



## TWENTY-FIRST ITEM ON THE AGENDA

**Matters relating to the Administrative Tribunal of the ILO****Composition of the Tribunal**

1. Pursuant to article III of its Statute, the Administrative Tribunal consists of seven judges appointed for three years by the Conference of the International Labour Organization. The present composition of the Tribunal is as follows:
  - Mr Michel Gentot (France), President: term of office expires in July 2007;
  - Mr Seydou Ba (Senegal), Vice-President: term of office expires in July 2009;
  - Ms Genevieve Gaudron (Australia): term of office expires in July 2008;
  - Mr Agustín Gordillo (Argentina): term of office expires in July 2007;
  - Mr Claude Rouiller (Switzerland): term of office expires in July 2007;
  - Ms Dolores Hansen (Canada): term of office expires in July 2009;
  - Mr Giuseppe Barbagallo (Italy): term of office expires in July 2009.
2. There are three judges whose terms of office are due to expire in July 2007: Mr Gentot, Mr Gordillo and Mr Rouiller. While Mr Gordillo and Mr Rouiller have expressed their willingness and availability to accept a new three-year term, Mr Gentot will reach the age of 75 this year, which is considered by the Tribunal itself as its maximum retirement age. The Committee may wish to recommend to the Governing Body, and through it to the Conference, that they convey to Mr Gentot their appreciation for the services he has rendered to the work of the Administrative Tribunal over the past 15 years as judge, Vice-President and eventually President of the Tribunal.
3. As announced during the 297th Session of the Governing Body,<sup>1</sup> there is therefore a vacancy to be filled. In keeping with long-standing practice, the Director-General, after consultation with the Officers of the Governing Body, examines potential candidatures for

<sup>1</sup> GB.297/PFA/16.

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. An overall balance at the linguistic and geographical level must also be ensured. The Director-General then recommends to the Governing Body, through its Programme, Financial and Administrative Committee, the names of persons that the Conference will be invited to nominate as judges in order to fill the vacant posts in the Tribunal.

4. The Director-General, after consultation with the Officers of the Governing Body, therefore wishes to propose the following appointment for a period of three years:

- Mr Patrick Frydman (France)

Born in Paris (1961), Secretary-General of the French *Conseil d'Etat* (Council of State). Diploma of the "Institut d'études Politiques de Paris" with "Félicitations du Jury" (1981). Fellow of the "Ecole Nationale d'Administration (E.N.A.)", "Promotion Denis Diderot" (1986). "Auditeur au Conseil d'Etat" (1986). *Maître des requêtes* at the *Conseil d'Etat* (1989). *Rapporteur* at the "Travaux publics" section of the *Conseil d'Etat* (1989–90). Councillor to the Minister "délégué" for Justice (for the elaboration of the new Penal Code and questions of Penal Law and Criminal Procedure Law (1990–1991). Deputy Director of the Minister "délégué" for Communications' Office (in particular, in charge of the audiovisual sector, 1991–92). *Rapporteur* at the "Intérieur" and "Contentieux" sections and member of the Permanent Commission of the *Conseil d'Etat* (1992). *Commissaire du Gouvernement* before the "Assemblée du Contentieux" and other judicial panels of the *Conseil d'Etat* (1993–95). Deputy Secretary-General of the *Conseil d'Etat*, in charge of administrative tribunals, administrative courts of appeal and of international relations (1995–2001). Secretary-General of the *Conseil d'Etat* and member of the Superior Council of Administrative Tribunals and Administrative Courts of Appeal (since January 2001). Secretary-General of the International Association of High Administrative Courts (since April 2001). *Conseiller d'Etat* (since June 2001). Lecturer at the *Institut d'études politiques de Paris* (I.E.P.) and at the *Institut international d'Administration publique* (I.I.A.P.). Author of several legal publications. In charge of a number of administrative activities (since 1986). Linguistic skills: English and French.

5. ***The Committee may accordingly wish, through the draft resolution below:***

- (a) ***to recommend to the Governing Body, and through it to the Conference, that they convey to Mr Gentot their appreciation for the services he has rendered to the work of the Administrative Tribunal of the International Labour Organization over the past 15 years as judge, Vice-President and President of the Tribunal;***
- (b) ***to recommend to the Governing Body that it propose to the 96th Session of the International Labour Conference:***
- (i) ***the renewal of the term of office of Mr Gordillo and Mr Rouiller for three years;***
- (ii) ***the appointment of Mr Frydman for a term of office of three years.***

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 express to Mr Michel Gentot its appreciation for the services he has rendered to the work of the Administrative Tribunal over the past 15 years as judge, Vice-President and President of the Tribunal;
- (b) to renew the appointments of Mr Agustín Gordillo (Argentina) and Mr Claude Rouiller (Switzerland) for a term of three years;
- (c) to appoint Mr Patrick Frydman (France) for a term of three years.

Geneva, 15 March 2007.

*Point for decision:* Paragraph 5.