

**SIXTY-SIXTH SESSION**

***In re* EL BOUSTANI (No. 3)**

**Judgment 958**

THE ADMINISTRATIVE TRIBUNAL,

Considering the third complaint filed by Mr. Fouad El Boustani against the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 1 August 1988, the Organization's reply of 10 October, the complainant's rejoinder of 10 November and the Organization's surrejoinder of 20 December 1988;

Considering Article II, paragraph 5, of the Statute of the Tribunal, Article VI.4 of the Constitution of the Organization, UNESCO Staff Regulations 2.1 and 4.2 and Staff Rules 102.1(a), 104.1 and 104.10, paragraph 7 of the Statutes of the UNESCO Appeals Board, paragraph 2440 E of the Manual of the Organization and Appendix 24 to the Manual;

Having examined the written evidence and disallowed the complainant's application for the hearing of witnesses;

Considering that the facts of the case and the pleadings may be summed up as follows:

A. The complainant, who is Egyptian, joined UNESCO in 1975 as a grade P.3 translator in the section for translation into Arabic. On 1 June 1980 he and another Egyptian in the same section, Mr. El Keiy, were promoted to P.4.

The P.5 post of head of the section fell vacant. The Director of the Translation and Records Division (COL/T), Mr. Marqués, decided on 24 September 1986 that the complainant and Mr. El Keiy would head the section in alternation until the post was filled. The vacancy was announced on 10 November. Having seen the records of the ten candidates, Mr. Marqués wrote on 8 January 1987 to Mr. Keller, the acting Assistant Director-General for Programme Support, saying that in the view of the competent Sector only three qualified - the complainant, Mr. El Keiy and a third Egyptian, Mr. Hanna. In a minute of 19 January 1987 Mr. Keller informed the acting Director of the Bureau of Personnel that the order of his preference was Mr. Hanna, the complainant and Mr. El Keiy. The Director convened a Senior Personnel Advisory Board (SPAB) on 10 February and the Board recommended the same order as had the Sector. On 12 March the complainant wrote Mr. Keller a minute saying that if not appointed he would appeal. The Director-General having decided on 19 May to appoint Mr. El Keiy, Mr. Marqués so informed the staff on 4 June.

The complainant appealed to the Director-General on 17 June under paragraph 7 of the Statutes of the Appeals Board and on 20 July 1987 to the Board. Reporting on 8 April 1988, the Board saw no reason to remove Mr. El Keiy but recommended converting the complainant's post into one equivalent in responsibility to Mr. El Keiy's and awarding him moral damages. By a letter of 27 May 1988, the decision impugned, the Director-General informed the complainant that he rejected the recommendation and the appeal.

B. The complainant submits that the Director-General improperly exercised his discretion.

(1) The decision showed procedural flaws. (a) One was the Advisory Board's composition: its chairman and two of its other three members were partial. As a militant member of the Staff Association (STA) the complainant had angered not only the former Director-General, of whom the chairman was a henchman, but also a rival staff association in which one of the other members, Mr. Nhouyvanisvong, was active. Another member, Mr. Hochgesand, was a subordinate of Mr. Keller's and it was contrary to the spirit of the rules of procedure in Appendix 24 to the UNESCO Manual that he should have been on the Board at all. (b) The Board neither recorded its deliberations nor substantiated its recommendation, which was therefore improper. The flaws in its report also tainted the decision.

(2) Regulation 4.2 requires the Director-General in promoting staff members to "aim at securing the highest

standards of efficiency, competence and integrity". The Director-General failed to discharge that duty because he wrongly assessed the candidates' merits.

(3) He misappraised the evidence by failing to recognise that the complainant was the best candidate. The complainant discusses in detail the nature of his duties, his achievements and the reports on his performance, which in his submission are cogent evidence of his greater merit. In support he appends copies of his own and of Mr. El Keiy's performance reports.

(4) There was abuse of authority because the decision was actuated by prejudice against the complainant on account of his work on behalf of the Staff Association, which the then Director-General heartily disliked and whose supporters he constantly harassed. Such breach of staff rights was also a mistake of law. No reasons being given for the decision, the prejudice may be inferred from the circumstances, in particular the choice of the candidate the Advisory Board put last. Flawed though the decision was, the new Director-General was unable for practical and other reasons to supplant Mr. El Keiy.

The complainant asks the Tribunal either to quash the impugned decision and order the Director-General to resume the promotion procedure or promote him, or, failing that, award him damages for material and moral injury. He claims costs.

C. In its reply the Organization gives its own version of the facts. It points out that neither the Sector nor the Advisory Board thought him the best candidate on the short list, and that his minute of 12 March 1987 was an improper attempt to get a decision in his favour.

(1) The procedure followed was correct. The Advisory Board was properly constituted in accordance with Rule 104.1 and after consultation of the staff associations. Mr. Hochgesand did not belong to the same division as the complainant, and there is no evidence to suggest that Mr. Keller put pressure on him. What the complainant says about Mr. Nhouyvanisvong, who was on the panel of members of advisory boards, is gratuitously offensive. The chairman served as such under Rule 104.1(g) because he was the deputy Director of the Bureau of Personnel and according to 104.1(f) he did not even vote. The Board's impartiality is beyond reproach: its recommendation, which was endorsed by the member whose impartiality the complainant does not challenge, was unanimous and indeed the same as the Sector's. Nothing in their standing orders requires advisory boards to explain their recommendations, even though the Director-General may sometimes find it helpful. Here it was unnecessary because the Sector's recommendation had been substantiated.

(2) Regulation 4.2 does not fetter the Director-General's wide discretion in the matter and confers no right on anyone to promotion. The Director-General made a proper appraisal of the material evidence. The complainant's vaunting of his own merits is pointless since the Tribunal will not replace the Director-General's assessment of candidates with its own. The Director-General chose out of the three best candidates the one whom he believed to have the professional and personal qualities required. For one thing, as Mr. Keller had said in his minute of 19 January 1987, Mr. El Keiy was more likely to "calm tension" in the Section. The Organization objects to the complainant's producing confidential reports on Mr. El Keiy's performance and asks the Tribunal to remove them from the case records. The Director-General drew no plainly mistaken conclusion from the evidence.

(3) Nor did he abuse his authority. The absence of an explanation for the decision is no evidence of such abuse: candidates need not be told why they have been unsuccessful. Besides, having produced all the material papers, the complainant knows why he was rejected. The decision was calculated to serve the Organization's interests. There is no evidence of breach of the complainant's rights as a member of the Staff Association or indeed of any causal link between his staff work and the decision. How can he have been victimised when he was promoted in 1980 and had his fixed-term appointment renewed in March 1987?

Since the decision was lawful no redress is due, particularly since he shows no grave moral injury for which UNESCO might be liable.

D. In his rejoinder the complainant seeks to refute the Organization's pleas. He describes the atmosphere of intrigue and anti-union feeling in which the decision was taken and which casts doubt on the Administration's impartiality at the time. He points out that the Appeals Board actually criticised the brevity of the Advisory Board's report and described the complainant as the best candidate by any objective criteria.

He enlarges on his submissions about flaws in the Advisory Board's proceedings and membership. The reason why the Board agreed with the Sector was that it had the same fear of displeasing the Director-General. The Organization's interpretation of the Director-General's discretion is too wide. It is a general principle of law that reasons must be stated for a decision of the kind impugned. The complainant was plainly the best candidate, having shown in full, time and again, the professional and personal qualities required for the post. He had legitimate access to Mr. El Keiy's performance reports when he was acting head of the Section; besides, they were submitted to the Appeals Board and are obviously relevant. He repeats his charge of abuse of authority, contending that the Organization's interests should have barred the appointment of someone widely known to be less well qualified. The former Director-General disliked staff militants, as was notorious, and therefore bore him a grudge. He rejects the view that he was any less able than Mr. El Keiy to "calm tension", a point the Organization gives undue importance to. He asks the Tribunal, should it consider the point material, to order the Organization to adduce evidence in support and allow him to comment thereon.

He presses his claims.

E. In its surrejoinder UNESCO enlarges on its pleas. It submits that the complainant's version is tendentious and largely irrelevant. It again submits that the decision discloses no procedural or substantive flaws and was taken for objective reasons, in the Organization's interests and in proper exercise of the Director-General's discretion as defined in the case law. It again asks the Tribunal to order the removal from the case records of Mr. El Keiy's reports, which it submits were obtained improperly. It observes that to say Mr. El Keiy was more likely to calm tension was not to cast aspersions on the complainant.

#### CONSIDERATIONS:

1. The complainant joined the staff of UNESCO on 14 August 1975 as a translator and minute-writer at grade P.3 in the section for translation into Arabic. On 1 June 1980 he was promoted to reviser at grade P.4. On 4 November 1986 he applied for a post, COL-275, as principal reviser and head of the section. On 10 February 1987 the Senior Personnel Advisory Board (SPAB) recommended to the Director-General a short list of three applicants for the post and put the complainant second.

On 11 May the Director of the Bureau of Personnel passed on to the Director-General a proposal by Mr. Keller, the acting Assistant Director-General for Programme Support, who represented the competent Sector. Mr. Keller put forward the same list.

On 12 June 1987 the complainant was told that he had been unsuccessful and someone else had been appointed. The successful candidate, Mr. El Keiy, had indeed been appointed on 19 May.

The complainant at once lodged an appeal against the decision not to appoint him and then appealed to the Appeals Board against the decision to reject his appeal. After studying the Board's report of 8 April 1988, which made a recommendation in his favour, the Director-General decided on 27 May that Mr. El Keiy's appointment was correct in law and he therefore rejected the recommendation. That is the decision impugned.

#### Application for the withdrawal of evidence

2. The complainant appends to his original brief an item of evidence headed "Comparison of reports on Mr. El Keiy and Mr. El Boustani from 1975 to 1986". On the strength of Rule 104.10, Manual provision 2440 E.3 and .4 and the rule that appraisal reports are confidential, the Organization asks the Tribunal to strike out that item.

The item is not material to the Tribunal's ruling on the case. The text cites appraisal reports of which the substance is given in other papers before the Tribunal, such as the assessment of the applicant's technical fitness for post COL-275 and the comments by Mr. Keller and a director.

In view of the other evidence before it the Tribunal will discount the challenged item. Since it thereby in substance grants the Organization satisfaction without detriment to the complainant's rights it need not rule on the application.

There is enough evidence before it anyway to allow of a ruling on the merits.

#### The Tribunal's power of review

3. According to the UNESCO Staff Regulations and the general principles that govern the international civil service the Director-General has wide discretion to appoint, transfer and promote staff in the interests of the Organization he heads. But his authority is not unqualified, and the Tribunal will review his decisions, short of interfering in his actual management. It will consider whether a decision shows any formal or procedural flaw or a mistake of law or of fact, whether any essential fact was overlooked or any mistaken conclusion drawn from the evidence, or whether there was abuse of authority.

Such are the principles that will determine the Tribunal's ruling on the parties' pleas on procedure, on matters of form and on the merits.

The complainant's pleas

4. Although the complainant is objecting to all the internal decisions that were detrimental to his own interests, including the one of 12 June 1987, only the Director-General's final decision of 27 May 1988 to confirm the one of 12 June 1987 may be challenged before the Tribunal.

5. The nub of the complainant's case is that the reason why he was not appointed to post COL-275 was that the Director-General disliked him as a militant member of one of the two staff associations, the STA, and a ringleader in many staff disputes. In support of that contention he recounts in detail the history of staff action from 1982 to 1987 and dwells at length on what he sees as the background to the impugned decision.

As to personal prejudice, the Tribunal has often said that it is usually concealed and its existence therefore usually has to be established by inference. When the evidence in a single case is strong enough to establish an inference, and when there is enough evidence within the case that is being judged to create a suspicion that prejudice is at work, there is no need to look at other cases. But the evidence may be strong enough to create only a suspicion that falls short of complete proof of the allegation. In such cases proof of a similar suspicion in similar cases becomes relevant. Suspicion means that the facts the inferences were drawn from have either a guilty or an innocent explanation. An innocent explanation that is credible in one case may cease to be credible when applied to several similar cases; by this means the doubt which defeats proof in a single case may be removed. Where there is not the slightest evidence of prejudice within the case itself, it cannot be proved by proving prejudice in other cases.

Such are the principles the Tribunal will apply in determining whether in this case there is evidence strong enough to create a suspicion of prejudice. Only if it finds there is not will it consider the allegation of such suspicion in similar cases.

6. The foremost and surest safeguard against personal prejudice is due process, which is designed above all to prevent improper influence on administrative decisions. And indeed what the complainant is saying is that the procedure that culminated in the decision was faulty on two counts: the SPAB, which according to Staff Rule 104.1 advises the Director-General on promotions, was improperly constituted, and it failed to give reasons for its recommendation.

7. The complainant objects to Mr. Roosens as Chairman of the Board and to two of the three other members, Mr. Hochgesand and Mr. Nhouyvanisvong, on the grounds that they were not impartial.

His objections to Mr. Roosens carry no weight. It was as deputy Director of the Bureau of Personnel and in accordance with Rule 104.1(g) that Mr. Roosens chaired the Board and under 104.1(f) he had no vote anyway. The other members were unanimous in approving the Board's report. Although Mr. Roosens might have influenced them to the complainant's detriment, there is no evidence to suggest that he did. If he had, the observer representing the STA, in which the complainant was active, would surely have said so in his comments of 12 February 1987 to the Chairman of the Association. He did not do so. Nor did he question the impartiality of the other two Board members the complainant suspects of bias.

The Director-General's decision of 19 November 1987 to remove Mr. Roosens from the Bureau of Personnel cannot be seen as punishment for his chairmanship of the Board in this case: in his letter of 27 May 1988 the Director-General formally acknowledged as proper the procedure that had been followed in filling the post, which included the Board's deliberations and report.

The plea fails on this count.

8. As to Mr. Hochgesand, the complainant alleges breach of the letter and spirit of paragraph 1 of the Board's rules of procedure, which says that "Members of the same department concerned shall not be called to sit on a Board which considers a case" of promotion "affecting a staff member in that department". The complainant points out that Mr. Keller, who forwarded the applicants' names on behalf of the Programme Support Sector, was acting Assistant Director-General for Programme Support and so the superior both of the complainant and of Mr. Hochgesand.

The Tribunal rejects the argument.

As the complainant says himself, he is not in the same division (formerly "department") as Mr. Hochgesand. The only material issue is whether as Mr. Hochgesand's superior Mr. Keller was able, whether wittingly or not, to influence the views of a subordinate within the Sector. The complainant believes that he was on the grounds that a P.4 official can scarcely stand up to an assistant Director-General.

The argument strikes the Tribunal as implausible since the complainant, himself a P.4 official, supplies ample evidence of his having taken a stand independent not just of his superiors but even of the Director-General.

In any event, even if Mr. Keller had any influence over Mr. Hochgesand it would have been exercised in the complainant's interests. So much is clear from the STA observer's remark that Mr. Keller acknowledged the complainant as the best qualified of the three applicants and as having a better record than Mr. El Keiy and did not reject the complainant even though his wife was also in the Arabic unit.

The charge against Mr. Hochgesand is therefore unfounded.

9. As for Mr. Nhouyvanisvong, he is, says the complainant, a former leader and still a militant member of the rival staff association.

Although that fact was bound to arouse suspicions of bias, there is not a shred of evidence to support the allegation. (The minute of 30 August 1983 cited by the complainant is about Mr. B., not Mrs. El Boustani.) Moreover, the Board's vote was unanimous. So it is hard to see how the complainant can have suffered from any hostility on Mr. Nhouyvanisvong's part. The plea again fails.

10. The complainant further objects to the Board's actual report: the Board merely recommended an order of preference - Mr. Hanna, himself and Mr. El Keiy - without stating any reasons for it.

The complainant maintains that that is contrary to paragraph 13 of the rules of procedure, which stipulate that the Board's recommendations "shall be constituted by the signed report of the proceedings", and to paragraph 11, which requires that the report shall set out "the Board's conclusions and, where necessary, the reasons therefor".

The complainant concedes that because of the Board's terms of reference the likely intent is that the Board should be allowed some discretion, no statement of reasons being needed in straightforward cases; but he submits that such a statement is needed in difficult cases, especially when the Board differs from the Sector or the Sector's views are unclear. In his rejoinder he says that a statement is needed also in cases affecting staff militants.

Although his last point needs qualifying, the Organization is wrong to argue that he is contradicting what he said earlier. In a case in which the activism of one of the applicants for a post has attracted notice or even aroused resentment in the upper reaches it is only reasonable that the Board should, in the exercise of its judgment, prefer to state the reasons for its choice. But in this case the Board may have held that in unanimously approving the Sector's recommendation it endorsed the Sector's reasoning and therefore did not need to repeat the reasoning in its own report. The Board may, for that matter, have felt that the complainant's belonging to a staff association was immaterial to its recommendation.

11. In any event the purpose of the Advisory Board procedure is to enable the Director-General to take full account of all material evidence in taking a decision, and the Tribunal will therefore consider whether he did so here.

In taking his decision the Director-General had before him not only the Advisory Board's report but also Mr. Keller's minute of 19 January 1987, which the Director of the Bureau of Personnel forwarded with a full record of material evidence on the merits of the three applicants.

In the exercise of his judgment the Director-General came to the view that he was able to reach his decision in the light of those papers. Had he not taken that view, he might have followed the course provided for in paragraph 13 of the rules of procedure and referred the matter "for further consideration to a Board composed as far as practicable of the same members".

At all events the Tribunal is satisfied that the absence of a statement of reasons for the Board's recommendation was not detrimental to the complainant's interests. The Board did not change the order of preference proposed by the Sector but put the complainant before Mr. El Keiy.

The Tribunal is also satisfied that the complainant was fully informed of the Sector's views by the minute the STA's observer wrote to its chairman on 12 February 1987 about the various applicants. Though the Appeals Board was surprised to find that the Advisory Board had merely put forward three names without assessment or explanation, the Advisory Board's recommendation was no less proper on that account: as has been said, it was in keeping with the rules of procedure and practice of such boards.

The Tribunal concludes that there was no formal flaw in the advisory proceedings and it rejects the complainant's pleas under that head.

12. The complainant's allegations of flaws in the lawfulness of the actual decision appear more cogent.

What he says is that that decision shows a mistake of law, evident misappraisal of the facts, and abuse of authority. In his submission such flaws are attributable to the Director-General's hostile and resentful attitude towards the STA and its leaders, of whom he was one, and whom the Director-General saw as trouble-makers and rabble-rousers inside the Organization. He cites several incidents as examples of such prejudice in the Administration against members of the STA.

3. The complainant accuses the Director-General of failing to discharge his duty under Article VI.4 of the Constitution of UNESCO and Regulation 4.2 to provide the Organization with staff who show "the highest standards of performance, competence and integrity"; the Director-General was in breach of that fundamental rule in obviously misjudging the various applicants and acting on considerations that had nothing to do with finding the best one: in other words, of committing an abuse of authority.

14. Although the Director-General is bound to take account of the criteria cited above, they are not the only relevant ones: the Organization's interests require him to give whatever weight he thinks fit to other factors provided for in the rules. He will decide not by a single criterion but in the light of a whole set of factors he must first ponder, at his discretion, in each instance. Only if he were shown to have wilfully overlooked one of those factors might the plea succeed.

15. The Director-General had before him a proposal for appointing one of three applicants to post COL-275. The senior officers of the Sector had picked the three from a list of ten applicants and, in order of preference, they were: (1) Mr. Hanna, (2) the complainant and (3) Mr. El Keiy. All three were from Egypt. They had been picked because technical assessment had shown them to stand out and had convinced Mr. Keller that they were all quite fit for the post, though they had different strong points. But Mr. Keller was of the view that though they all had experience of revising translations and a talent for administration, Mr. El Boustani had perhaps the edge over the others and indeed had experience of administration. The representatives of the Sector endorsed that view in a statement to the Advisory Board: according to the STA's observer they thought the complainant the best of the three.

In exercise of the discretionary authority bestowed on the Director-General in Regulation 2.1 and Rule 102.1(a) the Administration took account of other criteria. These included age, seniority, talent for revision and ability to ease tension in the unit. As they were bound to do, the senior officers gave priority to the last criterion, which they thought highly important in making their choice, and they felt that Mr. El Keiy and especially Mr. Hanna were more promising on that score. In forwarding their proposal with the Advisory Board's report to the Director-General the Director of the Bureau of Personnel said that he could agree, though with some qualification, and was therefore proposing Mr. Hanna first and then Mr. El Keiy.

In picking Mr. El Keiy the Director-General accordingly resolved without questioning the professional and technical merits of the other two applicants to give pre-eminence to ability to reduce tension in the unit.

The complainant does not deny that there was tension but says that it was no concern of his and he always kept aloof, and he observes that his supervisors thought him likely to be the best of the candidates at administration.

His contention that the tension had nothing to do with him is hard to square with his own story of the events of 1985-86. What emerges from his account is that the STA, of which he was a leading light, took part in staff demonstrations and work stoppages which he himself says made for deep dissension in the Organization. So his allegation that he was thought likely to prove a better administrator is irrelevant, the issue being whether he could ease the tension he had been active in creating.

The Tribunal concludes that in rejecting the complainant's candidature after what was described as "careful study of all the material factors" the Director-General made no mistake of law and drew no clearly wrong conclusion from the facts.

16. That leaves the complainant's argument that the decision had only a veneer of lawfulness. His reasoning is that the rejection of him cannot have been in the Organization's interests since there was personal prejudice that made the decision an abuse of authority. He sees evidence of such prejudice in the absence of an explanation of the actual decision and he seeks to corroborate it by reference to disputes between the Director-General and several other staff members.

17. First, he contends that for two reasons the impugned decision ought to have been explained: because there is a general principle that required it and because he needed such an explanation to be able to plead his appeal properly.

The argument fails.

As has been observed in other judgments, many decisions by international organisations that prompt complaints - discretionary ones, for example - are unsubstantiated. Yet the staff member is still able to defend his rights. Though not stated in the actual text, the reasons for the decision may be discerned from earlier correspondence between the parties or in the last resort from the organisation's brief in reply to the complaint, which the staff member may comment on in his rejoinder. Unless there is express derogation the rule is that the organisation need not, if that is not its practice, state the reasons for all its decisions: what matters is that the absence of a statement should not be to the staff member's detriment.

The complainant has submitted minutes which his supervisors wrote on 8 and 19 January 1987, making a technical assessment of the various applicants, the Advisory Board's concurring recommendation of 10 February 1987 and the comments of 12 February 1987 by the STA's observer. Having those texts at his disposal enabled the complainant to plead his case properly, and he also filed a rejoinder to UNESCO's reply to his complaint. So the absence of a formal statement of reasons has caused him no injury, let alone afforded support for his charge of personal prejudice.

18. More elaborate and more cogent is his contention that several other cases shed significant light on his own and corroborate his plea that rejecting him amounted to an abuse of authority. He says that from 1984 to 1987 the STA, its leaders and militant members were constantly harassed, and he offers as examples the cases of his own wife, Mr. Zyss and Miss Laporte; he refers to two other cases, those of Mr. de Padirac and Mr. Solomon, as significant; and he cites those of Mr. Marqués, Mr. Klajman, Mr. Najman and Mr. Zeid.

19. The complainant does not say that Mr. Marqués, Mr. Najman and Mr. Zeid belonged to the STA, nor does he show that they were victims of any abuse of authority, and there is no analogy between their cases and his own. As for Mr. Solomon's case, which comes under the same head, he seems to be no longer relying on it since he does not mention it again in his rejoinder.

Though other cases he mentions do concern members of the STA the Tribunal observes that neither Mrs. El Boustani nor Miss Laporte nor Mr. Zyss has filed a complaint. So the complainant is driven to find evidence about those cases from various scattered sources. The Organization rightly objects to that way of gathering evidence, and the Tribunal has already had occasion to declare it inadmissible.

20. The only cited cases the Tribunal has ruled on are those of Mr. de Padirac (Judgment 911) and Mr. Klajman (Judgment 791), both of them leaders of the STA.

But in Mr. de Padirac's case the Tribunal held that "UNESCO was in deep financial trouble by 1985, its Director-

General took his decision in the exercise of his discretionary authority, and in particular the plea of abuse of authority is not proven".

As for Mr. Klajman, who sat on the STA's board from 1981 to 1983, he was refused promotion several times and his case is the one most like the complainant's. But the Tribunal dismissed his complaint, concluding in the following passage that abuse of authority was not proven:

"There is abuse of authority where the decision was taken for extraneous reasons. In this case there would have been had the Director-General appointed someone out of pure favouritism. But there is no evidence of that."

In the present case the Appeals Board remarked in its report of 8 April 1988 that the Administration could not be accused of favouritism towards the successful candidate, Mr. El Keiy.

21. The conclusion is that the citing of other cases does nothing to corroborate the charge of prejudice against STA members. Other evidence suggests quite the contrary, such as the Director-General's decision of 18 March 1987 to extend the complainant's appointment by two years.

His plea of abuse of authority is therefore rejected. So, for that matter, are his allegations of breach of freedom of association.

The Tribunal's ruling

22. None of his pleas having succeeded, the complainant's claims to the quashing of the impugned decision, to damages for material and moral injury and to costs are disallowed.

DECISION:

For the above reasons,

The complaint is dismissed.

In witness of this judgment by Mr. Jacques Ducoux, President of the Tribunal, Miss Mella Carroll, Judge, and Mr. Edilbert Razafindralambo, Deputy Judge, the aforementioned have signed hereunder, as have I, Allan Gardner, Registrar.

Delivered in public sitting in Geneva on 27 June 1989.

(Signed)

Jacques Ducoux  
Mella Carroll  
E. Razafindralambo  
A.B. Gardner