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34th session, Paris 2007

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34-я сессия, Париж 2007 г.

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34^e session, Paris 2007

المؤتمر العام
الدورة الرابعة والثلاثون، باريس ٢٠٠٧

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United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
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منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

LEGAL COMMITTEE

Third report

ADMINISTRATIVE TRIBUNAL: EXTENSION OF ITS PERIOD OF JURISDICTION

1. The Staff Regulations and Staff Rules make provision for appeals that may be lodged by staff members against disciplinary action or an administrative decision which, in their opinion, is contrary to any relevant regulation or rule or to their terms of appointment and which they consider prejudicial to them. After all internal remedies have been exhausted, those staff members may submit their case to the Administrative Tribunal of the International Labour Organization (ILOAT), whose functional competence has been recognized by the General Conference since 1953.
2. Recognition of its jurisdiction has been extended regularly for periods of six years since 1953, excluding the years 1996 to 2001, when recognition was renewed by the General Conference for periods of two years only pending a study carried out by the meeting of Legal Advisers of the organizations of the United Nations system which concluded, in 2001, that there was no need to establish a second-tier appeals system for the administration of justice in the secretariats of those organizations. The Director-General has therefore considered it appropriate to recommend that the General Conference renew recognition for the customary period of six years, as at the 31st session, as of 1 January 2008.
3. In response to a question by a member, the representative of the Director-General said that ILOAT was, *de facto*, a second-tier appeals system, since there was prior intervention by an independent body within UNESCO, the Appeals Board.
4. One member asked about the number of appeals to ILOAT and how the Tribunal had dealt with them. Another member expressed concern as to the position of the staff unions on the matter.
5. Given that there were no legal obstacles to this recommendation, the Legal Committee has decided to recommend that the General Conference adopt the following draft resolution:

The General Conference,

Having taken note of document 34 C/21 and of the report of the Legal Committee, 34 C/73,

Decides to renew, for the period from 1 January 2008 to 31 December 2013, UNESCO's recognition of the jurisdiction of the Administrative Tribunal of the International Labour Organization for cases arising under Staff Regulation 11.2.