



## Governing Body

317th Session, Geneva, 6–28 March 2013

GB.317/PFA/12

**Programme, Financial and Administrative Section**  
*Programme, Financial and Administrative Segment*

**PFA**

**Date:** 21 January 2013

**Original:** French

TWELFTH ITEM ON THE AGENDA

## Matters relating to the Administrative Tribunal of the ILO

### Composition of the Tribunal

#### Purpose of the document

This paper contains proposals concerning the renewal of the term of office of two judges to the Administrative Tribunal of the ILO and possible appointment of one judge (see the draft decision in paragraph 5).

**Relevant strategic objective:** None.

**Policy implications:** None.

**Legal implications:** Proposed submission of a draft resolution to the Conference for renewal of the term of office of two judges and the possible appointment of one judge.

**Financial implications:** None.

**Follow-up action required:** Point for decision, paragraph 5.

**Author unit:** Office of the Legal Adviser (JUR).

**Related documents:** None.



## Introduction

1. Pursuant to article III of its Statute, the Administrative Tribunal consists of seven judges appointed for three-year terms by the Conference of the International Labour Organization. The present composition of the Tribunal as confirmed by the Conference is the following:
  - Mr Seydou Ba (Senegal), President: term of office expires in July 2015;
  - Mr Claude Rouiller (Switzerland): term of office expires in July 2013;
  - Mr Giuseppe Barbagallo (Italy): term of office expires in July 2015;
  - Ms Dolores M. Hansen (Canada): term of office expires in July 2015;
  - Mr Patrick Frydman (France): term of office expires in July 2013;
  - Mr Michael Francis Moore (Australia): term of office expires in July 2015;
  - Mr Hugh Anthony Rawlins (Saint Kitts and Nevis): term of office expires in July 2015.

## Elements of the proposal

2. The terms of office of Mr Rouiller and Mr Frydman are due to expire in July 2013. They have both expressed their willingness and availability to accept a new three-year term. In addition, there is likely to be a vacancy to be filled following the current session of the Governing Body.
3. In keeping with long-standing practice, the Director-General, after consultation with the Officers of the Governing Body, examines potential candidatures for the position of judge of the Administrative Tribunal on the basis of several criteria: candidates must have experience as judges of a high national jurisdiction or equivalent status at the international level and must be representative of different systems of law. Excellent knowledge of at least one of the two working languages of the Tribunal (English and French) and at least a passive knowledge of the other are necessary for the effective functioning of the Tribunal. An overall balance at the linguistic and geographical levels must also be ensured. The Director-General then recommends to the Governing Body, in its Programme, Financial and Administrative Section, the names of persons that the Conference will be invited to nominate as judges in order to fill the vacant posts in the Tribunal.
4. As regards the potential vacancy, if necessary, the Office will have to identify a suitable candidate. If the vacancy is confirmed before the 102nd Session of the International Labour Conference, the Office would request that the Officers be authorized by the Governing Body, on a one-off basis, to submit the name of an appropriate candidate directly to the Conference.

**Draft decision**

**5. The Governing Body:**

- (a) proposes to the Conference the renewal of the terms of office of Mr Rouiller (Switzerland) and Mr Frydman (France) for three years each;**
- (b) delegates to its Officers, in the event of a vacancy before the 102nd Session of the International Labour Conference, on a one-off basis, the authority to propose directly to the Conference the appointment of a further candidate, following consultation with the Director-General before June 2013;**
- (c) thus decides to propose the following draft resolution for possible adoption by the Conference:**

The General Conference of the International Labour Organization,

*Decides*, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to renew the appointments of Mr Rouiller (Switzerland) and Mr Frydman (France) for a term of three years.