

IMEC Statement on Amendments to the ILOAT Statute, PFA/15/1

The members of IMEC are pleased to join consensus on these much-needed amendments to the ILOAT Statute, one of the most significant reforms of the Tribunal in its history. These amendments rationalize and modernize the 75-year-old Statute in several important ways.

First, the amendments introduce key best practices to better align the Tribunal with other, more recently established international tribunals: specific language on the importance of geographical and gender balance; term limits for judges; and, very importantly, a staggering mechanism so that we never again find ourselves in the precarious situation we face this year of needing to appoint six of the Tribunal's seven judges all at once.

Second, the amendments introduce a critical safeguard against a judge's term lapsing should the Conference be unable to meet in a given year. The amendments fix the Statute to prevent the deeply regrettable situation we faced last summer when Judge Kreins's term expired in the absence of holding the Conference. Never again will the Tribunal lose a talented judge as the result of such circumstances.

Third, the amendments codify and rationalize the process under which an organization withdraws from the Tribunal's jurisdiction. Critically, the new language does not grant the ILO Governing Body a veto over withdrawal, which is a decision that can only be made by the organization in question and its Members.

Fourth, the decision point acknowledges the critical cooperation that the Office provided to the UN Secretary-General in the compilation of the report entitled "Initial Review of the Jurisdictional Set-Up of the United Nations Common System," UN Doc. A/75/690, a comprehensive review of the evolution of and relationship between the different administrative tribunals of the UN system that sets forth several proposals for harmonizing the different tribunals' approach to Common System matters. We look forward to actively engaging in these continued discussions in New York.

As a final note, we would like to express our deep satisfaction that the tripartite membership has come together to approve this package of amendments by consensus after two-and-a-half years of discussions and negotiations. We would also like to thank the Office and the Office of Legal Services for their tireless work with the tripartite membership, the Tribunal's judges and Registry, and member organizations of the Tribunal to formulate a balanced set of amendments acceptable to all stakeholders, including the Tribunal itself. We commend the amendment package to the ILC and anticipate its swift adoption in June.