



TWENTIETH ITEM ON THE AGENDA

Matters relating to the Administrative Tribunal of the ILO**(a) Recognition of the Tribunal's jurisdiction by the International Olive Oil Council (IOOC)**

1. By a letter dated 19 September 2003 (appended), Mr. Ahmed Touzani, the Executive Director a.i. of the International Olive Oil Council (IOOC), informed the Director-General of the ILO that the IOOC had decided at its 88th Session (Madrid, 23-25 June 2003) to recognize the Tribunal's jurisdiction in accordance with article II, paragraph 5, of its Statute.
2. The IOOC was created as an international intergovernmental organization at its first session, held from 6 to 16 October 1959, following entry into force of the 1956 International Olive Oil Agreement (ratified at that time by 11 States). At present, the membership of the IOOC consists of 14 States and the European Community, its work also being followed by a number of official observers – States and associations. Since 1959 three other international agreements concerning olive oil have been concluded and the IOOC is now responsible for administering the International Agreement on Olive Oil and Table Olives, 1986.
3. Article 6 of the 1986 Agreement specifically provides that the IOOC has international legal personality and enjoys privileges and immunities in Spain, since its headquarters is based in Madrid. The IOOC has already concluded two headquarters agreements with the Government of Spain, the latter dated 13 July 1989. These international legal acts recognize the immunity of the IOOC's property, funds and assets from every form of legal proceedings, inviolability of its premises and, for its staff, the privileges and immunities which are normally recognized for officials of international organizations. The IOOC Executive Secretariat employs at present some 50 persons under the authority of the Executive Director.
4. In order to be eligible for approval under article II, paragraph 5, of the Tribunal's Statute, the IOOC 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 IOOC 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 IOOC 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 State parties that are provided for in the Agreement itself guarantee stability of financial resources of the IOOC.

5. The Tribunal's jurisdiction under article II, paragraph 5, of its Statute already extends to 42 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. Those organizations also contribute, in amounts proportionate to the number of their staff, to much of the running costs of the Tribunal's secretariat.
6. *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 International Olive Oil Council (IOOC), with effect from the date of such approval.*

Geneva, 8 October 2003.

Point for decision: Paragraph 6.

Appendix

International Olive Oil Council

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

Madrid, 19 September 2003

Director-General,

Since December 2002, I have been honoured to act as Executive Director ad interim for the International Olive Oil Council (IOOC), an intergovernmental organization with its headquarters in Madrid, which is responsible for administering the 1986 International Agreement on Olive Oil and Table Olives, which was amended and extended by the Protocol of 1993 and most recently extended again in 2003.

Recently, we have noted with surprise that the IOOC is not mentioned in the list of organizations that recognize the jurisdiction of the Administrative Tribunal of the International Labour Organization, while the statutes and regulations of employees of the Executive Secretariat of the IOOC, adopted for many years now, have systematically recognized the jurisdiction of this Tribunal.

With regard to the above, when the new staff regulations for the organization, which again provide employees with the opportunity to have recourse to the ILO Administrative Tribunal under the conditions prescribed by the Statute of the Tribunal (article 64), were adopted at the 88th Session of the Council (Madrid, 23-25 June 2003), members' representatives asked me specifically to take the necessary steps to this end.

After examining the Statute of the ILO Administrative Tribunal, the International Olive Oil Council considers that it fulfils the conditions required to recognize the jurisdiction of the Tribunal, as the following documents (see attached to this communication) indicate:

- the International Agreement on Olive Oil and Table Olives, 1986, which was amended and extended by the Protocol of 1993 and most recently extended again in 2003;
- the headquarters agreement signed between Spain and the IOOC on 13 July 1989;
- the staff regulations and rules of procedure of the IOOC, adopted by Decision No. DEC-2/88-IV/2003.

In accordance with the provisions of article II, paragraph 5, of the Statute of the ILO Administrative Tribunal, and in reply to the express wish of IOOC members' representatives at its 88th Session, I declare, in the name of the International Olive Oil Council, that this body recognizes the jurisdiction of the ILO Administrative Tribunal.

I hope you will look upon our request favourably, and I hope that the IOOC will soon be listed among those organizations that recognize the jurisdiction of the ILO Administrative Tribunal.

Thank you in advance for your support, and I take this opportunity to assure you, Director-General, of my highest consideration.

Ahmed Touzani,
Executive Director a.i.