

NINETY-NINTH SESSION

Judgment No. 2459

The Administrative Tribunal,

Considering the complaints filed by Mrs F.C., Mrs M.F.G. and Mrs M.E.V.C. against the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 19 December 2003 and corrected on 3 February 2004, the Organization's reply of 18 May, the complainants' rejoinder of 20 August and UNESCO's surrejoinder of 5 November 2004;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions and decided not to order hearings, for which none of the parties has applied;

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

A. Regulation 8.1 of the Staff Regulations and Staff Rules reads as follows:

“Machinery shall be provided by the Director-General to ensure continuous contact between the staff and himself through duly elected officials of the association or associations representative of the staff.”

Rule 108.1 entitled “Staff associations” provides as follows:

“(a) In determining the representativeness of a staff association, the Director-General shall take into consideration the fact that it includes a sufficiently large number or a sufficiently distinct group of members.

(b) The constitution of any staff association shall be adopted by the members of the association and submitted to the Director-General for approval.

(c) An association whose constitution has been approved by the Director-General shall be entitled to submit to the Director-General proposals on matters covered by its constitution.”

Item 2805 of the UNESCO Manual, in its version of 28 February 1991 which was still in force at the material time and also entitled “Staff Associations”, provided as follows:

“A. Right of association. Staff members have the right to be organized into associations, which all staff members or a distinct group of staff members are entitled to join. The associations may be recognized, in accordance with paragraph B below; the associations recognized may be deemed representative, in accordance with paragraph I below.

B. Recognition of associations. Approval of an association's constitution by the [Director-General] constitutes official recognition. Before granting approval, the [Director-General] refers the constitution for their opinion to [the Office of International Standards and Legal Affairs] and [the Bureau of Personnel], which satisfy themselves that :

1. the association's main objective is the defence of the rights and interests of the staff in general or of the category of staff that it claims to represent, while abiding by the Staff Regulations and the rights of other categories;
2. the constitution has been approved by the majority of the members of the association in question;
3. the constitution contains no provision that runs counter to the Organization's objectives and ideals.

[...]

I. Representativeness. To determine whether a recognized association is representative of the staff, the [Director-General] ascertains that it has as members at least 15 per cent of staff members in the case of an association open to all categories of staff or, in the case of an association comprising a distinct group of staff members, 30 per cent of all members of the category concerned. However, no association is considered representative if it has fewer than 50 members.

[...]"

According to paragraphs C to H, recognised associations enjoyed certain rights of participation and observation as well as certain facilities; they were also authorised to organise sporting, recreational and cultural activities to which all the staff and their families had priority access; in addition, recognised associations enjoyed various financial and material benefits.

Representative associations enjoyed more extensive rights, particularly with regard to the terms of employment and working conditions of the staff, besides receiving more financial support (see paragraphs J and K).

On 19 December 2000, 53 members of staff met in order to set up a staff association called in French the “*Syndicat des fonctionnaires internationaux de l’UNESCO*”, (hereinafter referred to as the “Union”). By a letter of 22 December one of the complainants, acting on behalf of a “transition group”, submitted the constitution of the Union to the Director-General for official approval “[i]n accordance with Rule 108.1 of the Staff Regulations and Staff Rules and Item 2805 of the UNESCO Manual”. This was followed by exchanges of correspondence, meetings, consultations and telephone calls.

In a note dated 27 March 2001 the Director-General informed all staff members that Manual Item 2805, which referred to “representative associations” and/or to “recognized associations”, did not comply with the provisions of the Staff Regulations, in which the concept of “recognized association” was not used. That concept had therefore been removed from the new version of Manual Item 2805, according to which only “associations representative of the staff” would benefit in future from the rights, facilities and subventions granted by the Administration. In order to be representative an association had to have as its members at least 15 per cent of serving staff members. The Director-General added that at the date of publication of the note only the UNESCO Staff Union (STU) fulfilled the representativeness criteria but that, notwithstanding the changes to the Manual, the International Staff Association of UNESCO (ISAU) would nevertheless retain the rights, facilities and subventions already granted to it. On 28 March 2001 the Deputy Director-General informed the transition group that the Director-General could not officially approve the constitution of the Union and that the latter was no longer authorised to use electronic mail facilities. He referred to the note of 27 March 2001, of which he reproduced the gist.

On 6 April 2001 the Director of the Bureau of Human Resources Management informed the transition group in writing that the Administration did not intend to oppose the setting up of the Union and that the Director-General was prepared to establish continuous contact with the Union as soon as the latter met the conditions of representativeness laid down in the Manual. In a letter of 17 April the transition group, referring to an exchange of correspondence which had taken place on 10 and 11 April but which does not appear in the submissions before the Tribunal, noted that the Administration had restored the e-mail address of the Union and authorised the latter’s access to meeting rooms. It asked the Administration to respond to two further requests, namely the provision of “furnished premises with telephone and computer equipment” and the allocation of a “translation and printing quota”, and for it to provide an affidavit certifying that the Union had been duly constituted. On 24 April the Deputy Director-General confirmed that the transition group would be allowed an e-mail address; he reiterated that the Union would enjoy the statutory rights and facilities as soon as it met the conditions of representativeness set out in Manual Item 2805, but added that it was not for the Administration to supply the requested affidavit.

On 25 May the complainants submitted protests against the letter of 24 April. Having received no reply from the Administration, they submitted on 24 July 2001 notices of appeal against the note of 27 March and against the letter of 24 April. On 27 February 2002 they filed detailed appeals calling on the Director-General to revoke the note of 27 March and the “administrative decision” of 24 April 2001, to “restore full validity to the text of Item 2805 of the UNESCO Manual as set out in its 28 February 1991 version”, to recognise the Union “as a properly constituted staff association” and to grant them “appropriate and due compensation”. The Organization objected to the receivability of the appeals on the grounds that they concerned “a right of collective appeal for the purpose of securing recognition of a union”.

In its report of 3 July 2003, which was sent to the complainants on 11 August, the Appeals Board found that the defendant's objection was not sustainable on the grounds that the right of association is both individual and collective. On the merits, it considered that it was a "borderline case" where all formalities for the recognition had been completed before the amendment of Manual Item 2805, though the Director-General had not taken any decision in the matter. According to the Board, the case should be "amicably settled" between the parties and it recommended "to the Director-General to find an equitable solution to resolve the dispute". In a "supplementary opinion" dated 29 July, one member of the Appeals Board recommended that the Director-General take into account the fact "that on 21 December 2000, date of submission of the [Union's] request for recognition, the statutory and regulatory provisions in force were those in Manual Item 2805 of the 28 February 1991 edition".

In a letter of 15 December 2003 the Director-General, referring to the Appeals Board's report, informed the complainants that he had instructed the Deputy Director-General to contact them in order to "initiate [...] discussions with a view to settling the dispute in accordance with existing rules, in particular [amended] Manual Item 2805". The complainants filed their complaints on 19 December 2003, stating that in the absence of a reply from UNESCO they impugned the implicit decision to reject their appeals.

B. The complainants submit that according to Manual Item 2805 the establishment of a trade union organisation is subject to the approval of the Director-General, contrary to the fundamental right recognised by the Freedom of Association Committee of the International Labour Organization (ILO) in its Digest of decisions and principles. They accuse the Director-General of having abolished the category of recognised staff associations whereas it was necessary, from the point of view of freedom of association, to maintain a distinction between representative and recognised associations since, when it is first established, an association can never have a sufficient number of members to be representative. They denounce "the particular bad faith and abusive attitude shown by the Organization in its efforts deliberately and by all available means to prevent official recognition of the Union". Considering that, as the Appeals Board recalled, two thirds of UNESCO's staff do not belong to a union, it is unlikely that new associations would satisfy the numerical requirement (15 per cent of staff members) stipulated in Manual Item 2805 in its 27 March 2001 version.

The complainants also contend that the Organization has breached the principle of non-retroactivity of administrative decisions by basing its refusal to grant "the Union the status of staff association" on the 27 March 2001 version of Manual Item 2805 whereas the application was filed in December 2000. Moreover, they consider themselves discriminated against insofar as the ISAU has retained the advantages derived from its status as a representative staff association even though it is in the same situation as the Union.

They ask the Tribunal to restore their right to freedom of association by recognising the Union as a properly constituted staff association, with all legal effects, to apply Manual Item 2805 in its pre-27 March 2001 version, to set aside the note of 27 March 2001 and the decision of 24 April 2001 and to order the Organization to pay one euro in damages for moral injury and 4,000 euros in costs.

C. In its reply UNESCO objects to the receivability of the complaints on four counts.

Firstly, it argues that it is not clear which decisions are being challenged. According to UNESCO, the complaints not only ignore the decision of 15 December 2003, even though this decision follows the recommendation of the Appeals Board, but they also create "ambiguity regarding the date, nature and character of the implicit or explicit decisions" taken in response to the complainants' requests. For the defendant, this approach is not in keeping with the principle of good faith and is intended merely to bring pressure to bear on the Administration. It adds that "consistent precedent has it that for appeals to be receivable the impugned decisions must be clearly identified". Even assuming that the decision of 15 December 2003 is the impugned decision, the complaints would in any case be irreceivable since that decision was not final and caused no injury on an individual basis.

Secondly, the Organization contends that the Appeals Board omitted to take account of the fact that the internal appeals were time-barred. It points out that the complainants' notices of appeal of 24 July 2001 "expressly refer to their first protests dated 30 March 2001 and 25 April 2001". But in the event that the Administration does not reply, the notice of appeal must be lodged no later than two months after the protest. Referring to the case law, UNESCO recalls that as the Appeals Board was wrong in considering that the appeals were receivable, the Tribunal must find the complaints irreceivable.

Thirdly, the Tribunal in UNESCO's view has no jurisdiction "to hear class actions led by a union", since it cannot

hear complaints based on a collective interest pertaining to *de facto* or *de jure* groups. The Organization adds that the Appeals Board's opinion is legally flawed insofar as the Board considered that the "founding members/representatives of an association" had a collective right to bring a case before it.

Fourthly, the complaints, which challenge the note of 27 March 2001 amending Manual Item 2805, are directed not against an individual administrative decision but against a regulatory provision of a general and impersonal nature. In UNESCO's view, the Tribunal has always considered that there is no provision in its Statute which allows it to hear such complaints nor to set aside regulatory texts. The defendant contends that setting aside the challenged note would be tantamount "to interfering in the internal management of the Organization" and would have the effect of "paralysing the Director-General's statutory authority to rationalise the granting of facilities to associations".

UNESCO replies on the merits only subsidiarily. It argues in the first place that the measures taken by the Director-General are aimed at strengthening the representativeness of associations in accordance with the Staff Regulations and Staff Rules. Freedom of association is guaranteed for all members of staff, who are free to join or not to join any association of their choice. The granting of facilities and participation in the process of consultation between the Director-General and associations recognised as being representative is another matter. The complainants' claims aimed at "freezing" the application of the legal system instituted by Regulation 8.1 by defending the "immutability" of Manual Item 2805 have no legal basis. In the Organization's view, regardless of the moral value of the conventions, recommendations and legal principles applicable to ILO member States, it is unacceptable to draw an analogy between international organisations and governments. It criticises "unacceptable and contradictory superpositions" contained in the complainants' arguments.

UNESCO asserts that it complied with the principle of non-retroactivity with regard to statutory provisions. The rules in fact "are immediately applicable to all matters related to procedure and form or to current contractual situations, that is to say, any which are not yet settled or confirmed (situations which are not finally established)". There can be no acquired right "to one rule rather than another which is in force or to a particular method of calculation concerning the granting of facilities".

As for the discrimination alleged by the complainants, the defendant argues that associations which are in the course of being set up and associations already established are not in the same situation either of fact or of law. The Administration is free "to allocate facilities differently provided that it does not infringe acquired rights".

D. In their rejoinder the complainants deny having "disregarded" the letter of 15 December 2003 in their complaints; they submit that they had yet to receive it at the time they filed their complaints, as official mail in UNESCO can take several days to reach its destination, especially at the time of end-of-year festivities. They find it "curious" that the letter happened to be dispatched just at the time their complaints were filed with the Tribunal, which they interpret as a further sign of the Organization's bad faith and of its determination to hold them back and discourage them in their efforts to obtain recognition for the Union. They maintain that, after receiving the letter, they themselves had to contact the Deputy Director-General, whereupon his office replied that it had no knowledge of the matter and even requested a copy of the letter. In the complainants' view, that shows that the Director-General had no intention of recognising the Union and that the letter did not constitute a decision. They point out that, by the time they filed their complaints on 19 December 2003 they considered that the Administration had exceeded the reasonable time in which the Director-General should have notified them of his decision in response to the Appeals Board's report of 3 July 2003.

The complainants note that the new version of Manual Item 2805 was published only on 27 April 2001 and that their protests were filed on 25 May 2001 and not 25 April as the defendant maintains in its reply. The notices of appeal were therefore lodged in good time. They accuse UNESCO of having tried to mislead the Tribunal, which is further evidence of its bad faith. They assert that each of them is defending her own personal interest and that the Tribunal accepts that staff members may defend a common interest for all or part of the staff. They add that freedom of association is a recognised fundamental, universally applicable right and that ILO conventions also apply to civil servants and public officials. They emphasise that they are not asking the Tribunal to invalidate "quasi regulatory" provisions, but are seeking the application of the version of Manual Item 2805 in force at the time the Union was established. They reiterate their claims but no longer call for the note of 27 March 2001 to be set aside.

E. In its surrejoinder the defendant regrets the "gratuitous and unfounded accusations" levelled at it by the complainants and asserts that the Tribunal cannot disregard the provisions of its Statute governing the receivability

of complaints merely on account of their allegations of bad faith. It points out that the complainants have not proved that they did not receive the letter of 15 December 2003 prior to filing their complaints and maintains that it did not receive the Appeals Board's report until 25 August 2003. It suggests that four months was a reasonable time to take a decision and cannot be considered dilatory, especially since some important meetings taking place in UNESCO "monopolised" a number of services involved in dealing with the appeals.

The Organization contends that the new version of Manual Item 2805 was contained in full in the note of 27 March 2001 and that, since confirmatory decisions do not give rise to new time limits, the appeals were indeed time-barred. It asks the Tribunal to take note that the complainants no longer seek the quashing of the note in question and of the new version of Manual Item 2805. Lastly, it maintains that the Manual had to be revised in order to comply with the principle of the hierarchy of rules.

CONSIDERATIONS

1. Referring to Manual Item 2805 in its version of 28 February 1991, adopted pursuant to Regulation 8.1, and to Rule 108.1 of the Staff Regulations and Staff Rules, the content of which is given under A above, one of the complainants acting on behalf of a "transition group" asked the Director-General, in a letter of 22 December 2000, to recognise the "*Syndicat des fonctionnaires internationaux de l'UNESCO*" (hereinafter referred to as the "Union"), which had just been constituted.

While this request was being considered, the Director-General, on 27 March 2001, announced the amendment of Manual Item 2805 on the grounds that this rule introduced a distinction between "recognised" associations and "representative" associations which was incompatible with Regulation 8.1.

2. In its new version Manual Item 2805 recognises the right of staff members to be organised into associations, which all staff members or a distinct group of staff members are entitled to join (see paragraph B). Under a special provision, existing associations which under the old version of Manual Item 2805 were recognised but not representative are entitled to retain the rights and facilities they enjoyed previously (see paragraph G).

Otherwise, this new version of Manual Item 2805 sets out conditions of approval for representative associations, which are the only ones to enjoy rights of participation and observation. Paragraphs B and C of the new version are worded as follows:

"B. RIGHT OF ASSOCIATION

2805.3 Staff members have the right to be organized into associations, which all staff members or a distinct group of staff members are entitled to join. In accordance with Regulation 8.1 of the Staff Regulations, the [Director-General] ensures continuous contact between the staff and himself through duly elected officials of the association or associations *representative* of the staff.

C. RECOGNITION OF REPRESENTATIVE ASSOCIATIONS

2805.4 In accordance with Rule 108.1 of the Staff Rules, approval of a *representative* association's constitution by the [Director-General] constitutes official recognition. Before granting approval, the [Director-General] satisfies himself that the constitution fulfils the following conditions:

- a. the constitution must be approved by a majority of members present at the constituent assembly, the convening of which must be notified to all staff members by the founding members of the association in question;
- b. the constitution must not contain any provision that runs counter to the Organization's objectives and ideals;
- c. the association must have as its main objective the defence of the rights and interests of the staff in general, while abiding by the Staff Regulations and the relevant texts applicable;
- d. the association must comprise at least 15 per cent of the members of the staff."

3. On 25 May 2001 each of the three complainants submitted a protest to the Director-General in accordance with Article 7(a) of the Statutes of the Appeals Board. They referred to their "most elementary rights" and to the

“fundamental principles of democracy”. They considered that the retroactive application of the new provisions of the Manual constituted a clear formal and substantive flaw and complained of discrimination against their union. Having received no reply, they filed notices of appeal on 24 July 2001. In its report dated 3 July 2003 the Appeals Board recommended that the Director-General “find an equitable solution to resolve the dispute”. This report was notified to the complainants on 11 August 2003.

4. On 19 December 2003 the complainants filed three separate complaints with the Tribunal in defence of their right of association. The three complaints contain no reference to the letter of 15 December 2003 by which the Director-General informed the complainants of his decision to “initiate the discussions with a view to settling the dispute in accordance with existing rules, in particular Manual Item 2805 amended on 27 March 2001”.

5. Since the three complaints raise the same issues of fact and law and seek the same redress they are therefore joined to form the subject of a single judgment.

6. The complainants’ claims included the quashing of the Director-General’s note of 27 March 2001 and the Deputy Director-General’s decision of 24 April 2001 – according to which their union would enjoy the statutory rights and facilities as soon as it met the conditions of representativeness laid down in Manual Item 2805 – the restoration of their right to freedom of association and the application of Manual Item 2805 in its 1991 version.

According to the defendant these claims are irreceivable. It maintains that the Tribunal has no jurisdiction to hear class actions led by a union which moreover challenge a regulatory decision. In its view, the complainants should have impugned the decision of 15 December 2003 and not the letter of 24 April 2001. Insofar as they challenge the decision of 24 April 2001, it considers their complaints to be time-barred because the internal appeals were lodged after the time limit stipulated in Article 7(c) of the Statutes of the Appeals Board.

7. These objections call for observations.

(a) The complainants have filed three separate complaints. Each of them asserts that she is acting to defend her own personal freedom of association. This is sufficient to establish that, contrary to the defendant’s view, the case does not in fact concern class actions which the Tribunal has no jurisdiction to hear, bearing in mind that Article II of the Statute of the Tribunal makes provision for a system of individual appeals (see Judgment 1392, under 24).

(b) The note of 27 March 2001, which the complainants initially sought to have quashed, is a regulatory provision intended for all UNESCO staff. At the time of their adoption, such general provisions affect the protected personal interests of individual employees only in theory. A staff member may challenge their lawfulness only by appealing against a decision applying these provisions which actually causes present damage to his or her personal interests (see Judgement 2379, under 5). The defendant’s objection based on the legal status of this note is therefore in principle sound.

But the complainants have insisted in their rejoinder that their intention is not to “censure” either the note of 27 March 2001 or the new version of Manual Item 2805. This must be noted and it must then be assumed that the complainants are simply seeking to have the decision of 24 April 2001 quashed insofar as that decision is based on a text which ought not to have been applied to the requests they had lodged prior to its entry into force.

(c) According to subparagraphs (a) to (c) of Article 7 of the Statutes of the Appeals Board, UNESCO staff members stationed at Headquarters may contest an administrative decision by filing a protest against it in writing with the Director-General within one month of the date of receipt of the decision. The Director-General must communicate his own ruling within one month of the date of the protest. If the staff member wishes to pursue his contestation, he must address a notice of appeal in writing to the Secretary of the Appeals Board within one month from the date of receipt of the Director-General’s ruling or, if no ruling was communicated, within one month of the date by which the Director-General should have communicated his ruling. According to Article 10 of the Statutes of the Appeals Board, a detailed appeal must be filed within one month of the notice of appeal.

The complainants, who contested two successive decisions of 27 March and 24 April 2001, filed their protests on 25 May 2001 and notices of appeal on 24 July 2001. The time limits stipulated in Article 7 of the Appeals Board’s Statutes therefore appear to have been observed, at any rate as far as contesting the letter of 24 April 2001 is concerned.

According to the submissions, the detailed appeals required under Article 10 of the Appeals Board’s Statutes

appear on the other hand to have been lodged only long after the time limit allowed had expired. This point has apparently never been raised. When it took up the internal appeals, the Appeals Board did not even mention it. The Tribunal need not therefore consider the question of whether the appeals were time-barred for that specific reason.

(d) The report of the Appeals Board and the supplementary opinion, dated 3 and 29 July 2003 respectively, were referred to the Director-General at the latest on 11 August 2003, when they were sent to the complainants. That referral is equivalent to a new filing of the protests which the Director-General had not dealt with, as a result of which the complainants had brought their case before the internal appeal body. Yet once again the Director-General did not respond for over four months.

The complainants were justified to consider this lack of response as an implicit decision to reject their appeals. They were therefore entitled to challenge this decision directly before the Tribunal within the time limit allowed under Article VII, paragraph 3, of the Statute of the Tribunal, in view of the unclear wording of Article 7 of the Appeals Board's Statute regarding the initiation of a preliminary internal appeal against such decisions. The complaints leading to the present judgment are therefore receivable to the extent that they may be considered to challenge that implicit rejection.

(e) The Director-General followed up the recommendation of the Appeals Board of 15 December 2003 by informing the complainants that he had instructed the Deputy Director-General to contact them in order to initiate discussions with a view to settling the dispute in accordance with existing rules, in particular the new version of Manual Item 2805.

Since the complaints are clearly unfounded, however, there is no need to address either the question of whether as a result of that decision the complaints are premature or show no cause of action, or the receivability issues raised by the defendant.

8. The complainants contend that the Administration breached their freedom of association by basing its decision – in disregard of the principle of non-retroactivity – on the provisions of the Manual in force at the time it took its decision and not on the provisions of the Manual in force at the time the application was made for recognition of the Union. The decision of 15 December 2003, which has not been challenged, is also based on the new text, despite the recommendation of the Appeals Board.

9. An administrative authority, when dealing with an appeal such as those the Director-General had to consider in this case, must generally base itself on the provisions in force at the time it takes its decision and not on those in force at the time the appeal was lodged, subject to the principle of good faith and the protection of acquired rights. It is only if a clear provision of the new applicable rule excludes this approach or effects some change in existing legal status, rights, liabilities or interests from a date prior to its proclamation that the above rule will not apply (see Judgment 2315, under 23).

In this case there was no provision that excluded the application of the new rule. Its application did not breach the principle of good faith, nor did it infringe acquired rights.

When an application was filed for recognition of the Union, it merely drew the defendant's attention to the fact that Manual Item 2805, in its 1991 version, was incompatible with higher ranking rules insofar as it instituted two categories of staff associations: recognised associations and representative associations. The defendant considered that this distinction jeopardised the general interests which the higher ranking rules were intended to safeguard. When this became clear and after weighing the interests at stake, the Organization altered the provisions of the Manual concerning the recognition of associations in order to make them compatible with the higher ranking rules. Had it not made this change, the defendant would have been obliged to apply the earlier provisions and to "recognise" the Union in breach of the higher ranking rules.

10. The contested amendment of Manual Item 2805 observes the principle of proportionality. The new provisions in fact unreservedly recognise the right of staff members to be organised into associations in accordance with the principle of freedom of association. The new version merely restricts the representativeness of the associations, particularly through their right to participate in the decision-making process concerning staff and to submit observations. The intention behind the restriction is to achieve a balance between the interests at stake; it aims to ensure satisfactory participation for staff associations so that the rights of staff members are properly defended while ensuring that such participation will not unduly burden the smooth operation of the Organization.

Furthermore, the complainants put forward no cogent argument that shows that, in practice, the conditions for recognition of their association's representativeness render such recognition so unlikely that they necessarily amount to a restrictive measure directed against freedom of association.

It should also be noted that the impugned decision of 24 April 2001 indicates that facilities may be granted to associations whose representativeness has not been recognised.

11. Thus, the decision to deal with the complainants' application for recognition of the Union by reference to the new provisions of Manual Item 2805 breaches neither the principle of non-retroactivity nor the complainants' individual right to freedom of association.

12. Even if they were receivable, the complaints would therefore have to be dismissed as unfounded.

DECISION

For the above reasons,

The complaints are dismissed.

In witness of this judgment, adopted on 5 May 2005, Mr James K. Hugessen, Vice-President of the Tribunal, Mr Seydou Ba, Judge, and Mr Claude Rouiller, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 6 July 2005.

James K. Hugessen

Seydou Ba

Claude Rouiller

Catherine Comtet