



Governing Body

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Programme, Financial and Administrative Section

PFA

Personnel Segment

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Matters relating to the Administrative Tribunal of the ILO

Recognition the Tribunal's jurisdiction by other international organizations

Purpose of the document

This document contains a proposal regarding the approval of the recognition of the Tribunal's jurisdiction by the Global Water Partnership Organisation (GWPO). The Governing Body is invited to approve the recognition of the Tribunal's jurisdiction by the GWPO (see the draft decision in paragraph 11).

Relevant strategic objective: None.

Main relevant outcome: Enabling outcome C: Efficient support services and effective use of ILO resources.

Policy implications: None.

Legal implications: Additional international organization under the competence of the ILO Administrative Tribunal.

Financial implications: None.

Follow-up action required: None.

Author unit: Office of the Legal Adviser (JUR).

Related documents: None.

1. Since the Governing Body last approved the recognition of the jurisdiction of the Administrative Tribunal of the International Labour Organization (hereinafter "the Tribunal") by an international organization in November 2020,¹ the Director-General has received a declaration by a further international organization recognizing that jurisdiction.
2. According to article II(5) of the Tribunal's Statute, in order to be eligible for admission, 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 12 July 2021 (see Appendix), the Executive Secretary of the Global Water Partnership Organisation (GWPO) asked that the GWPO's request for recognition of the Tribunal's jurisdiction be submitted to the Governing Body for its approval.
4. The GWPO was established as an intergovernmental organization in 2002 by a Memorandum of Understanding on the Establishment of the Global Water Partnership Organisation. To date, the Memorandum of Understanding has been signed by the Governments of Argentina, Chile, Denmark, Hungary, Jordan, the Netherlands, Pakistan and Sweden, as well as by the World Bank and the World Meteorological Organization (WMO). The members of the GWPO – States and intergovernmental organizations – are referred to as Sponsoring Partners.
5. In accordance with article 2 of its Statutes adopted on 23 August 2011, the GWPO's objective is to support and work with the Global Water Partnership Network in the fulfilment of its objective to develop and promote the principles of integrated water resources management. The Network, which has no legal personality of its own, may include States, national, regional and local governmental institutions, intergovernmental organizations, international and national non-governmental organizations, academic institutions and research institutions, companies, and service providers in the public sector. The vision of the Network is for a water-secure world and its mission is to support the sustainable development and management of water resources at all levels. The Network currently has some 3,000 partner organizations in 179 countries.
6. Under article 5 of its Statutes, the GWPO consists of the Meeting of the Sponsoring Partners, the Global Water Partnership Chair, the Steering Committee, the Nomination Committee, the Technical Committee, the Executive Secretary and the Secretariat. The Steering Committee is the executive body of the GWPO (article 7 of the Statutes).
7. In accordance with article 14 of its Statutes, the operation of the GWPO is financed by voluntary contributions and donations from governments and others. Further sources

¹ GB.340/PV, para. 858.

of financing may be sought by the Steering Committee provided that they are compatible with the objectives of the Network and the Organisation.

8. Under article 1(3) of its Statutes, the GWPO possesses full legal personality under international law and enjoys such capacities as may be necessary to exercise its functions in the fulfilment of its objectives. Under article II of the Agreement between the Global Water Partnership Organisation and the Government of Sweden concerning the immunity and privileges of the Global Water Partnership Organisation and its staff, signed on 5 March 2012, the GWPO, its property and its assets enjoy immunity from any form of legal proceedings. Article V of the Agreement sets out the immunity and privileges enjoyed by the Executive Secretary, the officials of the organization and the experts engaged by the organization, including immunity from legal action of any kind in relation to verbal or written statements made by them in their official capacity and measures which they have taken in that capacity.
9. The GWPO's headquarters are located in Stockholm, Sweden (Statutes, article 12). The GWPO currently employs 41 officials. More information on the organization, its structure and its basic texts is available at www.gwp.org.
10. Subject to the Governing Body's approval of the acceptance of the Tribunal's jurisdiction by the GWPO, the Tribunal's jurisdiction will extend to 57 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 under the Statute to bear the expenses of sessions and pay any award of compensation made 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's registry.

► Draft decision

11. **The Governing Body approved the recognition of the Tribunal's jurisdiction by the Global Water Partnership Organisation (GWPO) with effect from the date of such approval.**

► Appendix



July 12, 2021

Mr. Guy Ryder
Director-General of the International Labour Organization
4 routes des Morillons
Geneva 1211
Switzerland

Ref. Recognition of the Jurisdiction of the International Labour Organization Administrative Tribunal
Greetings from the Global Water Partnership Organisation (GWPO)

Dear Mr. Ryder,

I have the honor to present the request of GWPO to the Governing Body of the International Labour Organization (ILO) to extend the jurisdiction of the ILO Administrative Tribunal to GWPO and its officials.

GWPO is an intergovernmental organization, established on 31st March 2002 by a MOU signed by the Sponsoring Partners (Argentina, Chile, Denmark, Hungary, Jordan, The Netherlands, Pakistan, Sweden, The World Bank and WMO). GWPO is headquartered in Stockholm, Sweden. GWPO has approximately 41 officials working in Stockholm and in other countries.

GWPO is hosted by the Government of Sweden through a Headquarters Agreement. The agreement recognizes GWPO international juridical personality and confers on it privileges and immunities in accordance with international law. Accordingly, GWPO is exempt from applying national law in its relations with its employees and enjoys immunity from legal process.

GWPO employs its staff directly under its own regulations and policies. Article 4.7 of our Dispute Resolution Procedure is clear that the decisions of the ILO Administrative Tribunal will be binding on GWPO. GWPO is prepared for any awards rendered against GWPO to be chargeable to its budget.

As set out above, GWPO

- A. Is international in character, having regard to its establishment, membership, structure, and scope of activity.
- B. Is 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.
- C. Has functions of a 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 judgements.



Accordingly, GWPO meets the requirements set out in the annex to the Statute of the Administrative Tribunal of the ILO. I attach GWPO's relevant governance and staff documents to the present letter.

I would appreciate your assistance in transmitting GWPO's declaration to request to recognize the jurisdiction of the ILO Administrative Tribunal and request for the ILOA Administrative Tribunal to extend its jurisdiction to GWPO to the Governing Body for its review and approval. If you have any further questions please contact GWPO's Human Resources focal point Ms. Jacqueline Gogo at jacqueline.gogo@gwp.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.

Best,

A handwritten signature in black ink, appearing to read "Dario Soto-Abril".

Dario Soto-Abril
Executive Secretary & CEO
Global Water Partnership Organization