



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2021/107

Judgment No.: UNDT/2022/050

Date: 25 May 2022

Original: English

Before: Judge Rachel Sophie Sikwese

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ANNETTE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for the Applicant:

Mohammed Helal

Counsel for the Respondent:

Nicole Wynn, AAS/ALD/OHR, UN Secretariat

Maureen Munyolo, AAS/ALD/OHR, UN Secretariat

Background

1. The Applicant filed an application on 16 December 2021 to contest the decision by the Office of Human Resources (“OHR”) to not grant her and her running team access to the staffing list and corresponding e-mail addresses of field-based staff, or any comparable mechanism, for communication and campaigning purposes in connection with the 2021 United Nations Field Staff Union (“UNFCU”) elections while “unlawfully granting the same to the opposing (and incumbent executive) team, and imposing undue restrictions on its further use by the polling officers, thereby jeopardizing the fairness of the vote.

2. On 17 December 2021, the Tribunal issued Order No. 260 (NBI/2021) which directed the Applicant to submit an application that was limited to 10 pages. The 10 pages were not to include the cover, personal and legal representation details and signature pages.

3. The Applicant filed an amended application on 23 December 2021. The application was served on the Respondent on the same day.

4. The Respondent filed a reply on 24 January 2022 in which it was argued that the application was not receivable *ratione materiae*.

5. The application was assigned to the current Judge on 23 February 2022.

6. On 2 March 2022, vide Order No. 028 (NBI/2022), the Tribunal noted that, contrary to the clear directions in Order No. 260 (NBI/2021) and Practice Direction 4(6) of the Tribunal’s Practice Directions, on page limit restrictions, the amended application was 12 pages long. The Applicant was directed to submit an application that was limited to 10 pages.

7. The Applicant eventually filed an amended application that complied with the Tribunal’s directions on 12 April 2022.

8. By the same Order, the Applicant was required to file a response to the reply specifically on the submissions on receivability as argued by the Respondent. The Applicant filed the response on receivability on 26 April 2022. For reasons given below the application is dismissed.

Summary of the relevant facts¹

9. The Applicant is a Legal Officer at the P-4 level on a continuing appointment working with the United Nations Multidimensional Integrated Stabilization Mission in Mali (“MINUSMA”). At the times material to this application, she was part of one of the two teams running for the UNFSU Executive Elections 2021.

10. By email dated 26 July 2021, the Applicant’s running team informed the Central Polling Officers (“CPOs”) of the UNFSU that their team did not have access to interact with the UNFSU constituency for campaigning purposes given that two communication platforms required that they invite staff by means of their email addresses to groups that they create. The Applicant indicated that she did not have the email list maintained by the CPOs in accordance with the UNFSU Constitution, whereas her opposing team, the then Executive team, had access to such data by virtue of their positions.

11. The CPOs indicated that the staff list had been provided to them for restricted use of electoral data by then President of UNFSU who had received it from OHR. The CPOs then asked the President of UNFSU to request OHR to share such list with the Applicant’s team.

12. By email dated 29 July 2021 to the President of UNFSU, OHR responded that the staffing data was provided confidentially and was not for sharing beyond the purposes of the electoral database and recalled that paragraph 50 of the UNFSU Constitution was clear on the role of CPOs in this respect. OHR noted that in the future the data would be shared directly with the Polling Officers.

¹ Summarized from the management evaluation response, unnumbered annex to the application.

13. By email dated 30 July 2021 to OHR, the CPOs for UNFSU inquired whether the staff list could be shared with the Applicant's team and, if so, whether there were any conditions attached, with a follow-up email on 12 August 2021.

14. On 19 August 2021, the Applicant filed a request for management evaluation arguing that she was deprived of fair and transparent elections, as per staff rule 8.1(d).

Parties' submissions on receivability

The Respondent

15. The Respondent's submissions on receivability are summarized below.

a. The Applicant does not contest a reviewable administrative decision within the meaning of art. 2(1)(a) of the UNDT Statute.

b. The Secretary-General's non-intervention in the UNFSU elections does not constitute a unilateral decision with direct adverse consequences on the terms of the Applicant's appointment. Neither the Secretary-General nor the Dispute Tribunal has a role in the conduct of staff elections.

c. Any intervention or involvement of the Secretary-General in the conduct of the UNFSU elections would stand contrary to the principle that staff organizations have the right, power and authority to elect their representatives in full freedom, that is, free from employer interference. The request for intervention by the Secretary-General in the elections and the assertion of an independent status of the staff unions are mutually incompatible propositions.

d. The Applicant has not alleged the Secretary-General violated any staff regulation or rule that is incorporated into her employment contract. Staff rule 8.1(d), cited by the Applicant, confers no individual rights upon her. The staff rule is one of the few staff rules that do not regulate the employment

relationship between individual staff members and the Organization, but rather recognizes the agreed role of “staff representative bodies”.

e. The Dispute Tribunal has no jurisdiction over the conduct of the UNFSU elections. In line with Chapter 8 of the UNFSU Constitution, the External Arbitration Committee (“EAC”) is the sole authority to regulate and adjudicate all matters related to elections.

f. The Applicant’s complaint has already been resolved by the UNFSU EAC. On 21 August 2021 and 4 September 2021, the Applicant and her team challenged the conduct of the 2021-2023 UNFSU executive committee elections, including OHR’s failure to authorize the polling officers to give them names and contact information for staff members in field missions to conduct their campaigns. The EAC issued its final and binding decision on 29 October 2021 dismissing the Applicant’s claims. The Dispute Tribunal lacks jurisdiction to reverse the arbitration award and to order a new election as the Applicant requests. The Applicant has exhausted her exclusive remedy.

The Applicant

16. The Applicant’s submissions on receivability are summarized below.

a. The Respondent claims that her application is not receivable because (a) it does not contest a reviewable administrative decision within the meaning of art. 2(1)(a) of the UNDT Statute; (b) staff rule 8.1(d) “confers no individual rights” upon her; (c) the UNDT lacks jurisdiction over “internal staff union affairs”; and (d) the arbitration process provided for under the UNFSU Constitution represented her “exclusive remedy” on the matter, which was allegedly exhausted and the underlying complaint “resolved” by the UNFSU External Arbitration Committee (“EAC”), allowing no further scope for the Tribunal to exercise jurisdiction. She submits that these claims are incorrect for the following reasons:

b. The Respondent himself correctly defines what constitutes “a reviewable administrative decision within the meaning of art. 2(1)(a) of the UNDT Statute”, namely: “a decision that is alleged to be in non-compliance with the terms of the staff member’s appointment or employment contract”. He rightly goes on quoting from the provision, which confirms that the terms of appointment “include all pertinent regulations and rules and all relevant administrative issuances in force at the time of the alleged non-compliance” and mirrors staff rule 11.2(a). There is nothing to suggest that staff rule 8(1), as cited verbatim in her application, was not a “regulation”, not “pertinent” to the challenged matter, or that it was not “in force” at the relevant times, i.e., from 29 July 2021 through (at least) 19 August 2021. Accordingly, it formed part of her terms of appointment and, to the extent that the regulation was not complied with and affected her, constitutes an appealable matter.

c. The aspects of staff rule 8.1(d) that were not complied with (i.e., both her specific rights thereunder that were thwarted, and the specific obligations imposed by it on the Administration that were not met) are elaborated in detail in her application... by being deprived of any effective means to address her constituency in staff representative body elections, she was wronged both as a staff member and as a candidate staff representative, namely in her right to “equitable representation” (staff regulation 8.1(b)), which was to be achieved through the “fairness of the vote” (staff rule 8.1(d)) – both were jeopardized by the impugned conduct. The cited regulation aims to protect these very rights which are equally held by each and every staff member, including herself, rather than an undefined “collective”. Holding that only a “collective”, or in fact no one, holds any rights based on this regulation (or on any other regulation for that matter) would effectively remove obligations incumbent on the Secretary-General from any form of legal accountability, given that only individuals, not groups, associations or bodies have standing before the Tribunal. Furthermore, and contrary to the Respondent’s assertion, there is no requirement, neither in the staff rules, nor the UNDT statute or its

established jurisprudence, that a regulation confer a specific quality of right (“individual” or “collective”) in order for a breach against it to be appealable. As long as such a breach results in a “direct impact” or “direct adverse consequences” for the applicant, the “individual” or “collective” nature of the right that was breached cannot in itself preclude judicial review.

c. The “direct adverse consequence” lies in the very fact that field staff as a whole, including herself, were deprived of a fair vote and, as a corollary, of an “equitable representation” of their interests through the Administration’s own (in)actions. This was achieved by the fact that elections for the only staff representative body available to represent field staff interests were run without any effective opposition while the (sole) opposing team – and sitting executive of the UNFSU – had all means at its disposal to compete effectively, and the Administration knowingly withheld the only viable redress to that imbalance, which ended up vitiating both process and outcome. Any field staff member claiming to be represented by the UNFSU has a direct and vested interest in the cited regulation being respected, even more so the candidates who stood for election, including herself. As such, the “adverse consequences” and “impact” of the breach of the cited regulation could not have been more direct. The finality of the decision to disengage from the matter and to refuse any form of access to means of effective communication further confirms that the conduct engaged in was neither preparatory in nature, nor partial, nor otherwise short of a full-fledged administrative decision. The violation of staff rule 8.1(d), as an integral part of her terms of appointment, was effected through the very actions and omissions of the Administration in this case, both of which are equally recognized in jurisprudence as – express or implied – administrative decisions.

d. Characterizing the appealed matter as “internal staff union affairs” is misguided, as is the case law cited by the Respondent in support of the arguments made on this basis. In fact, most if not all cases referenced by the

Respondent evidence a fundamental misunderstanding on the part of the Administration of the boundaries beyond which “staff union affairs” become internal and thus rightly exempt from the reach and responsibility of the Secretary-General.

e. The impugned decision concerns the specific actions (e-mail of 29 July 2021) and omissions (subsequent silence and refusal to respond) of the Administration itself, rather than those of the CPOs, and the specific obligation of the Secretary-General (as a custodian of the staff rules and regulations, to enable the CPOs who exercise authorities on his behalf but cannot effectively operate without his cooperation, particularly the provision of information and permissions related thereto that are solely within his purview to manage) rather than that of the CPOs (which is non-implementable without the Administration “doing its part”). Specific recourse is available against possible wrongdoing in electoral matters on the part of the CPOs under the UNFSU Constitution (and other bodies and functions established and further defined therein). That is the sole means of recourse she has exhausted, which only referred to the Administration’s (in)actions for context rather than for adjudication, and the present application does not seek to overturn the arbitral award obtained through that process. In contrast, the failings of the Administration in violation of its own obligations under the staff regulations are not subject to that body of law, nor to the recourse mechanism provided therein, and the EAC could not, and did not, rule on that aspect. That is reserved for the exclusive competence and jurisdiction of this Tribunal to review and adjudicate and thus properly belong before it.

f. In conclusion, the impugned decision – manifested through the Chief, Strategy and Policy Development Service, Office of Human Resources’ e-mail of 29 July 2021 (through which she was indirectly refused access to the means necessary to effectively exercise her right as a candidate in the 2021-2023 UNFSU elections to participate on equal footing with the opposing

team) and the subsequent absence of communication from the Administration throughout August 2021 (when the Administration purposely stayed silent and thus jeopardized the “fairness of the vote” by choosing not to act in response to repeated and explicit requests made by the CPOs as custodians of the electoral process for information and guidance without which they were unable to duly fulfil their own obligations, even though no other stakeholder could have validly acted in the Administration’s stead to rectify the situation) – impacts her directly, constitutes an appealable matter and has not been conclusively addressed nor resolved through other recourse mechanisms. She, therefore, requests the Tribunal to rule them receivable and review the application on its merits.

Considerations on receivability

17. This application relates to the decision of the OHR to “not grant the Applicant and her running team access to the staffing list and corresponding e-mail addresses of field-based staff, or any comparable mechanism, for communication and campaigning purposes in connection with the 2021 UNFCU elections while “unlawfully granting the same to the opposing (and incumbent executive) team, and imposing undue restrictions on its further use by the polling officers, thereby jeopardizing the fairness of the vote”. The parties agreed that the main issue for the Tribunal’s determination is whether by this decision the Applicant’s contractual rights under staff rule 8.1(d) as read with staff regulation 8.1(b) were violated requiring redress by this Tribunal. In his defence, the Respondent argued that these provisions do not apply to the Applicant individually hence the Applicant does not contest a reviewable administrative decision within the meaning of art. 2(1)(a) of the UNDT Statute, the Tribunal has no jurisdiction over the conduct of the UNFSU elections and that the Applicant’s complaint has already been resolved by the UNFSU EAC which issued an arbitration award signifying its final and binding decision dismissing the Applicant’s claim. Further, that the Tribunal lacks jurisdiction to compel the Secretary-General to intervene in the UNFSU elections.

18. The starting point in addressing the issue and to put the matter into context, the relevant provisions are reproduced below:

Rule 8.1

(d) Polling officers selected by the staff shall conduct the election of the members of each staff representative body, on the basis of the electoral regulations of the staff representative body concerned, in such a way as to ensure the complete secrecy and fairness of the vote. The polling officers shall also conduct other elections of staff members as required by the Staff Regulations and Rules.

Regulation 8.1

(b) Staff representative bodies shall be established and shall be entitled to initiate proposals to the Secretary-General for the purpose set forth in paragraph (a) above. They shall be organized in such a way as to afford equitable representation to all staff members, by means of elections that shall take place at least biennially under electoral regulations drawn up by the respective staff representative body and agreed to by the Secretary-General.

19. The Applicant argues that the;

... aspects of staff regulation 8.1 that were not complied with make it evident that, by being deprived of any effective means to address her constituency in staff representative body elections, the Applicant was wronged both as a staff member and as a candidate staff representative, namely in her right to “equitable representation” (staff regulation 8.1(b)), which was to be achieved through the “fairness of the vote” (staff rule 8.1(d)) – both were jeopardized by the impugned conduct. The cited regulation aims to protect these very rights which are equally held by every staff member, including herself, rather than an undefined “collective”.

20. On the other hand, the Respondent has argued that staff rule 8.1 (d) cited by the Applicant, confers no individual rights upon her. The staff rule is one of the few staff rules that do not regulate the employment relationship between individual staff members and the Organization, but rather recognizes the agreed role of “staff representative bodies”.

21. The Tribunal notes that the Applicant cites regulation 8.1(d) in her submissions, but this provision does not exist in the staff regulations. The relevant provision that she intends is rule 8.1 (d) because this is what she cited in her request for management evaluation, “*I am deprived of fair and transparent elections, as enshrined in the staff rules chapter VIII Rule 8.1 d*”², she wrote. The MEU response to the request concerned rule 8.1(d)³ and this is also consistent with the Respondent’s reply to the application which discusses rule 8.1(d). The Tribunal has taken the liberty of substituting regulation 8.1(d) wherever it appears in the Applicant’s submissions with rule 8.1(d).

22. The Applicant did not claim a violation of regulation 8.1(b) in her request for management evaluation, she submits before the Tribunal that regulation 8.1(b) grants her the “right to equitable representation” and this right “was to be achieved through the fairness of the vote” provided in rule 8.1(d) of the staff rules⁴.

23. The Tribunal is called upon to decide whether the Applicant’s interpretation of rule 8.1(d) of the staff rules as read with regulation 8.1(b) confers on her contractual rights which the impugned decision violated requiring redress by this Tribunal.

24. The Tribunal finds that the Applicant’s interpretation of staff rule 8.1(d) as read with staff regulation 8.1(b) that it forms part of her individual contract of employment erroneous and without legal basis.

25. The cardinal rule of statutory interpretation compels this Tribunal to interpret the wording of staff rule 8.1(d) and staff regulation 8.1(b) in their literal sense, meaning that the interpretation must be plain and ordinary.

26. Staff rule 8 falls under Chapter VIII of the Staff Regulations and Rules of the

² Unnumbered Annex to the application - Request for Management Evaluation dated and signed by the Applicant on 19 August 2021.

³ Unnumbered Annex to the application - 17 September 2021 letter.

⁴ Applicant’s submissions on receivability dated 26 April 2022, para. 3.

United Nations which provides for staff relations. Staff rule 8.1 makes provision for staff representative bodies and staff representations and 8.1(d) is directed at polling officers to conduct elections of the members of each staff representative body in accordance with electoral regulations in a manner that ensures complete secrecy and fairness of the vote. It goes further to mandate the polling officers to conduct other elections of staff members as required.

27. Applying this rule of interpretation to the case at bar, the Tribunal makes the following observations (a) staff rule 8.1(d) governs staff relations and specifically empowers polling officers to conduct elections of staff representatives based on applicable rules and regulations on staff elections, (b) staff rule 8.1(d) makes no reference whatsoever to any staff member's individual contractual right, and (c) if there was any dispute concerning staff rule 8.1(d) on secrecy and fairness of the vote, the provision does not regulate modalities for resolving that dispute.

28. The same principle of interpretation applies to regulation 8.1(b) of the staff regulations and rules. Regulation 8 is aimed at, as per its name, regulating staff relations. Regulation 8.1(b) allows the establishment of staff representative bodies to be a link and mouthpiece of the staff to facilitate continuous contact and communication between the Secretary-General and the said staff. Through the regulation, the staff representatives are entitled to initiate proposals to the Secretary-General on behalf of staff, concerning staff welfare including conditions of work, general conditions of life and other human resources policies. It further regulates the manner in which the staff representatives shall be organised, which is in such a way as to afford equitable representation to all staff members, by means of periodic elections held under electoral regulations drawn up by the respective staff representative body and agreed to by the Secretary-General.

29. The effect of regulation 8.1(b) to the instant case based on its literal meaning is that the staff representative bodies are responsible for holding at least biennial elections in accordance with the electoral regulations drawn up by themselves and that in the conduct of those elections, the staff representatives shall ensure that all

staff members are afforded equitable representation. In case of a dispute as to whether all staff members are afforded equitable representation, the concerned aggrieved party would have to look elsewhere because this provision does not provide for electoral dispute resolution mechanism.

30. The Tribunal finds based on the above interpretation of staff rule 8.1(d) and staff regulation 8.1(b) that these provisions do not apply to any individual staff member but rather they govern staff relations. They do not have direct impact on individual staff member's contractual rights. The provisions regulate how staff members shall organise themselves and be equitably represented through fair elections following electoral regulations. The provisions do not deal with the specific and technical details of conducting elections rather, they leave that to the staff representative bodies through polling officers who shall be guided by electoral regulations. The impugned decision fails to identify any obligation within the provision that the Administration abdicated from. This is especially the case because the Applicant does not claim to be a polling officer to whom staff rule 8.1(d) applies.

31. In order to be reviewable the decision made in violation of staff 8.1(d) as read with regulation 8.1(b) as argued by the Applicant must satisfy elements under art. 2 of the Tribunal's Statute dealing with its competence. The provision reads as such:

Article 2

1. The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual, as provided for in article 3, paragraph 1, of the present statute, against the Secretary General as the Chief Administrative Officer of the United Nations:

(a) To appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment. The terms "contract" and "terms of appointment" include all pertinent regulations and rules and all relevant administrative issuances in force at the time of alleged non-compliance; ...

32. What constitutes an application filed by an individual appealing an administrative decision that is alleged to be in non-compliance with the terms of

appointment or the contract of employment has been adjudicated upon and settled by the United Nations Appeals Tribunal (“UNAT”) in *Fasanella*⁵ and subsequent cases as follows:

... As the Appeals Tribunal has often reiterated, for purposes of judicial review under the Dispute Tribunal’s Statute, the Dispute Tribunal is to apply the definition of administrative decision set forth in *Andronov*:⁶

... There is no dispute as to what an “administrative decision” is. It is acceptable by all administrative law systems that an ‘administrative decision’ is a unilateral decision taken by the administration in a precise individual case (individual administrative act), which produces direct legal consequences to the legal order. Thus, the administrative decision is distinguished from other administrative acts, such as those having regulatory power (which are usually referred to as rules and regulations), as well as from those not having direct legal consequences. Administrative decisions are therefore characterized by the fact that they are taken by the Administration, they are unilateral and of individual application, and they carry direct legal consequences.

The key characteristic of an administrative decision subject to judicial review is that the decision must “produce[] direct legal consequences” affecting a staff member’s terms and conditions of appointment; the administrative decision must “have a direct impact” on the terms of appointment or contract of employment of the individual staff member⁷. Additionally, the Dispute Tribunal may consider “the nature of the decision, the legal framework under which the decision was made, and the consequences of the decision”⁸.

33. The Dispute Tribunal is guided by this jurisprudence and, accordingly, to be reviewable, the Applicant must demonstrate that the decision: (a) is unilaterally taken by the administration in a precise individual case; (b) produces direct legal consequences; (c) has direct impact on her terms of appointment; (d) its nature is

⁵ 2017-UNAT-765, paras. 15 and 16.

⁶ Former Administrative Tribunal Judgment No. 1157, *Andronov* (2003), para. V.

⁷ *Lee* 2014-UNAT-481, para. 49, citing *Andati-Amwayi* 2010-UNAT-058, para. 17, also see *Avramoski* 2020- UNAT-987, para, 39.

⁸ *Lee, op cit.*, para. 50, citing *Bauzá Mercére* 2014-UNAT-404, para. 18 and citations therein.

such that it can be appealable; (e) is taken based on a legal framework that is reviewable; and (f) produces adverse legal consequences on her individual terms and conditions of appointment.

34. In the instant case, the Applicant has argued that, depriving her of an effective means to address her constituents resulted in a wrong to her as a staff member and a candidate in her “right to equitable representation which was to be achieved through the fairness of the vote” and that the impugned decision ‘jeopardized’ these rights which are “equally held by every staff member, including herself, rather than an undefined “collective’.

35. A reading and interpretation of the provisions show clearly that these are organisational rights to be enjoyed by staff members in a representative capacity through their respective representative bodies. They are regulatory in nature, regulating staff relations and in particular representation rights through staff elections. They are of general application to all staff members in so far as their rights to be equitably represented in staff representative bodies is concerned and mandates polling officers to conduct fair elections in accordance with electoral regulations the application of which has no legal consequences on the Applicant’s individual contract of employment⁹.

36. The Applicant has not identified a specific administrative decision capable of being reviewed which has a direct and adverse impact on her employment contract, just as in *Reid* where the staff member’s application was dismissed by UNAT because he was held to have been aggrieved by a decision relating to a policy implementation which did not directly affect his contractual rights¹⁰, in the same vein, the provisions cited by the Applicant are of general application to staff relations and the Applicant has not proved otherwise.

37. The Applicant has failed to demonstrate that staff rule 8.1 (d) as read with

⁹ See generally, *Tintukasiri et al* 2015-UNAT-526, para. 37.

¹⁰ *Reid* 2014-UNAT-419, para. 18.

staff regulation 8.1(b) form part of her terms of appointment and contract of employment or that they regulate her individual contractual relationship with the Secretary-General. Consequently, the Tribunal finds that the decision contested fails the test of a reviewable administrative decision, it had no direct impact and produced no adverse legal consequences on the Applicant's terms of contract and appointment¹¹.

38. The application must also fail on the test of precise individual case because in her application the Applicant refers to the decision affecting her and "her running team". To be reviewable the impugned decision must be a unilateral decision taken by the administration in a precise individual case.

Conclusion

39. The Tribunal having reviewed the provisions at issue and the relevant jurisprudence on what constitutes a reviewable administrative decision, finds that the provisions in staff rule 8.1(d) as read with staff regulation 8.1(b) do not confer individual contractual rights, in particular, they do not form part of the Applicant's terms and conditions of appointment or contract of employment because they are of a regulatory nature, regulating staff relations through staff representative bodies.

Arbitration Award and other matters relating to staff elections

40. The parties filed submissions on whether this Tribunal has jurisdiction to hear an appeal on a decision relating to staff elections. The Tribunal acknowledges the resourcefulness of Counsel on both sides, their submissions were comprehensive with supporting jurisprudence. In view of the finding that the application is not receivable on the test of *Andronov*, it is not necessary to consider this aspect of the application as doing so would only serve academic purposes and not the interest of judicial economy.

¹¹ Also see generally, *Nouinou* 2020-UNAT-981, paras. 55 and 56 and *Avramoski* 2020- UNAT-987.

Judgment

41. The application is not receivable *ratione materiae* and should be dismissed on that ground. The application is dismissed in its entirety.

(Signed)

Judge Rachel Sophie Sikwese

Dated this 25th day of May 2022

Entered in the Register on this 25th day of May 2022

(Signed)

Eric Muli, Legal Officer, for
Abena Kwakye-Berko, Registrar, Nairobi