



## EIGHTEENTH ITEM ON THE AGENDA

**Matters relating to the Administrative Tribunal of the ILO****(b) Judges' fees**

1. The current method of remunerating the judges of the Administrative Tribunal of the ILO was decided on by the Governing Body at its 203rd Session (May-June 1977). Originally, the judges used to study the files of the cases submitted to them during Tribunal sessions in Geneva and received, in addition to their travel expenses, a daily allowance fixed in 1977 at 400 Swiss francs per day of the session.
2. With the steady growth of the Tribunal's caseload, in particular owing to the increase in the number of organizations recognizing its jurisdiction, its working methods changed: the judges now examine the case files at home, before leaving for Geneva, resulting in a shorter session, in principle. At the same time, the Tribunal introduced the practice of appointing a "judge reporter", thus speeding up the process of examining complaints. Given that the length of the session no longer bore any relation to the time each judge spent on preparing a decision, the Governing Body decided to pay each judge a flat-rate fee (600 Swiss francs) for each case heard, while reducing the daily allowance to the rate payable to members of the Governing Body.<sup>1</sup>
3. At its 221st Session (November 1982), the Governing Body increased the flat-rate fee to 750 Swiss francs, on the understanding that the Tribunal itself would share the flat-rate fee per case, which was normally 2,250 Swiss francs, between the judge reporter – whose workload is substantially heavier – and the other two judges.<sup>2</sup> That amount has not been revised since.
4. In a letter dated 13 May 2005, the President of the Administrative Tribunal, speaking on its behalf, informed the ILO that the Tribunal would like the flat-rate fee to be revised. The Office, which under article IX, paragraph 1, of the Statute of the Administrative Tribunal of the International Labour Organization is responsible for making the administrative arrangements necessary for the operation of the Tribunal, considers that this is justified and that the amount allocated for each case should accordingly be increased to 4,500 Swiss

<sup>1</sup> GB.221/7/39, paras. 59 and 60.

<sup>2</sup> GB.221/PFA/12/3.

francs. In this respect, the Office recalls that this cannot in any event be regarded as a full reward for the judges' outstanding services to the Organization and that this proposal is merely intended to compensate the judges more fairly for the time they devote to the settlement of cases before the Tribunal.

5. As has already been emphasized in the past, the judges of the Tribunal are eminent personalities and high-ranking or formerly high-ranking officials in the judiciary of their own countries, who devote a considerable portion of their time to the Administrative Tribunal of the ILO. Their practice differs from that in other international jurisdictions in that they draft their own decisions. In equivalent bodies such as the administrative tribunals of the World Bank and the International Monetary Fund (IMF), judges' fees, which are calculated on a different basis, are substantially higher.
6. The financial implications of this proposal for the organizations that have accepted the Tribunal's jurisdiction, including the ILO, will depend entirely on the number of complaints against each organization. In the case of the ILO, one can expect an estimated increase on the order of US\$24,000 for the 2006-07 biennium, based on the average number of complaints filed against the Organization over the last three years. The resulting increase could be financed out of savings achieved in Part I of the Programme and Budget for 2006-07.
7. In order to ensure a certain amount of stability of the solution envisaged, it is also proposed that the amount fixed by the Governing Body be periodically revised based on the inflation rate for Switzerland.
8. Although the Governing Body of the International Labour Office has sole competence to make the administrative arrangements necessary for the operation of the Tribunal, in consultation with the latter, the organizations that have accepted the Tribunal's jurisdiction have been informed of the proposed change.
9. *The Committee may wish to recommend to the Governing Body:*
  - (a) *that the flat-rate fee for each case heard be increased to 4,500 Swiss francs, as of 1 January 2006, this amount to be revised, where necessary, when the Programme and Budget is adopted, on the basis of the inflation rate for Switzerland; and*
  - (b) *that the total estimated cost of US\$24,000 be financed out of savings achieved in Part I of the Programme and Budget for 2006-07.*

Geneva, 6 October 2005.

*Point for decision:* Paragraph 9.