



Governing Body

334th Session, Geneva, 25 October–8 November 2018

GB.334/PFA/12/2(Rev.)

Programme, Financial and Administrative Section
Personnel Segment

PFA

Date: 24 September 2018

Original: English

TWELFTH ITEM ON THE AGENDA

Matters relating to the Administrative Tribunal of the ILO

Withdrawal of the recognition of the Tribunal's jurisdiction by the Technical Centre for Agricultural and Rural Cooperation

Purpose of the document

This paper provides information about the intention of the Technical Centre for Agricultural and Rural Cooperation (CTA) to discontinue its recognition of the Tribunal's jurisdiction. The Governing Body is invited to take note of the intention of the CTA to terminate its membership and confirm that the CTA will no longer be subject to the Tribunal's competence as from the date of the Governing Body decision (see the draft decision in paragraph 6).

Relevant strategic objective: None.

Main relevant outcome/cross-cutting policy driver: Enabling outcome C: Efficient support services and effective use of ILO resources.

Policy implications: None.

Legal implications: Changes in the membership of the ILO Administrative Tribunal.

Financial implications: None.

Follow-up action required: None.

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

Related documents: GB.328/PFA/10; GB.331/PFA/15; GB.332/PFA/12/1.

1. By letter dated 23 March 2018 (see Appendix I), the Chairman of the Executive Board of the Technical Centre for Agricultural and Rural Cooperation (CTA) informed the Director-General that the CTA had discontinued its recognition of the jurisdiction of the ILO Administrative Tribunal with immediate effect. In his letter, the Chairman confirmed that there was no outstanding complaint under the procedures foreseen in the CTA's Staff Regulations.
2. By letter dated 4 May 2018 (see Appendix II), and following a request for additional information on the reasons that led the CTA to the decision to discontinue its recognition of the Tribunal's jurisdiction as well as on the alternative means of judicial review to replace the ILO Administrative Tribunal for the settlement of employment disputes involving CTA staff, the Chairman of the Executive Board of the CTA indicated that the CTA's Governing Body had decided to set up a specialized and independent administrative tribunal, as established in many international organizations, and that consensus had been reached to this effect with the staff members concerned. It was further specified that, in March 2018, the Governing Body formally adopted the corresponding amendments to the CTA's Staff Regulations and the Statutes of the CTA's Administrative Tribunal.
3. The CTA recognized the jurisdiction of the Tribunal in 2008.¹ In its ten years of Tribunal membership, the CTA – currently employing some 60 staff – has been the subject of nine judgments rendered by the Tribunal, including most recently Judgment No. 3437 ordering the complainant's reinstatement and Judgment No. 3719 dismissing CTA's application for review of Judgment No. 3437. By communication dated 12 September 2018, the Registry of the Tribunal informed the Office that a new complaint had been filed against the CTA on 13 August 2018.
4. The Statute of the Tribunal in its article II(5) and the Annex sets out the conditions for admission of an international organization but is silent on the conditions of withdrawal from the Tribunal's membership. In view of recent developments representing a risk for the sustainability of the functioning of the Tribunal and also the fact that four international organizations have unilaterally terminated their membership in the last two years, the Office has been requested to prepare draft amendments to the Statute and the Annex addressing this issue. Those amendments, which have been the subject of consultations with the Tribunal and all member organizations and their staff representatives, are currently before the Governing Body for its consideration.²
5. Even though the recognition of the Tribunal's jurisdiction is in essence a unilateral declaration by an international organization which can be unilaterally revoked, a withdrawal from the Tribunal's membership needs to be confirmed by the Governing Body to become effective.

Draft decision

6. *The Governing Body:*

- (a) *took note of the intention of the Technical Centre for Agricultural and Rural Cooperation (CTA) to discontinue its recognition of the jurisdiction of the Administrative Tribunal;*

¹ See GB.301/10/2(Rev.), para. 36 and GB.301/PV, para. 218.

² See GB.334/PFA/12/1.

- (b) confirmed that the CTA will no longer be subject to the competence of the Tribunal with effect from the date of this decision except as regards the complaint currently pending before the Tribunal;*
- (c) requested the Director-General to follow up with the CTA regarding the payment of any outstanding costs.*

Appendix I

Centre technique de
coopération agricole et rurale
Accord de Cotonou ACP-UE

Technical Centre for Agricultural
and Rural Cooperation
ACP-EU Cotonou Agreement

Technical Centre for Agricultural and Rural Cooperation
The Chairman of the Executive Board
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Mr Guy Ryder
Director-General
International Labour Office
Route des Morillons 4
CH-1211 Genève 22

TRIB 3-1-13
AT 2-60

BY REGISTERED MAIL AND E-MAIL: ILO@ILO.ORG

Wageningen, 23 March 2018

Withdrawal of the recognition of the Tribunal's jurisdiction by the CTA

Dear Mr Ryder,

As Chairman of the CTA's Executive Board, I hereby inform you that by revision to its Staff Regulations of 23/03/2018, the Technical Centre for Agricultural and Rural Cooperation (CTA) has discontinued its recognition of the jurisdiction of the Administrative Tribunal of the International Labour Organization with immediate effect.

As regards the adjudication of complaints filed prior to the effective date of the cessation of recognition of the Tribunal's jurisdiction, the CTA confirms that there is at present no outstanding complaint under the procedures foreseen in the Staff Regulations.

Yours sincerely,

Professor Augusto Correia
Chairman of the Executive Board



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Le CTA est financé par l'Union européenne
The CTA is funded by the European Union
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Appendix II

Centre technique de
coopération agricole et rurale
Accord de Cotonou ACP-UE

Technical Centre for Agricultural
and Rural Cooperation
ACP-EU Cotonou Agreement



Professor Augusto Correia
Chairman of the Executive Board
Technical Centre for Agricultural and Rural Cooperation (CTA)
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International Labour Office (ILO)
To the attention of:
George Politakis
Director, Office of Legal Services
Route des Morillons 4
CH-1211 Genève 22

By email : jur@ilo.org

Subject: Withdrawal of the recognition of jurisdiction of the ILO Administrative Tribunal by the CTA – Your letter of 5 April 2019

Dear Mr Politakis,

Reference is made to the Director-General's letter of 4 April 2018 noting the CTA's decision to withdraw the recognition of jurisdiction of the ILO Administrative Tribunal and to your letter of 5 April 2019, in which you ask for additional information regarding the reasons for such withdrawal and the alternative means of judicial review.

In accordance with the rules and provisions applicable to CTA, the CTA's Governing Body has considered the opportunity to set up a specialised and independent Administrative Tribunal, as established in many international organisations. Such mechanism of dispute resolution is commonly used by intergovernmental organisations that receive funds of or are related to the European Union in different fields (Common Foreign and security policy, Eurozone, for instance).

To this end, social dialogue had been engaged by CTA, including due consultation of the CTA's staff Committee, communication of legal analysis carried out and discussion meetings with the staff members. A full consensus has been reached with the staff members concerned on the creation of the Administrative Tribunal of the CTA.

The Administrative Tribunal of the CTA has jurisdiction to settle any disputes between the CTA and its international staff members. This jurisdiction presents all the guarantees and complies with all the international standards in terms of respect for the procedural rights of the parties and independence. The interest for both the CTA and the staff members is to have a dedicated jurisdiction, geographically close, expeditious and before which the parties will have the opportunity to express themselves orally at the end of a written procedure.



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At the completion of this transparent process, the Governing Board formally adopted in its session of 23 March 2018 the corresponding amendments of the CTA Staff Regulations and the Statutes of the CTA's Administrative Tribunal, with immediate effect. Therefore, the CTA withdrew the recognition of the jurisdiction of the ILO Administrative Tribunal with effect from 24 March 2018.

In the light of this information, CTA is confident that the ILO Governing Body will be in a position to take note of the withdrawal decision at the next session of June 2018.

Yours sincerely,



Professor Augusto Correia
Chairman, CTA Executive Board