



## TWENTIETH ITEM ON THE AGENDA

**Matters relating to the Administrative Tribunal of the International Labour Organization****(a) Composition of the Tribunal**

1. In accordance with article III of the Statute of the Administrative Tribunal, the Tribunal consists of seven judges appointed by the International Labour Conference for a period of three years. The Tribunal's current composition is as follows:
  - Mr. Michel Gentot (France), President: term of office expires in July 2004;
  - Mr. James K. Hugessen (Canada), Vice-President: term of office expires in July 2006;
  - Mr. Seydou Ba (Senegal): term of office expires in July 2006;
  - Mr. Jean-François Egli (Switzerland): term of office expires in July 2004;
  - Ms. Florida Ruth P. Romero (Philippines): term of office expires in July 2005;
  - Ms. Genevieve Gaudron (Australia): term of office expires in March 2006.
2. There are two judges whose terms of office are due to expire in July 2004: Mr. Gentot and Mr. Egli. While Mr. Gentot has expressed his willingness and availability to accept a new three-year term, Mr. Egli will reach 76 this year, which is considered by the Tribunal itself as its maximum retirement age. In addition to the vacancy that will become available after Mr. Egli's retirement, the post left vacant last July upon the expiration of the term of office of Ms. Rondon de Sanso is also to be filled.
3. Of these two vacancies, one concerns a post that has been held traditionally by a national of the Organization's host country, as almost one-third of the 44 organizations which have accepted the Tribunal's jurisdiction, including some of the largest, have their headquarters in Switzerland. The second relates to a post traditionally held by a distinguished jurist from Latin America.
4. In keeping with long-standing practice, the Director-General, after consultation with the Officers of the Governing Body, examines potential candidatures for the position of Judge of the Administrative Tribunal on the basis of several criteria: candidates must have experience as judges of a high national jurisdiction or equivalent status at the international

level and must be representative of different systems of law. An overall balance at the linguistic and geographical level must also be ensured. The Director-General then recommends to the Governing Body, through its Programme, Financial and Administrative Committee, the names of persons that the Conference will be invited to nominate as judges in order to fill the vacant posts in the Tribunal.

5. The Director-General, after consultation with the Officers of the Governing Body, therefore wishes to propose the following two appointments for a period of three years:
- *Mr. Claude Rouiller* (Switzerland) was born in 1941. He has a PhD in law. He practised law as a barrister and notary before being appointed as a deputy judge to the Supreme Court in 1975, and successively from 1979 as judge and President of one of the Supreme Court's chambers, namely the "Première Cour de Droit Public". He served as Vice-President of the Supreme Court between 1992 and 1994, and as its President between 1994 and 1996. He is currently a professor at the School of Law and Economics of the University of Neuchâtel. He holds or has held office in various expert committees, such as the Federal Office of Conciliation or the Swiss Exchange Arbitration Court. He is the author of numerous legal articles and books and is fluent in English, German and Italian, in addition to his mother tongue, French.
  - *Dr. Agustín Gordillo* (Argentina) was born in 1938. He is a Professor of Administrative Law (1960 to present) and Professor of Human Rights (1986 to present) at the University of Buenos Aires School of Law. He has served as judge of the administrative tribunals of the Inter-American Development Bank (1984-89 and 1988-89 as its President), Organization of American States (2002-07) and International Monetary Fund (1994-2003). He has also been the Presiding Judge of the Arbitration Tribunal for Peru, an adviser to the Constitutional Affairs Commission of the House of Deputies of Argentina and the founding president of the Administrative Law Foundation. He is the author of numerous legal publications and textbooks, including a comprehensive four-volume *Treaties of Administrative Law*. He has made numerous contributions to Latin American and European law journals and is a visiting professor of administrative law in various American and European universities.

**6. *The Committee may accordingly wish, through the draft resolution below:***

- (a) *to recommend to the Governing Body, and through it to the Conference, that they convey to Mr. Egli their appreciation for the services he has rendered to the work of the Administrative Tribunal over the past decade;***
- (b) *to recommend to the Governing Body that it propose to the 92nd Session of the International Labour Conference:***
  - (i) *the renewal of the term of office of Mr. Gentot for three years;***
  - (ii) *the appointment of Mr. Rouiller for a term of office of three years;***
  - (iii) *the appointment of Mr. Gordillo for a term of office of three years.***

The General Conference of the International Labour Organization,

*Decides*, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to renew the appointment of Mr. Michel Gentot (France) for a term of three years;

*Expresses* its appreciation to Mr. Jean-François Egli for the services which he has rendered to the work of the Administrative Tribunal of the International Labour Organization over the last decade;

*Decides*, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to appoint as judges of the Administrative Tribunal, for a term of three years with effect from July 2004,

Mr. Agustín Gordillo (Argentina) and

Mr. Claude Rouiller (Switzerland).

Geneva, 22 March 2004.

*Point for decision:* Paragraph 6.