



General Conference

37th Session, Paris, 2013

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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,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

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15 November 2013
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LEGAL COMMITTEE

Fifth report

Item 7.2 of the agenda (document 37 C/25)

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 before the Appeals Board, those staff members may submit their case to the Administrative Tribunal of the International Labour Organization (ILOAT), whose functional jurisdiction has been recognized by the General Conference since 1953.
2. As recognition of that jurisdiction has been extended regularly since 1953, the Director-General has considered it appropriate to recommend that, as at the 34th session, the General Conference renew recognition for a period of six years, from 1 January 2014 to 31 December 2019.
3. In response to questions from Committee members who had expressed the wish that the item should be the subject of a debate, the representative of the Director-General recalled that recognition of the jurisdiction of ILOAT had 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, in 2001, had concluded that there was no need to establish a second-tier appeals system for the administration of justice in the secretariats of those organizations. Furthermore, 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 of the Committee recalled the importance that he attached to the smooth working of the internal appeals body that existed within the Organization and was made available to its staff. He expressed the hope that that body be better known and used as a matter of course.

5. With regard to the matter under discussion, another member of the Committee expressed concern that there was a difference of 10 States in the memberships of the ILO and UNESCO.

6. Given that there were no legal obstacles to the recommendation, the Committee has decided to recommend that the General Conference adopt the following draft resolution:

The General Conference,

1. Having taken note of document 37 C/25,
2. Decides to renew, for the period from 1 January 2014 to 31 December 2019, UNESCO's recognition of the jurisdiction of the Administrative Tribunal of the International Labour Organization for cases arising under Staff Regulation 11.2.