



## TWENTIETH ITEM ON THE AGENDA

**Matters relating to the Administrative  
Tribunal of the ILO****(c) Recognition of the Tribunal's jurisdiction  
by the Agency for International Trade  
Information and Cooperation**

1. By a letter dated 11 February 2005 (see appendix), Ms. Esperanza Durán, the Executive Director of the Agency for International Trade Information and Cooperation (AITIC), informed the Director-General that the Council of Representatives of the AITIC had decided to recognize the Tribunal's jurisdiction in accordance with article II, paragraph 5, of its Statute.
2. The AITIC was established by the Agreement establishing the Agency for International Trade Information and Cooperation, which entered into force on 30 April 2004. The AITIC currently has 54 members, out of which 47 are participating members and seven are sponsoring members. Sponsoring members finance the AITIC's activities through contributions to its regular annual budget. Pursuant to article 5 of the Agreement establishing the AITIC, membership as a participating member is open to all resource-constrained developing countries and countries with economies in transition, including small, vulnerable economies, least-developed countries and countries without permanent representation in Geneva. Membership as a sponsoring member is open to other countries and territories interested in promoting greater participation of participating members in the multilateral trading system through sponsoring trade cooperation and capacity-building projects and contributing to the AITIC's activities.
3. The objective of the AITIC, as defined in article 2 of the Agreement establishing the AITIC, is to assist resource-constrained developing countries and countries with economies in transition, including small, vulnerable economies, with a priority to least-developed countries and countries without permanent representation in Geneva, to participate effectively in the World Trade Organization (WTO) and in the international trading system. The AITIC intends to achieve this objective by assisting participating members to better understand trade policy issues and the multilateral trading system; by assisting participating members in pursuit of their trade policy objectives, in preparing for negotiations and other activities of the WTO; and disseminating information and analysis for participating members on WTO negotiations, multilateral trade policy activities and trade-related technical cooperation and capacity building.

4. Pursuant to article 13 of the Agreement establishing the AITIC, it has legal personality. The same article provides that the AITIC is located in Geneva and the AITIC consequently concluded a host country agreement with Switzerland on 31 August 2004. On the basis of this host country agreement, the AITIC enjoys privileges and immunities accorded to other international organizations in Switzerland.
5. The AITIC currently has 14 staff members. Conditions of service for staff are set out in the Staff Regulations approved by the Council of Representatives, the highest AITIC body, on 17 December 2004. The Staff Regulations provide that the staff members could have recourse to the Administrative Tribunal of the ILO with complaints alleging non-observance, in substance or in form, of the terms of appointment of officials and of such provisions of the Staff Regulations as are applicable to the case.
6. In order to be eligible for approval under article II, paragraph 5, of the Tribunal's Statute, the AITIC must be considered either to be an intergovernmental organization (*organisation de caractère interétatique*) or to fulfil certain criteria set out in the annex to the Statute. According to the available information, the AITIC is an international intergovernmental organization, established by an international treaty, having objectives that respond to the general interest of the international community as a whole and is endowed with functions of a permanent nature. In addition, the AITIC is not required to apply any national law in its relations with its officials and enjoys immunity from legal process in the host country. Financial contributions of members that are provided for in the Agreement establishing the AITIC itself guarantee stability of financial resources of the Centre.
7. The Tribunal's jurisdiction under article II, paragraph 5, of its Statute already extends to 45 organizations other than the ILO. The recognition of the Tribunal's jurisdiction by other organizations entails no additional cost to the ILO, since the organizations against which complaints are filed are required by the Statute to bear the expenses of sessions and hearings and to pay any award of compensation made by the Tribunal. These organizations also contribute, in amounts proportionate to the number of their staff, to much of the running costs of the Tribunal's secretariat.
8. ***In light of the above, the Committee may wish to recommend that the Governing Body approve the recognition of the Tribunal's jurisdiction by the Agency for International Trade Information and Cooperation (AITIC), with effect from the date of such approval.***

Geneva, 7 March 2005.

*Point for decision:* Paragraph 8.

## Appendix

Mr. Juan Somavia  
Director-General  
International Labour Organization  
4, route des Morillons  
1211 Geneva 22

Geneva, 11 February 2005

**Re: Recognition of the ILO Administrative Tribunal by the Agency for International Trade Information and Cooperation (AITIC)**

Dear Director-General,

I have the honour to inform you that the AITIC has been established as an intergovernmental organization on 30 April 2004. Since that date it has recognized the jurisdiction of the ILO Administrative Tribunal to settle complaints relating to staff work contracts.

The AITIC currently has 14 staff members. Their conditions of work are set out in the Staff Regulations in which article 39 specifically recognizes the jurisdiction of the ILO Administrative Tribunal. The AITIC Council of Representatives approved the Staff Regulations on 17 December 2004. I am hereby applying for the addition of the AITIC to the list of international organizations recognizing the jurisdiction of the ILO Administrative Tribunal at the express request of the Agency members and would be grateful if you could inform the Governing Body at its March 2005 session.

The Agreement of 9 December 2002 establishing the AITIC as an intergovernmental organization entered into force on 30 April 2004, transforming it into an international organization. A Headquarters Agreement was subsequently signed on 31 August 2004 with the Swiss Federal Council, providing privileges and immunity to the Agency and its staff members dating from the entry into force of the AITIC Agreement. As a consequence, the AITIC is not under obligation to apply Swiss law in its relations with its staff members. The conditions of article II, paragraph 5, of the ILO Administrative Tribunal's Statute are therefore respected.

I attach the following documents in support of the present request:

- the Agreement establishing the Agency for International Trade Information and Cooperation as an intergovernmental organization of 9 December 2002;
- the Agreement between the Swiss Federal Council and the Agency for International Trade Information and Cooperation to determine the legal status of the Agency in Switzerland of 31 August 2004;
- the AITIC Staff Regulations as adopted by the Council of Representatives on 17 December 2004.

I hope that the ILO Governing Body will accede to the present request at its next session; I am naturally at your disposal for any additional information that you may require.

I remain

Yours sincerely,

Esperanza Durán,  
Executive Director.