that two more posts be made available as "initially projected before ranking results became known."

On 30 October 1984, the Chief, TES, asked the Applicant to explain how he had advance knowledge of the examination results and on 12 November 1984, she informed him that the question concerning the confidentiality of the entire exercise would be pursued with the CEB and all concerned.

On 15 November 1984, the Chief, TES, informed the Applicant of the results of the examination and his ranking as number 6 out of 98 candidates.

On 3 December 1984, the Applicant wrote to the Assistant Secretary-General, OPS, and, referring to his "fruitless" exchange of correspondence with the Chief, TES, asked him to allocate two additional posts to the Finance occupational group in order to promote all six successful candidates. In a reply dated 18 December 1984, the Assistant Secretary-General, OPS, rejected the Applicant's request and explained that "at no stage of the 1984 examination were there six posts earmarked, identified or available in the Finance occupational group."

On 25 June 1985, the Applicant asked the Secretary-General to review his case since he felt that he had "been victimized through procedural lapses and events beyond [his] control." In addition, the Applicant filed an appeal with the Panel on Discrimination and Other Grievances (Panel on Discrimination).

On 13 May 1986, the Co-ordinator of the Panel on Discrimination submitted the report on the Applicant's case to the Assistant Secretary-General, OPS. The Panel recommended that the Applicant, "as one among those first six candidates [who had passed the competitive examination], be given a Professional post, even if such a post did not appear to be available as of late 1984."

On 28 May 1986, the Assistant Secretary-General, OPS, informed the Co-ordinator of the Panel on Discrimination that he was unable to accept the Panel's recommendation in the case. On 16 December 1986, the Co-ordinator of the Panel on Discrimination submitted a second report to the Assistant Secretary-General, OPS, recommending that the Applicant be placed against a P-2 vacant post

in his Division and "given an SPA [Special Post Allowance] to P-2 with immediate effect pending his sitting for another G to P exam when one is given in this area."

On 22 May 1987, the Applicant requested the Secretary of the Joint Appeals Board (JAB) to review the decision by the Assistant Secretary-General, OPS, to deny him a promotion. In a reply dated 18 June 1987, the Alternate Secretary of the JAB informed the Applicant that his letter had been treated as a request for review of an administrative decision pursuant to staff rule 111.2(a).

On 9 July 1987, the Chief, Administrative Review Unit, informed the Applicant that unless he specified what administrative decision he was challenging, she could not initiate the review process, particularly since the documentation he attached dated back to 1984 and covered a number of issues. On 15 July 1987, the Applicant requested the Assistant Secretary-General for the Office of Human Resources and Management (OHRM¹) to review the decision not to promote him to the Professional category after the 1984 Competitive Examination. Having received no reply, on 19 August 1987, the Applicant lodged an appeal with the JAB. The Board adopted its report on 9 June 1988. Its findings and decisions read as follows:

- "21. The Panel first had to make a determination on the preliminary questions of (a) receivability under staff rule 111.2(e), in view of the Respondent's contention that the appeal was time-barred and (b) the competence of the Panel under paragraph (j) of the same Staff Rule.
22. The Panel recalled that under Staff Rule 111.2(e), time-limits may be waived in exceptional circumstances at the discretion of the Board. The Panel, recognizing the findings of the United Nations Administrative Tribunal in the Gaudoin case (Judgement No. 321), considered that the appellant, neither in his original statement of appeal nor in his additional submissions, had been able to produce any satisfactory evidence to account for the delay of almost three years before filing an appeal with the JAB. In particular, the Panel could not accept the appellant's

¹ Successor of OPS.

argument that no time had elapsed before he began the process of appeal in view of the fact that his appeal was really a 'series of appeals' originating in September 1984 and continuing to the present date. According to the Panel, the delay in submitting the appeal which he eventually filed was the result of a choice on the part of the appellant and was not due to exceptional circumstances beyond his control. The same view was expressed by the Tribunal in the Mathur case (Judgement No. 235) where it further concluded that 'in his understandable search for an appropriate remedy for his alleged grievance the Applicant omitted to have recourse in time to the only line of action open to him under the Staff Rules and Regulations'. Consequently, the Panel found that the appellant was responsible for his failure to meet the time limits and it decided that the appeal was not receivable.

23. The Panel next considered its competence under staff rule 111.2(j). It recalled that under paragraph (a) of the same staff rule the subject of an appeal must be an administrative decision as defined in staff regulation 11.1: 'an administrative decision alleging the non-observance of a [staff member's] terms of appointment, including all pertinent regulations and rules'. Having examined the documentation before it, the Panel observed that the appeal was directed at the non-implementation of the appellant's promotion from the General Service to the Professional category, 'in spite of his examination success', due to (a) non-compliance with ST/AI/313, (b) breaches in confidentiality during the examination and (c) irregularities in the post allocation process. In the view of the Panel, none of these issues constitute administrative decisions as referred to above, but rather procedural matters falling strictly within the purview of the CEB [Central Examination Board]. For this reason, the Panel decided that it was not competent to consider the case."

At the request of the representative of the Respondent, the JAB reconvened to consider the case on the merits and reiterated its original decisions, namely "(a) that the appeal was time bound [sic] and that there was no basis for a waiver of time-limits and (b) that the subject matter of the appeal falls outside the competence of the JAB."

On 8 September 1988, the Officer-in-Charge of the Department of Administration and Management informed the Applicant that the Secretary-General had re-examined his case in light of the Board's

response and taken note that the Board had reiterated its original decision not to entertain his appeal under paragraphs (e) and (j) of staff rule 111.2.

On 23 November 1988, the Applicant filed with the Tribunal the application referred to above.

Whereas the Applicant's principal contentions are:

1. Since the CEB had no authority to disregard administrative instructions, the decision by the Respondent not to adhere to the procedure set forth in ST/AI/313 violated the Applicant's rights under staff regulation 11.1 and the JAB should have considered the merits of his appeal.

2. The JAB report on the merits was misleading and misrepresented the facts.

3. The refusal of the Administration to make more than four Finance posts available was motivated by animus against the Applicant because of his activities on behalf of the Staff Union, and was facilitated by the Administration's violation of ST/AI/313 in not identifying the Finance posts before it learned the outcome of the oral examination.

Whereas the Respondent's principal contention is:

The JAB has authority to waive time-limits imposed by the Staff Rules for the receivability of appeals. However, that authority can only be exercised in exceptional cases and the JAB found that no such exceptional circumstances exist, which conclusion was within the JAB's discretion. Such decision and acceptance of it by the Secretary-General did not violate the Applicant's rights.

The Tribunal, having deliberated from 24 April to 15 May 1990, now pronounces the following judgement:

I. The Respondent has raised the possibility of the Tribunal remanding the case to the Joint Appeals Board (JAB). In view of

this, the Tribunal examined at the outset how the JAB had dealt with the application before it. In its report of 9 June 1988, the JAB held that the application was not receivable inasmuch as it was time-barred and did not challenge any administrative decision. The JAB also concluded that it was not competent to deal with the application because the subject matter was essentially within the Central Examination Board's (CEB) jurisdiction. These conclusions of the JAB, if upheld, would have effectively deprived the Applicant of any opportunity to have his grievances assessed and pronounced upon by any competent authority; nor did the JAB provide any satisfactory reason for its finding that the Respondent's action in denying the Applicant's claim to promotion was not an administrative decision.

II. However, despite these findings by the JAB, the Respondent asked the JAB to examine the application on its merits, apparently accepting that the issue appealed against was, in fact, an administrative decision and that untimeliness should not be a barrier in the circumstances. The JAB seems to have responded to this request of the Respondent with a measure of reluctance but it did nevertheless consider the case further and commented on its merits. The Applicant raised no objection to the Respondent's request that the JAB again consider the case. The JAB reported to the Respondent on 31 August 1988, recommending that no action should be taken on the appeal. It is against the Respondent's decision accepting this recommendation that the Applicant has come before the Tribunal.

III. The Tribunal finds that irrespective of the JAB's views, as expressed in its report of 9 June 1988, the fact remains that the JAB, by its subsequent examination in August 1988, fulfilled the provisions of article 9 of the Tribunal's Statute. Therefore the Tribunal does not accept the view that in this particular case sufficient grounds exist to remand it to the JAB. By following this

course, the Tribunal would avoid further delay and expense.

IV. Before turning to the merits, it may be helpful to summarize the competitive examination procedure provided for under ST/AI/313, a procedure which stemmed from the decision of the General Assembly that General Service staff members should be accorded the opportunity to compete for 30% of the anticipated vacancies in P-1 and P-2 posts on the basis of ability demonstrated in competitive examinations. Periodically, such examinations are conducted under the overall direction of the CEB, and subsidiary Specialized Boards with respect to individual occupational groups such as Finance. In that field, for example, General Service staff members seeking P-1 or P-2 posts first sit for a written examination which is conducted by the Specialized Board. The latter, having received from the Office of Personnel Services (OPS) the number and identification of the posts to be made available for promotion through the competitive examination procedure, then convokes for an oral examination a group of the highest scoring candidates in the written portion of the examination. Pursuant to paragraph 15 of the Instruction cited above, the group so convoked is normally three times the number of posts available. Upon the final ranking of the candidates by the Specialized Board following the oral portion of the examination, the results, heretofore kept confidential, are transmitted to the CEB and in turn, to OPS. Both the CEB and OPS are involved in the assignment of successful candidates to the previously identified posts, after taking into account, in order of priority, the ranking of the candidates, their stated preferences, and the relevant views of the department or office involved. The CEB makes the final recommendations to the Secretary-General with regard to assignment of successful candidates. A candidate who does not wish to be assigned to the post or posts available relinquishes his or her claim to promotion in connection with that examination.

V. The JAB in the first sentence of paragraph 4 of its report

dated 31 August 1988, identified the primary issue on the merits: the Applicant's claim that a conspiracy existed which was aimed at preventing his promotion from the General Service to the Professional category on the occasion of the 1984 examination. The Applicant says that originally six posts in Finance were supposed to have been provided by OPS for promotion through the competitive examination and that, under ST/AI/313, the candidates were to have been informed of each of the available posts before they were convoked for the oral part of the examination. The Respondent concedes that the candidates were not informed of the posts until after the oral examination results were known.

VI. The Applicant's charge of conspiracy is almost entirely dependent on his assertion that six Finance posts were to be considered available originally and that the number was reduced to four when it was discovered that if six posts were made available, the Applicant would be eligible for promotion to the sixth. The Applicant also claims that, in any event, at least two additional Finance posts could have been made available to accommodate his promotion, but that in a deliberate effort to prevent his promotion, neither of these two posts was made available.

VII. Since 18 December 1984, after the Applicant's claim was first asserted, the Administration has repeatedly denied the existence of any plan to make six Finance posts available for promotion through competitive examination. The Respondent has submitted substantial evidence that as of about two months before the oral examination was convoked, only four posts in Finance were expected to be made available. Moreover, before the Specialized Board had concluded its review and discussion of the combined scores for the written and oral portions of the Finance examination on 24 September 1984, and determined how many of the candidates should be recommended as eligible for promotion, a letter dated 6 July 1984, to members of the CEB from its President shows that only four Finance posts were

under consideration. An internal OPS memorandum dated 13 September 1984, shows that only two Finance posts had been identified as of that date. In addition, a memorandum dated 21 September 1984, from the then Director, Division of Personnel Administration, to the Assistant Secretary-General, OPS, and the then Under-Secretary-General for Administration and Management shows that this was still the case as of that date, though a possibility of a third post existed by then.

VIII. The Administration has firmly asserted that prior to the preparation of the list by OPS, which included the four Finance posts, and which was attached to the letter dated 2 October 1984, from the Assistant Secretary-General, OPS, to the President of the CEB, neither the Assistant Secretary-General, his staff, nor anyone other than Members of the Specialized Board knew the ranking and identity of the six candidates deemed by the Specialized Board to be eligible for promotion. The Tribunal has also been informed by the Respondent that the 2 October 1984 list of available posts was a final version of a tentative list prepared as early as 25 September 1984.

IX. The Applicant states that only after the results of the oral examination were known did OPS furnish the identification of the four posts in Finance and that this carried out the conspiracy to prevent his promotion. He claims that everyone knew by then that he ranked sixth on the list of successful candidates. But, as indicated above, there is no evidence that OPS or anyone else knew before receipt by the President of the CEB of the communication dated 1 October 1984, from the Specialized Board, who the candidates eligible for promotion to Finance posts were or what their ranking was. On 22 October 1984, the Applicant indicated that he had learned of the 24 September 1984 conclusions reached by the Specialized Board with regard to the number and identity of those eligible for promotion, but there is no showing of when or how he

learned of this, and he has not established that he or anyone else beside the Specialized Board had knowledge of it before the 2 October 1984 letter from the Assistant Secretary-General, OPS, to the CEB. OPS was in a position to have learned the final outcome of the examination before the Applicant, but unless it were established that OPS knew of it before its communication of the 2 October 1984 listing the four Finance posts, the Applicant's claim of conspiracy collapses. The evidence is consistent with the view that the number of Finance posts expected to be made available for the competitive examination process ranged between two and four before the time the ranking of the successful candidates was disclosed.

X. The Tribunal also notes that the ex-officio member of the Specialized Board, who the Applicant claims had been informed by an authoritative source in OPS that a target of six posts in Finance had been established, has denied the Applicant's assertion. The ex-officio member has explained that the President of the CEB told him prior to 10 July 1984 that, since the number of Finance posts had not been determined, he could proceed on the assumption that a maximum of six posts might be available in order to convoke candidates to the oral examination.

XI. Despite the ex-officio member's having brought to the attention of the Specialized Board the provisions of paragraph 15 of ST/AI/313 regarding the normal number of candidates convoked to the oral part of the examination, the Specialized Board decided at the 10 July 1984 meeting to convoke 13 candidates, and not 18 candidates as could have been expected if indeed six Finance posts were available. Subsequent to this meeting and before the oral examination, the CEB, according to the ex-officio member, informed the Specialized Board that OPS was having difficulty locating posts. To the best of the ex-officio member's recollection, the Specialized Board was advised that the CEB was trying to obtain three or possibly four posts. No specific information on the number

of posts was communicated by the ex-officio member "to the Applicant or to any of the candidates, during the examination process."

The foregoing and the preceding paragraphs reinforce the Tribunal's conclusion that no basis exists for the Applicant's accusation of conspiracy regarding the number of Finance posts made available by OPS with its 2 October 1984 communication.

XII. As noted above, the Administration has admitted that it did not fully comply with ST/AI/313 in not providing the list of available Finance posts to the candidates before the 10-12 September 1984 oral examination. The Tribunal deeply regrets non-compliance with important provisions of ST/AI/313, such as the one involved here. As the Tribunal's jurisprudence has repeatedly made clear, the Administration is expected to abide by its own rules, and when it fails to do so, its responsibility is engaged. In this case, however, the circumstances warrant consideration by the Tribunal whether the Administration's explanation for its failure to observe the rules was reasonable and whether the Applicant was thereby injured through alleged withholding by the Administration subsequent to 2 October 1984, of additional Finance posts that might have been made available for promotion of the Applicant.

XIII. While the Tribunal finds that the Administration's non-compliance with ST/AI/313 is open to criticism, an explanation was provided by it for its inability to provide the list of available Finance posts to the candidates before the oral examination. The Administration was having difficulty in finding the 26 posts it had promised to the Staff Union for the competitive examination. Under General Assembly Resolution 35/210 calling for approximately 30 percent of promotions to be made available through competitive examinations, the Administration would have been obliged to provide only about 16 posts. However, the Administration, in discussions with the Staff Union, had undertaken to do more than it was obliged to do and was having difficulty in meeting that

undertaking. The evidence presented by the Respondent indicates that the Administration was acting realistically and for the benefit of the staff.

XIV. The Applicant has identified two additional Finance posts which he claims could have been made available for him if OPS had wished to accede to the recommendations of the Specialized Board in its 1 October 1984 communication that all six successful candidates in the examination be promoted. Although the Administration was under no obligation to adopt this recommendation, especially given the difficulty it had in finding the greater than required number of posts for promotion through competitive examination, the Tribunal was nevertheless concerned about the possibility of discriminatory conduct, particularly because of the views expressed by the Panel on Discrimination and Other Grievances (Panel on Discrimination). One of the posts had been earmarked long before the oral examination for external recruitment, and it was eventually utilized for that purpose. The delay in identifying posts for the competitive examination, therefore, was unrelated to the disposition of this particular post. The other post identified by the Applicant was not a P-1 or P-2 post but a P-3 post and, was for that reason, not available for the competitive examination. Hence, there is no evidence that the Applicant was singled out for adverse treatment with regard to either post.

XV. The Applicant also claims that he was treated unfairly, by comparison with other staff members, in that unlike them, his eligibility for promotion was not carried forward into 1985. However, the Tribunal finds that in neither of the instances cited by the Applicant (Ms. Chami or Ms. Cangelosi), was their eligibility for promotion carried forward in the sense that the Applicant contends. In both cases the staff members were promoted to posts that had been earmarked for the 1984 competitive examination, and it was mainly as a result of rejection and reoffering of posts that the

actual promotions could not be implemented until 1985. The Tribunal finds no impropriety in the Administration's implementation of ST/AI/313 in this regard.

XVI. The evidence, taken as a whole, discloses that the Administration proceeded properly in filling the available vacancies by promotion. Accordingly, the Tribunal declines to award any compensation to the Applicant since it finds that he was in no way injured by the failure to comply fully with ST/AI/313. The Tribunal urges, however, that steps be taken by the Administration to ensure complete compliance with ST/AI/313 in order to avoid even a suspicion of impropriety.

XVII. In view of the Tribunal's Judgement No. 401, Upadhya (1987), in which the lack of a suitable response by the Administration to a determination by the Panel on Discrimination was considered, a word should be said about the Administration's unwillingness in this case to comply with the Panel's recommendation. Apart from mere suspicions, a principal basis for the recommendations of the Panel was its conclusion that: "Six posts could have been devoted to those who successfully passed this examination without contravening any known regulations, directives or statutes." Although this statement is doubtless correct, it essentially ignores the fact that in 1984, only four Finance posts were available. The Tribunal finds that in this case the Panel's recommendation was not based on evidence that any conspiracy actually existed and deprived the Applicant of the promotion he sought.

XVIII. In part, the Panel's suspicions were based, as it noted in paragraph 17 of its report, on the problems it encountered in tracing specific posts. While the Tribunal cannot conclude in this case that this alone gives credence to the Applicant's claim of discrimination, it shares the view, that lack of suitable and well-established procedures often makes it difficult, if not

impossible, to determine what occurred with respect to specific posts. The absence of such procedures may lend itself to improper conduct and to inferences of unfair treatment when the surrounding circumstances are equivocal or inadequately explained. The Tribunal expresses the hope that the Administration will promptly take steps to establish proper procedures.

XIX. The Panel on Discrimination seemed to be impressed with evidence that, long before the episode in question, the Applicant began having controversies with the Administration because of positions he was taking as a union representative and because of other conflicts which apparently stemmed from his personality. If the Applicant was treated unfairly in connection with any of the earlier episodes referred to by the Panel, those should have been the subject of timely efforts by him for seeking redress. This was apparently not done.

XX. For the foregoing reasons, the application is rejected in its entirety.

(Signatures)

Roger PINTO
President

Jerome ACKERMAN
Vice-President

Samar SEN
Member

Geneva, 15 May 1990

R. Maria VICIEN-MILBURN
Executive Secretary