

**ADMINISTRATIVE TRIBUNAL
OF THE AFRICAN DEVELOPMENT BANK**

QUORUM:	Professor GLELE AHANHANZO	President
	Professor Christian TOMUSCHAT	Member
	Professor Yadh BEN ACHOUR	Member
	Judge Salihu Modibbo Alfa BELGORE	Member

APPLICATION No. 2006/02

Mr. N., Applicant
African Development Bank, Respondent

Order delivered by the Tribunal on 22 November 2007

I. THE FACTS

1. By a letter dated 29 November 2001, the African Development Bank offered the Applicant, Mr. N., employment in the position of Chief Investment Officer (Infrastructure and Privatization) in OPSD Department. This Bank contract letter stated that the recruitment was for two years “*in the first instance and may be renewed for further periods thereafter*”, that the Applicant would be on grade level PL3 and would be on a twelve-month probation, and that the contract binding on both parties could be terminated by either party following the issuance of written notice of one month. The contract was to run from 1 February 2002 to 31 January 2004.
2. A few months after the probation period, which ended on 31 January 2003, the Applicant received a letter confirming his appointment. This letter dated 18 August 2003 specified that the confirmation was subject to the conditions that the Applicant’s Department would discuss and agree with him on the specific activities for the remainder of his contract period, and that his supervisors would produce a report on his performance. The report would form the basis for determining the Applicant’s future status in the Bank.
3. On 31 October 2003, an in-house memorandum was sent by the OPSD Director to the CHRM Director. The memorandum recommended that the Applicant’s position should neither be confirmed nor his contract renewed. The memorandum was accompanied by a report on the Applicant’s performance (*Comprehensive Performance Report*), in line – according to the memorandum - with the earlier -mentioned Letter of Confirmation dated 18 August 2003.

4. On 14 November 2003, the Applicant received a letter dated 11 November informing him that the Bank would not renew his employment contract. It is this letter of non-renewal that the Applicant has contested.

II. THE PROCEDURE

5. For the submission procedure, the Applicant filed his application on 17 March 2006. The Bank provided its Response on 5 June 2006. A Reply was submitted by the Applicant on 21 August 2006 and the Respondent's Rejoinder was issued on 11 December 2006.
6. In November 2007, the secretariat of the Administrative Tribunal was informed by the Applicant's Counsel that an amicable solution was in view. On Friday 16 November 2007, a few days prior to the 14th session of the Tribunal, the secretariat was informed that an amicable settlement had been concluded.
7. At the session of 19 November 2007, the Bank's Representative confirmed the consensual settlement of the dispute. The Tribunal has taken note of this agreement.

III. THE DECISION

8. On these grounds,

The Tribunal determines that the dispute has not been pursued and judgment is therefore no longer warranted in this case.

Professor Maurice GLELE AHANHANZO

President

Mrs. Marie Lydie BILE-AKA

Ad Hoc Executive Secretary

THE APPLICANT

Absent

RESPONSENT'S COUNSEL

Mr. Dotse TSIKATA