

No. 1039

**UNITED NATIONS INDUSTRIAL
DEVELOPMENT ORGANIZATION**
and
INTERNATIONAL LABOUR ORGANISATION

Exchange of letters constituting an agreement recognizing the jurisdiction of the International Labour Organisation Administrative Tribunal by the United Nations Industrial Development Organization. Vienna, 19 December 1985, and Geneva, 27 March 1986

Authentic text: English.

Filed and recorded at the request of the United Nations Industrial Development Organization on 1 August 1990.

**ORGANISATION DES NATIONS UNIES
POUR LE DÉVELOPPEMENT INDUSTRIEL**
et
ORGANISATION INTERNATIONALE DU TRAVAIL

Échange de lettres constituant un accord reconnaissant la juridiction du tribunal administratif de l'Organisation internationale du Travail par l'Organisation des Nations Unies pour le développement industriel. Vienne, 19 décembre 1985, et Genève, 27 mars 1986

Texte authentique : anglais.

Classé et inscrit au répertoire à la demande de l'Organisation des Nations Unies pour le développement industriel le 1^{er} août 1990.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION AND THE INTERNATIONAL LABOUR ORGANISATION RECOGNIZING THE JURISDICTION OF THE INTERNATIONAL LABOUR ORGANISATION ADMINISTRATIVE TRIBUNAL BY THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

I

UNIDO
UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION
VIENNA INTERNATIONAL CENTRE
VIENNA, AUSTRIA
DIRECTOR-GENERAL

19 December 1985

Sir,

I have the honour to inform you that the General Conference of UNIDO, at part two of its first session, held from 9 to 13 December 1985, adopted a decision by which the Conference requested

"the Director-General to conclude an agreement with the Director-General of the International Labour Office recognizing the jurisdiction of the Administrative Tribunal of the International Labour Organization for complaints alleging the non-observance, in substance or in form, of the terms of appointment of officials and of the staff regulations and rules of the staff of UNIDO."

In accordance with the above-mentioned decision, I have the honour to inform you, in conformity with paragraph 5 of Article II of the Statute² of the Administrative Tribunal of the International Labour Organization and with the Annex to that Statute, that the United Nations Industrial Development Organization recognizes the jurisdiction of the Administrative Tribunal of the International Labour Organization for the purpose of hearing complaints alleging non-observance in substance or in form of the terms of appointment of staff of the United Nations Industrial Development Organization, and of provisions of the

¹ Came into force by the exchange of letters, with retroactive effect from 1 January 1986, in accordance with the provisions of the said letters.

² International Labour Organisation, *Statute and Rules of Court of the Administrative Tribunal*, Geneva, 1972, p. 3.

Staff Regulations and Rules which are applicable to the staff of the Organization, and that the Organization likewise accepts the Rules of Procedure of the Tribunal. This recognition does not extend to the non-observance of the Regulations of the United Nations Joint Staff Pension Fund.

I should be grateful if you would submit the matter to the Governing Body of the International Labour Office and invite it, in accordance with Article II(5) of the Statute, to approve the Organization's declaration of recognition of the Tribunal's jurisdiction and acceptance of its Rules of Procedure with effect from the date immediately following the date, namely 31 December 1985, on which the UNIDO established by General Assembly resolutions 2089 (XX) of 20 December 1965¹ and 2152 (XXI) of 17 November 1966² was terminated pursuant to operative paragraph 6 of General Assembly resolution 34/96 of 13 December 1979.³

In this connection, I also wish to assure you that the Staff Regulations and Rules of the United Nations Industrial Development Organization will be amended in due course in order to allow for appeals to the Administrative Tribunal of the International Labour Office in accordance with its Statute.

I hope that the present letter will pave the way for the completion by the International Labour Organization of the steps which are required to extend the jurisdiction of the Administrative Tribunal to the Organization.

Yours sincerely,

[Signed]

DOMINGO L. SIAZON JR.

His Excellency Mr. Francis Blanchard
Director General
The International Labour Office
Geneva

¹ United Nations, *Official Records of the General Assembly, Twentieth Session, Supplement No. 14 (A/6014)*, p. 28.

² *Ibid.*, *Twenty-first Session, Supplement No. 16 (A/6316)*, p. 24.

³ *Ibid.*, *Thirty-fourth Session, Supplement No. 46 (A/34/46)*, p. 96.

II

INTERNATIONAL LABOUR OFFICE
GENEVA
THE DIRECTOR-GENERAL

27 March 1986

Dear Sir,

By your letter of 19 December 1985 you addressed to me a declaration by your Organisation that as from 1 January 1986 it wished to recognise the jurisdiction of the Administrative Tribunal of the International Labour Organisation, the declaration being that required by Article II(5) of the Tribunal's Statute.

The Governing Body of the International Labour Office approved the declaration on 6 March, at its 232nd Session, and the Tribunal is accordingly now competent to hear complaints alleging non-observance, in substance or in form, of the terms of appointment of officials and of provisions of the Staff Regulations of UNIDO.

The Registrar of the Tribunal will be pleased to advise you on any administrative matters that may arise.

Yours faithfully,

[Signed]

FRANCIS BLANCHARD

The Director-General
United Nations Industrial
Development Organisation
Vienna International Centre
Vienna
