

Governing Body - 341st Session, March 2021
Programme, Financial and Administrative Section
Personnel Questions Segment

Workers' Group Comments

Document for Ballot by Correspondence

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Matters relating to the Administrative Tribunal of the ILO
Proposed amendments to the Statute of the Tribunal

The Workers' Group welcomes the proposed change in the Statute of the ILO Administrative Tribunal (ILO AT) that now explicitly regulates what will happen in case an extension of the appointment of a judge needs to take place but the ILO Conference does not meet prior to the expiry of his or her term of office. We deeply regret that last year it was not possible to find consensus on the basis of the current version of the Statute on how to deal with this matter in regard of Judge Kreins, which led to his stepping down from the ILO-AT and the loss of a very highly qualified and experienced judge to the work of the ILO-AT.

On the second issue addressed by the changes, namely the procedure according to which an international organization that has recognized the jurisdiction of the Tribunal may revoke its declaration of acceptance, we reiterate our strong concern that increasingly organizations may consider leaving the Tribunal for reasons of 'forum-shopping'. In the absence of the possibility to introduce stronger and binding legal obligations, we can accept the current proposals as an important step forward, but urge the Office to keep a close eye on how organizations are living up to the expectations expressed, including proper consultations with the relevant staff representative bodies prior to the withdrawal decision, to ensure the new clause will not be seen as an empty provision.

With regard to the proposed changes on the term of office of judges we can accept them, taking into account that the Tribunal has also indicated it can live with these changes. However, we draw attention to the fact that currently there exists in the ILO-AT an established good practice that judges will step down when they reach the age of 75. This provision has not been codified on the occasion of the current changes to the Statute. In our view, it would be good to let the Tribunal know that we expect this good practice to be continued also in the future.

Finally, on the geographical distribution and gender balance in the composition of the Tribunal: as also expressed by the Tribunal in the consultation phase, we emphasize that the general requirements regarding high quality, integrity, experience and qualifications required from judges, including also language requirements, should always be paramount, and take priority over any other requirements. On that basis we can accept the proposal to add that 'due regard shall be given to geographical balance and gender balance in the composition of the Tribunal'.