



Governing Body

313th Session, Geneva, 15–30 March 2012

GB.313/PFA/9

Programme, Financial and Administrative Section
Personnel Segment

PFA

Date: 23 March 2012

Original: English

NINTH ITEM ON THE AGENDA

Matters relating to the Administrative Tribunal of the ILO

Composition of the Tribunal

Purpose of the document

This paper contains proposals concerning the renewal and appointment of judges of the Administrative Tribunal of the ILO. See the point for decision in paragraph 7.

Policy implications: None.

Legal implications: Proposed submission of a draft resolution to the Conference for renewal of the term of office of three judges and for the appointment of two judges (one from the Asia and the Pacific region and the other one from Latin America and the Caribbean).

Financial implications: None.

Follow-up action required: Point for decision, paragraph 7.

Author unit: Office of the Legal Adviser (JUR).

Related documents: None.

I. Introduction

1. Pursuant to article III of its Statute, the Administrative Tribunal consists of seven judges appointed for three-year terms by the Conference of the International Labour Organization. The present composition of the Tribunal as confirmed by the Conference is the following:
 - Ms Mary G. Gaudron (Australia), President: term of office expires in July 2014;
 - Mr Seydou Ba (Senegal), Vice-President: term of office expires in July 2012;
 - Ms Suzy d’Auvergne (Saint Lucia): term of office expires in July 2014;
 - Mr Claude Rouiller (Switzerland): term of office expires in July 2013;
 - Mr Giuseppe Barbagallo (Italy): term of office expires in July 2012;
 - Ms Dolores M. Hansen (Canada): term of office expires in July 2012;
 - Mr Patrick Frydman (France): term of office expires in July 2013.

II. Elements of the proposal

2. The terms of office of Mr Ba, Mr Barbagallo and Ms Hansen are due to expire in July 2012. They have all expressed their willingness and availability to accept a new three-year term. In addition, Ms Gaudron, whose term of office was due to expire in July 2014, has communicated her resignation due to ill health. Ms d’Auvergne has also communicated her resignation due to ill health. There are therefore two vacancies to be filled, one from the Asia and the Pacific region and the other from the Americas region.
3. 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. Excellent knowledge of at least one of the two working languages of the Tribunal (English and French) and at least passive knowledge of the other are necessary for the effective functioning of the Tribunal. An overall balance at the linguistic and geographical level must also be ensured.
4. The Director-General then recommends to the Governing Body, in its Programme, Financial and Administrative Section, 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. As regards the vacancy for the Asia and the Pacific region, the Director-General, after consultation with the Officers of the Governing Body, wishes to propose the following appointment for a period of three years:
 - Hon. Michael Francis Moore (Australia)

Born in 1951, Judge of Court of Appeal of Kingdom of Tonga and formerly Judge (retired 2011) of the Federal Court of Australia (1994–2011) and Industrial Relations Court of Australia (1994–2011), and additional Judge, Supreme Court of the Australian Capital Territory (1994–2011). Bachelor of Laws, the Australian National University (1974). Admitted to practice as a Solicitor in the Supreme Court of New South Wales (1975) and

as a Barrister in the Supreme Court of New South Wales and High Court of Australia (1976). Practised as a Barrister (1976–89). Appointed in 2011 to a three-member expert panel to review the national Fair Work Act 2009; and formerly to the Australian Industrial Relations Commission (Deputy President, 1989, Vice-President, 1991, and Acting President 1994). Participated in activities involving development of judiciaries in the Asian region and particularly in South-East Asia. Linguistic skills: English (mother tongue) and French (read).

6. As regards the vacancy for the region of the Americas, that was announced recently, the Office has so far been unable to identify a suitable candidate. It would request that the Officers be authorized by the Governing Body, on a one-time basis, to submit the further name of an appropriate candidate to the Conference.

III. Draft decision

7. *The Governing Body:*

- (a) *recommends to the Conference that it convey its deep appreciation to Ms Gaudron for the valuable services she has rendered as judge and as President of the Tribunal and express regret at the resignation of Ms d’Auvergne;*
- (b) *propose to the Conference:*
 - (i) *the renewal of the terms of office of Mr Ba (Senegal), Mr Barbagallo (Italy) and Ms Hansen (Canada) for three years each;*
 - (ii) *the appointment of Hon. Michael Francis Moore (Australia) for a term of office of three years;*
- (c) *delegate to its Officers, on a one-time basis, the authority to propose directly to the Conference the appointment of a further candidate from the Latin America and the Caribbean region following consultation with the Director-General before June 2012; and*
- (d) *thus decides to propose the following draft resolution for possible adoption by the Conference:*

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,

- (a) to convey its deep appreciation to Ms Gaudron for the valuable services she has rendered as judge and as President of the Tribunal and express regret at the resignation of Ms d’Auvergne;
- (b) to renew the appointments of Mr Ba (Senegal), Mr Barbagallo (Italy) and Ms Hansen (Canada) for a term of three years; and
- (c) to appoint Hon. Michael Francis Moore (Australia) for a term of three years.