



EIGHTEENTH ITEM ON THE AGENDA

Other personnel questions**Matters relating to the Administrative Tribunal of the ILO: Recognition of the Tribunal's jurisdiction by the Bureau International des Poids et Mesures (BIPM)**

1. By a letter dated 12 February 2008 (see appendix), Mr Andrew J. Wallard, Director of the Bureau International des Poids et Mesures (BIPM),¹ informed the Director-General of the International Labour Office that on that day the International Committee for Weights and Measures had approved the new Regulations and Rules applicable to staff members of the BIPM, which recognize the jurisdiction of an international administrative tribunal. In his letter, Mr Wallard asked that his request for recognition of the jurisdiction of the Administrative Tribunal of the International Labour Organization (the "Tribunal"), in accordance with article II, paragraph 5, of the Tribunal's Statute, be transmitted to the Governing Body of the ILO for approval.
2. Established in 1875 by the Metre Convention, the BIPM is an international organization of universal scope which currently has 51 member States and 26 associates. The BIPM is active in the field of global metrology and its mission is to provide the basis for a single coherent system of measurements throughout the world traceable to the International System of Units (SI). In accordance with article 6 of the Metre Convention,² the BIPM is charged with the following duties: (1) all comparisons and verifications of the new prototypes of the metre and the kilogram; (2) the conservation of the international prototypes; (3) the periodic comparisons of national standards with the international prototypes and with their official copies as well as those of the standard thermometers; (4) the comparison of new prototypes with the fundamental standards of non-metric weights and measures used in different countries and in the sciences; (5) the calibration and comparison of geodetic standards; and (6) the comparison of precision standards and scales whose verification may be requested by governments, by learned societies or even

¹ International Bureau of Weights and Measures (usually known by its French title).

² The English translations cited in this document of the Metre Convention, the Regulations and Rules applicable to staff members of the BIPM and the names of the various bodies of the BIPM are all unofficial English versions of the original French texts.

by *des artistes et des savants*.³ Article 7 of the Metre Convention also provides that the BIPM, after having fulfilled the functions set out in article 6, will be charged with: the establishment and the conservation of standards of electrical units and their official copies as well as the comparison with these standards of national standards or other precision standards; determinations related to physical constants for which more accurate knowledge might serve to increase the precision and ensure better uniformity in the fields to which the units mentioned above belong; as well as the work of coordinating similar determinations made in other institutes.

3. The BIPM is financed through a regular budget funded by contributions from member States based on rates calculated with reference to the quotas approved by the United Nations for each of its Members. The BIPM operates under the direction and surveillance of the International Committee for Weights and Measures, which is in turn under the authority of the General Conference on Weights and Measures on which all the contracting parties to the Metre Convention are represented. The BIPM is headed by its Director.
4. The headquarters of the BIPM is in Sèvres (France). To determine its status in the host country, the BIPM concluded with the Government of the French Republic on 25 April 1969 an agreement on the headquarters of the BIPM and its privileges and immunities on the French territory. The agreement recognizes the legal personality of the BIPM, including its capacity to contract, to acquire and dispose of movable or immovable property and to institute legal proceedings. By virtue of this agreement, the BIPM enjoys immunity of jurisdiction and enforcement, unless it explicitly waives such immunity.
5. The BIPM currently employs 72 staff members. Their terms and conditions of employment are set out in the Regulations and Rules applicable to staff members of the BIPM. Under these texts, allegations of failure to comply with the terms and conditions of employment of staff members may be lodged with an international administrative tribunal. It is in this context that the BIPM has transmitted its request to the Director-General of the ILO.
6. In order to be eligible for approval under article II, paragraph 5, of the Tribunal's Statute, the BIPM must be considered either to be an intergovernmental organization or to fulfil certain criteria set out in the annex to the Statute. According to the information available, the BIPM is an international intergovernmental organization established by treaty. Furthermore, its objectives respond to the interests of all of its Members and its functions are of a permanent nature. In addition, the BIPM is not required to apply any national law in its relations with its officials and, as noted above, it enjoys immunity from legal process in its host country. Finally, it has a rolling fund which guarantees the stability of its budgetary resources.
7. The Tribunal's jurisdiction under article II, paragraph 5, of its Statute already extends to 52 organizations other than the ILO. The recognition of the Tribunal's jurisdiction by other organizations entails no additional cost to the ILO. Each organization contributes, in amounts proportionate to the number of its staff, to the running costs of the Tribunal's secretariat. In addition, 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.

³ At the time of the signature of the Metre Convention, *artistes* and *savants* referred respectively to artisans who made precision standards and to individual scientists.

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 Bureau International des Poids et Mesures (BIPM), with effect from the date of such approval.*

Geneva, 19 February 2008.

Point for decision: Paragraph 8.

Appendix

H.E. Mr Juan Somavia
Director-General
International Labour Office

Sèvres, 12 February 2008

Re: Recognition of the jurisdiction of the Administrative Tribunal of the ILO by the BIPM

Dear Mr Somavia,

The Bureau International des Poids et Mesures (BIPM) is an intergovernmental organization with its headquarters at Sèvres, France. The BIPM was created by the Metre Convention signed in Paris on 20 May 1875. Its mission is to ensure worldwide uniformity of measurements and their traceability to the International System of Units (SI).

The BIPM currently comprises 51 Member States that have acceded to the Metre Convention and 26 Associates. The BIPM is governed by the General Conference on Weights and Measures (CGPM), supervised by the International Committee for Weights and Measures (CIPM) and headed by its Director. The BIPM's budget is funded by contributions from Member States based on rates calculated by reference to the quotas approved by the United Nations for each of its Members.

In accordance with article 1 of the BIPM's Headquarters Agreement, the BIPM possesses full legal personality, including the capacity to contract, to acquire and dispose of immovable and movable property and to institute legal proceedings. Pursuant to articles 4, 12 and 13 of the Headquarters Agreement, the BIPM enjoys immunity from legal process unless it expressly waives its immunity. The BIPM has 72 staff members at present. Their conditions of employment are set forth in the *Regulations and Rules applicable to staff members of the BIPM*.

I have the honour to request the Governing Body of the International Labour Office to approve the BIPM's recognition of the jurisdiction of the Administrative Tribunal of the ILO. On 12 February 2008, the BIPM's supervisory body, the CIPM, endorsed the BIPM's new *Regulations and rules applicable to staff members of the BIPM*, which provide for the judicial settlement of disputes between a staff member and the BIPM before an international administrative tribunal (Regulation 20 et seq.).

To that end, please find attached copies of the following documents:

- the Metre Convention;
- the Headquarters Agreement with the French Republic;
- the list of Member States and Associates;
- the *Regulations and Rules applicable to staff members of the BIPM*.

I remain at your disposal for any additional information you may require.

Yours sincerely,

Andrew J. Wallard,
Director.