

Anthony F. Opare,  
Applicant

v.

International Bank for Reconstruction and Development,  
Respondent

Order No. 2003-2

1. The World Bank Administrative Tribunal, composed of Francisco Orrego Vicuña, President, Bola A. Ajibola and Elizabeth Evatt, Vice Presidents, and Robert A. Gorman, Jan Paulsson, Sarah Christie and Florentino P. Feliciano, Judges, has been seized of an application, received on April 10, 2003, by Anthony F. Opare against the International Bank for Reconstruction and Development.
2. The Applicant, a Ghanaian national, alleges in his application that he was the victim of racial discrimination during his work at the Bank as a Consultant/Bank Temporary between 1991 and 1994. Although the Applicant claims that this discrimination prevented him from obtaining a Regular appointment and forced him to leave the Bank in April 1994, he took no steps to obtain redress either at the time of his departure or during his service with the Bank.
3. The Applicant claims that he became aware of racial discrimination in the Bank two years after his departure from the Bank, when he spoke in 1996 with Myles Lynk, an investigating attorney from the firm Dewey Ballantine, which had been hired by the Bank to examine allegations of racial discrimination against Sub-Saharan African nationals in the Bank. Though there is no objective reason why he thought so, the Applicant asserts that, at least at that time, he believed that "telling Mr. Lynk about the discrimination [which he allegedly suffered] was the same as filing a complaint."
4. Despite his subjective perception, the Applicant took no further steps in his case for the next three years. Even then, in 1999, he merely contacted the Ombudsman's Office to discuss the Dewey Ballantine Report. Although he alleges that the Ombudsman instructed him to file a complaint, he appears not to have done so. The same year, he contacted the Bank's Office of Business Ethics and Integrity (BEI) but, in his view, did not receive an adequate response. Rather than filing a formal claim, however, the Applicant asserts that he spent nine months unsuccessfully attempting "to find" the BEI Manager.
5. The Applicant alleges that in the summer of 2000 a BEI staff member called to tell him that there was no complaint from him on file, and to advise him to file a complaint. The Applicant thereafter filed a complaint with BEI on July 6, 2000, alleging racial discrimination during his 1991-94 work with the Bank. Eight months later, on March 5, 2001, the BEI Manager replied to him, stating that his allegations would not be pursued by BEI due to the Applicant's long delay in filing.
6. After receiving the BEI Manager's response, the Applicant waited more than twenty-one months, until December 17, 2002, before filing an appeal with the Appeals Committee. He was informed by the Appeals Committee, on January 14, 2003, that his Appeal could not be accepted due to its untimeliness. The Applicant then filed his application with the Tribunal on April 10, 2003, nine years after leaving the Bank's service.
7. The Applicant's extraordinary delays in formally seeking relief clearly bring the application outside the relevant time limits set forth in the Staff Rules. Instead of filing within the required 90 days, the Applicant took more than eight years to formally seek relief. The Applicant's informal search for relief was likewise sporadic to an extreme degree. The Applicant has not alleged exceptional circumstances, nor does the Tribunal find any to exist, which would excuse the Applicant's manifold delays in pursuing his case. The Tribunal for these reasons finds the application to be clearly irreceivable, pursuant to Rule 7, para. 11, of the Rules of the Tribunal.

**Decision**

The Tribunal decides that the application be summarily dismissed.

/S/ Francisco Orrego Vicuña  
Francisco Orrego Vicuña  
President

/S/ Nassib G. Ziadé  
Nassib G. Ziadé  
Executive Secretary

At London, England, May 20, 2003