



Governing Body

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Programme, Financial and Administrative Section

PFA

Personnel Segment

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Tenth item on the agenda

Matters relating to the Administrative Tribunal of the ILO

Recognition of the Tribunal's jurisdiction by other international organizations

Purpose of the document

This document contains a proposal regarding the recognition of the jurisdiction of the Administrative Tribunal of the International Labour Organization ("the Tribunal") by the Joint Vienna Institute (JVI). The Governing Body is invited to approve the recognition of the Tribunal's jurisdiction by the JVI (see the draft decision in paragraph 7).

Relevant strategic objective: None.

Main relevant outcome: Enabling outcome C: Effective, efficient, results-oriented and transparent management.

Policy implications: None.

Legal implications: Additional international organization under the jurisdiction of the Tribunal.

Financial implications: None.

Follow-up action required: None.

Author unit: Office of the Legal Adviser (JUR)

Related documents: [GB.355/PFA/10](#) and [GB.355/PFA/PV](#).

1. Since the Governing Body last approved the recognition of the jurisdiction of the Administrative Tribunal of the International Labour Organization ("the Tribunal") by international organizations in November 2025,¹ the Director-General has received a declaration by a further international organization recognizing that jurisdiction.
2. In order to be entitled to recognize the jurisdiction of the Tribunal in accordance with article II(5) of the Tribunal's Statute, an international organization must either be intergovernmental in character or fulfil the following conditions, set out in the Annex to the Statute:
 - (a) it shall be clearly international in character, having regard to its membership, structure and scope of activity;
 - (b) it shall not be required to apply any national law in its relations with its officials, and shall enjoy immunity from legal process as evidenced by a headquarters agreement concluded with the host country; and
 - (c) it shall be endowed with functions of a permanent nature at the international level and offer, in the opinion of the Governing Body, sufficient guarantees as to its institutional capacity to carry out such functions as well as guarantees of compliance with the Tribunal's judgments.
3. By letter dated 22 January 2026 and addressed to the Director-General of the ILO (see appendix), Mr Ben Kelmanson, Director of the Joint Vienna Institute (JVI), asked that the request by the JVI for recognition of the Tribunal's jurisdiction be submitted to the Governing Body for its approval.
4. The JVI is a regional training centre that was established as an international organization in 1994 by virtue of the Agreement for the Establishment of the Joint Vienna Institute, signed by the Bank for International Settlements, the European Bank for Reconstruction and Development, the International Bank for Reconstruction and Development, the International Monetary Fund and the Organisation for Economic Co-operation and Development. Initially, its purpose was to support the transition of Central and Eastern European countries from centrally planned to market-based economies. In 2003, the Agreement was amended to broaden the mandate of the JVI to include assisting the Baltic and Balkan countries, the members of the Commonwealth of Independent States, Asian transition countries and other eligible countries in their transition to fully developed market-based economies. According to articles I and III of the Agreement, the JVI possesses full juridical personality and has the capacity to contract, to acquire and dispose of immovable and movable property, to institute and respond to legal proceedings and to take such other action as may be necessary or useful for its purpose and activities. The JVI has an Executive Board, an Advisory Committee, a director and staff. The financial and administrative arrangements for its operations are set out in a memorandum of understanding between the International Monetary Fund and Austria on the continuation of the JVI and in an agreement on financing between the JVI, the Austrian National Bank and the Austrian Federal Ministry of Finance, both of which were signed in 2010.
5. The JVI is headquartered in Vienna, Austria. Under article 5 of the Headquarters Agreement between Austria and the JVI, signed on 6 March 1997, the JVI enjoys immunity from jurisdiction in Austria, except when expressly waived or in specific cases. Article 14 of the Headquarters Agreement sets out the privileges and immunities enjoyed by the staff members of the JVI,

¹ GB.355/PFA/10 and GB.355/PFA/PV, para. 129.

including immunity from jurisdiction in respect of words spoken or written and all acts performed by them in their official capacity. The JVI currently employs 23 staff members.²

6. Subject to the Governing Body's approval of the recognition of the Tribunal's jurisdiction by the JVI, the Tribunal's jurisdiction will extend to 62 organizations other than the ILO. The recognition of the Tribunal's jurisdiction by other organizations should entail no additional cost to the ILO, since the organizations against which complaints are filed are required under the Tribunal's Statute to bear the expenses occasioned by the sessions or hearings of the Tribunal and to pay any compensation awarded by the Tribunal. Those organizations also contribute, in amounts proportionate to the number of their staff, to most of the running costs of the Tribunal Registry.

► Draft decision

7. **The Governing Body approved the recognition of the Tribunal's jurisdiction by the Joint Vienna Institute (JVI) with effect from the date of such approval.**

² More information on the JVI is available on its website, <https://www.jvi.org/home.html>.

► Appendix



Ben Kelmanson
Director

January 22, 2026

Gilbert Houngbo
Director-General
International Labour Organization
4 Route des Morillons
1211 Geneva 22
Switzerland

Recognition of the Jurisdiction of the International Labour Organization Administrative Tribunal

Dear Mr. Houngbo,

I have the honour to present the request of the Joint Vienna Institute (JVI) to the Governing Body of the International Labour Office (ILO) to extend the jurisdiction of the ILO Administrative Tribunal (ILOAT) to the JVI and its officials.

The JVI began operations in 1992 to assist the former centrally planned economies in Central and Eastern Europe, the former Soviet Union and Asia with their transition to market economies. The JVI provides training primarily to public sector officials of these countries in the areas of economics, finance, banking, management and social policies.

The formal Agreement for the Establishment of the JVI ("the Agreement") came into force on August 19, 1994, signed by the Bank for International Settlements (BIS), the European Bank for Reconstruction and Development (EBRD), the International Bank for Reconstruction and Development (IBRD), the International Monetary Fund (IMF), and the Organization of Economic Cooperation and Development (OECD). The World Trade Organization (WTO) joined in 1998, the Republic of Austria became a full party to the Agreement in 2003, and the European Investment Bank (EIB) joined in 2013. The BIS withdrew in 2004.

The JVI is headquartered in Vienna, Austria. It is hosted by the Republic of Austria through a Headquarters Agreement ("Headquarters Agreement"). This agreement recognizes the international juridical personality of the JVI, and confers upon it and its staff, privileges and immunities in accordance with international law. Accordingly, the JVI has immunity from jurisdiction and enforcement, and is therefore exempt from applying national law in its relations with its staff.

The JVI currently employs 23 staff on a full or part-time basis. All JVI appointees are employed directly under its own staff rules as outlined in the "Handbook of Personnel Policies, Benefits



and Services of the JVI" (the "JVI Handbook"), which sets out all terms, conditions, rules, and benefits.

During its Meeting in November 2025, the Primary Members of the JVI, following earlier guidance and a deliberative policy process, tasked JVI Management with completing the procedures for extending the jurisdiction of the ILO Administrative Tribunal to the JVI. Subject to this extension of jurisdiction, revisions to the "JVI Handbook" will become effective reflecting the place of the ILOAT in an enhanced Dispute Resolution Procedure.

As set out above, the JVI:

- i) is international in character, having regard to its establishment, membership, structure and scope of activity;
- ii) a subject of international law, and as such, is not required to apply any national law in its relations with its officials, and shall enjoy immunity from legal process; and
- iii) has functions of permanent nature at the international level and offers sufficient guarantees as to its institutional capacity to carry out such functions as well as guarantees of compliance with the ILO Administrative Tribunal's judgments.

Accordingly, the JVI meets the requirements set out in the annex to the Statute of the Administrative Tribunal of the ILO.

You will find attached to this letter:

- i) The Agreement for the Establishment of the JVI ("the Agreement") (2003);
- ii) The "Headquarters Agreement"; and
- iii) The relevant section of the "JVI Handbook", outlining the enhanced Dispute Resolution Procedure, that will become effective following extension of ILOAT jurisdiction.

I would appreciate your assistance in transmitting the JVI's request to recognize the jurisdiction of the ILO Administrative Tribunal to the ILO Governing Body for its review and approval.

In case you have any questions, please contact me at bkelmanson@jvi.org.

I remain at your disposal should you need any further information and avail myself of this opportunity to renew to you the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, consisting of a stylized 'B' followed by a long horizontal stroke.

Ben Kelmanson
Director, Joint Vienna Institute