

JUGEMENTS DU TRIBUNAL ADMINISTRATIF DE
L'ORGANISATION INTERNATIONALE DU TRAVAIL
SUR REQUÊTES CONTRE L'ORGANISATION DES
NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE
ET LA CULTURE

JUDGMENTS OF THE ADMINISTRATIVE
TRIBUNAL OF THE INTERNATIONAL LABOUR
ORGANISATION UPON COMPLAINTS MADE
AGAINST THE UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION

PREMIÈRE PARTIE

REQUÊTE POUR AVIS CONSULTATIF
ET EXPOSÉS ÉCRITS

PART I

REQUEST FOR ADVISORY OPINION
AND WRITTEN STATEMENTS

Le présent volume doit être cité comme suit :
« *Jugements du Tribunal administratif de l'O. I. T.* »

This volume should be quoted as :
“*Judgments of the Administrative Tribunal of the I.L.O.*”

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SECTION A.—REQUEST FOR ADVISORY OPINION

I.—THE DIRECTOR-GENERAL OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION TO THE PRESIDENT OF THE INTER- NATIONAL COURT OF JUSTICE

[Translation]

19 Avenue Kléber, Paris XVI,
November 30th, 1955.

Sir,

I have the honour to inform you that the Executive Board of the United Nations Educational, Scientific and Cultural Organization, by a resolution adopted at its 42nd session on November 18th, 1955, acting within the framework of Article XII of the Statute of the Administrative Tribunal of the International Labour Organisation, decided to challenge the decisions rendered by the Tribunal on April 26th, 1955, in the Leff, Duberg and Wilcox cases and on October 29th, 1955, in the Bernstein case, and to refer the question of their validity to the International Court of Justice.

Accordingly, the Executive Board of the United Nations Educational, Scientific and Cultural Organization, by a resolution adopted at its 42nd session on November 25th, 1955, decided to request the International Court of Justice to give an advisory opinion on the following questions :

“Having regard to the Statute of the Administrative Tribunal of the International Labour Organisation ;

Having regard to the Staff Regulations and Staff Rules of the United Nations Educational, Scientific and Cultural Organization, and to any other relevant texts ;

Having regard to the contracts of appointment of Messrs. Duberg and Leff and Mrs. Wilcox and Mrs. Bernstein :

I.—Was the Administrative Tribunal competent, under Article II of its Statute, to hear the complaints introduced against the United Nations Educational, Scientific and Cultural

(a) Was the Administrative Tribunal competent to determine whether the power of the Director-General not to renew fixed-term appointments has been exercised for the good of the service and in the interest of the Organization?

(b) Was the Administrative Tribunal competent to pronounce on the attitude which the Director-General, under the terms of the Constitution of the United Nations Educational, Scientific and Cultural Organization, ought to maintain in his relations with a Member State, particularly as regards the execution of the policy of the Government authorities of that Member State?

III.—In any case, what is the validity of the decisions given by the Administrative Tribunal in its Judgments Nos. 17, 18, 19 and 21?"

One copy each of the French and English texts of the latter resolution of the Executive Board of the United Nations Educational, Scientific and Cultural Organization, both duly certified, are herein enclosed.

In accordance with Article 65 of the Statute of the International Court of Justice, I shall transmit to the Court all documents likely to throw light upon the question.

I have, etc.

(Signed) Luther H. EVANS,
Director-General.

II.—RESOLUTION ADOPTED BY THE EXECUTIVE BOARD
OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION, AT ITS 42ND SESSION,
ON 25 NOVEMBER 1955

The Executive Board,

Whereas, by its Judgments Nos. 17, 18 and 19 of 26 April 1955, and No. 21 of 29 October 1955, the Administrative Tribunal of the International Labour Organisation confirmed its jurisdiction in the complaints introduced by Messrs. Duberg and Leff and Mrs. Wilcox and Mrs. Bernstein against the United Nations Educational, Scientific and Cultural Organization,

Whereas Article XII of the Statute of the Administrative Tribunal of the International Labour Organisation provides as follows:

"1. In any case in which the Executive Board of an international organization which has made the declaration specified in Article II, paragraph 5, of the Statute of the Tribunal challenges a decision of the Tribunal confirming its jurisdiction, or considers that a decision of the Tribunal is vitiated by a fundamental fault in the procedure followed, the question of the validity of the decision given by the Tribunal shall be submitted by the Executive Board concerned, for an advisory opinion, to the International Court of Justice.

2. The opinion given by the Court shall be binding."

Whereas the Executive Board, after consideration, wishes to avail itself of the provisions of the said Article,

Decides to submit the following legal questions to the International Court of Justice for an advisory opinion :

Having regard to the Statute of the Administrative Tribunal of the International Labour Organisation ;

Having regard to the Staff Regulations and Staff Rules of the United Nations Educational, Scientific and Cultural Organization, and to any other relevant texts ;

Having regard to the contracts of appointment of Messrs. Duberg and Leff and Mrs. Wilcox and Mrs. Bernstein :

I.—Was the Administrative Tribunal competent, under Article II of its Statute, to hear the complaints introduced against the United Nations Educational, Scientific and Cultural Organization on 5 February 1955 by Messrs. Duberg and Leff and Mrs. Wilcox, and on 28 June 1955 by Mrs. Bernstein ?

II.—In the case of an affirmative answer to question I :

(a) Was the Administrative Tribunal competent to determine whether the power of the Director-General not to renew fixed-term appointments has been exercised for the good of the service and in the interest of the Organization ?

(b) Was the Administrative Tribunal competent to pronounce on the attitude which the Director-General, under the terms of the Constitution of the United Nations Educational, Scientific and Cultural Organization, ought to maintain in his relations with a Member State, particularly as regards the execution of the policy of the Government authorities of that Member State ?

III.—In any case, what is the validity of the decisions given by the Administrative Tribunal in its Judgments Nos. 17, 18, 19 and 21?

Certified true copy :

November 30th, 1955.

(Signed) Hanna SABA,
Legal Adviser
of the United Nations Educational,
Scientific and Cultural Organization.

SECTION B.—FILE TRANSMITTED BY THE
UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION
(ART. 65, PARA. 2, OF THE STATUTE)

INTRODUCTION

1. The present documentation¹ contains, in three dossiers, the documents likely to throw light upon the questions which have been submitted to the International Court of Justice for an advisory opinion, by a resolution, dated 25 November 1955, of the Executive Board of the United Nations Educational, Scientific and Cultural Organization. These documents are certified to be either official records or true copies therefrom, or true copies of the documents submitted to the Administrative Tribunal of the International Labour Organisation and of the stenographic record of the sittings of the said Tribunal and they are transmitted to the Court by the United Nations Educational, Scientific and Cultural Organization in accordance with Article 65 of the Statute of the Court.

2. Each document or extract therefrom is identified by title and, where applicable, official symbol of the United Nations Educational, Scientific and Cultural Organization, of the League of Nations or of the International Labour Organisation. Wherever possible, citation is also given to the volume and page where the document may be found in the official records of these Organizations. In addition to the official identification the documents, for convenience in use, have been numbered consecutively in the order in which they appear in the documentation. A complete list of the documents is found in the table of contents.

3. This documentation consists of eight sections as follows :

- I. Constitutional texts ;
- II. Agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization ;
- III. Records relating to the recognition by the United Nations Educational, Scientific and Cultural Organization of the competence of the Administrative Tribunal of the International Labour Organisation :

- IV. Records of the 42nd session of the Executive Board relating to the adoption of the resolution of 25 November 1955 requesting an advisory opinion ;
- V. Statute of the Administrative Tribunal of the International Labour Organisation and other relevant instruments ;
- VI. Records relating to the creation of the Administrative Tribunal of the League of Nations ;
- VII. Records of the Administrative Tribunal of the International Labour Organisation ;
- VIII. Dossiers of the Du Berg, Leff, Wilcox and Bernstein cases before the Administrative Tribunal of the International Labour Organisation.

4. Section I contains texts of the Constitution of the United Nations Educational, Scientific and Cultural Organization in force prior to and following the adoption of amendments to the Constitution by the General Conference at its eighth session held at Montevideo in November-December 1954.

5. Section II contains an extract of the Agreement between the United Nations and Unesco reproducing the text of the Article thereof dealing with the relations of the United Nations Educational, Scientific and Cultural Organization with the International Court of Justice.

6. Section III contains official records bearing on the recognition by the United Nations Educational, Scientific and Cultural Organization of the competence of the Administrative Tribunal of the International Labour Organisation. Documents numbers (5), (9) and (11) are notes submitted by the Director-General to the Executive Board and the General Conference. Documents numbers (4), (6), (10) and (12) contain the texts of the various resolutions adopted on the subject by the Executive Board and the General Conference and documents numbers (7), (8), (13) and (14) reproduce the texts of letters exchanged for that purpose between the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization.

7. Section IV contains the documents (including summary records, reports and decisions) of the 42nd session of the Executive Board of the United Nations Educational, Scientific and Cultural Organization which concern the adoption by the Board of the resolution of 25 November 1955. Documents (15) and (16) contain the summary record of the fourteenth and twenty-fifth meetings of the Executive Board at which the matter was considered. Documents numbers (17) and (19) deal with the communication to Members of the Executive Board of the texts of the judgments rendered

ordinary session of the General Conference. These documents deal with such questions as the application to the United Nations Educational, Scientific and Cultural Organization of Executive Orders of the President of the United States of America, provisions of Staff Regulations concerning standards of integrity, common personnel policy of the United Nations and the United Nations Educational, Scientific and Cultural Organization, obligations and rights of staff members, personnel recruitment standards and methods, etc.

9. Section VI of the documentation contains documents relating to the creation of the Administrative Tribunal of the League of Nations. It contains the texts of the various draft statutes which resulted in the creation in 1927 of the Administrative Tribunal of the League of Nations, the statute of which became in 1946 the Statute of the Administrative Tribunal of the International Labour Organisation. Documents numbers (57) to (69) are reports and minutes of meetings of the Supervisory Commission of the League of Nations which was entrusted with the preliminary studies on the establishment of an Administrative Tribunal ; documents numbers (70) to (72) relate to the proceedings of the Fourth Committee of the Assembly and document number (73) to the proceedings of the Assembly which adopted the Statute in plenary meeting.

10. Section VII gives the texts of the judgments rendered by the Administrative Tribunal of the International Labour Organisation from 1947 to 1955, including judgments numbers 17, 18, 19 and 21 which gave rise to the questions submitted to the Court. The texts of judgments numbers 17, 18 and 19 are also found in annex to a document submitted to the Executive Board and which constitutes document number (17). The complete series is contained in documents numbers (74) to (97).

11. Section VIII of the documentation contains the complete dossiers of the Du Berg, Leff, Wilcox and Bernstein cases as they were submitted to the Administrative Tribunal of the International Labour Organisation. The Du Berg, Leff and Wilcox dossiers were submitted to the Administrative Tribunal at the first part of its fifth session in April 1955, the Bernstein dossier at the second part of the same session in October 1955. The written complaints instituting proceedings, together with the accompanying documentation, are found in documents numbers (98) to (108). Each complaint submitted was accompanied by an individual documentation. In addition, a general documentation was submitted to the Administrative Tribunal at each of the two parts of the session at which the cases were considered. The statements submitted by the Organization in reply to the four complaints are

submitted in these cases by Mr. Pierre Henquet, President of the Staff Association of the United Nations Educational, Scientific and Cultural Organization. In documents (115) and (116) will be found the stenographic records of the oral proceedings before the Administrative Tribunal in the four cases. These records which have been taken on behalf of the United Nations Educational, Scientific and Cultural Organization are unofficial in character and do not constitute official records of the Administrative Tribunal; Section VIII also contains documents constituting the terms of appointment of the four complainants. These documents, numbers (117) to (120), relate to the original appointments, the prolongation of the contracts and the expiration of the contracts of the complainants.

12. In addition to the documents transmitted to the Court in the present documentation, copies of the judgments rendered by the Administrative Tribunal of the League of Nations during the years 1929-1946 and which form part of the historical background of the questions submitted to the Court have been sent for the files of the Registry of the Court. The texts of these judgments exist in French only.

DOCUMENTS RELATING TO QUESTIONS ON WHICH
AN ADVISORY OPINION IS REQUESTED
BY THE EXECUTIVE BOARD

(List)

INTRODUCTION

I. CONSTITUTIONAL TEXTS

- (1) Constitution of the United Nations Educational, Scientific and Cultural Organization [text in force prior to the amendments adopted by the General Conference of Unesco at its Eighth Session held in Montevideo, November-December 1954] (no symbol)
- (2) Constitution of the United Nations Educational, Scientific and Cultural Organization [as amended by the General Conference at its Eighth Session held in Montevideo, November-December 1954] Conference Manual 1955, pp. 5-11

II. AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION APPROVED ON 14 DECEMBER 1946 BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS AND ON 6 DECEMBER 1946 BY THE GENERAL CONFERENCE OF UNESCO

- (3) [Extract] Article XI (no symbol)

III. RECORDS RELATING TO THE RECOGNITION BY THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION OF THE COMPETENCE OF THE ADMINISTRATIVE TRIBUNAL OF THE INTERNATIONAL LABOUR ORGANISATION

- (4) Resolution 22 adopted by the General Conference of Unesco at its 7th Session (Paris, 1952) 7C/Resolutions, p. 92
- (5) Recognition by Unesco of the jurisdiction of an International Administrative Tribunal 34 EX/13
- (6) Resolution 9.3 adopted by the Executive Board of Unesco at its 34th Session (Paris, 1953) 34 EX/Decisions, p. 12
- (7) Letter from the Director-General of Unesco to the Director-General of the International Labour Office, dated 15 June 1953, recognizing the competence of the ILO Administrative Tribunal ODG/SJ/367970

- (8) Letter from the Director-General of the International Labour Office to the acting Director-General of Unesco, dated 30 June 1953, concerning the ILO Administrative Tribunal AT 2-3
- (9) Recognition of the competence of an International Administrative Tribunal 37 EX/33
- (10) Resolution 11.3 adopted by the Executive Board of Unesco at its 37th Session (Paris, 1954) 37 EX/Decisions, p. 15
- (11) Recognition of the competence of International Administrative Tribunals 8C/ADM/18
- (12) Resolution 11.5.1 adopted by the General Conference at its 8th Session (Montevideo, 1954) 8C/Resolutions, p. 20
- (13) Letter from the Acting Director-General of Unesco to the Director-General of the International Labour Office, dated 20 December 1954, extending the jurisdiction of the ILO Administrative Tribunal in respect of cases arising in the period 1 January 1955 to 31 December 1956 ODG/SJ/456098
- (14) Letter from the Assistant Director-General of the International Labour Office to the Acting Director-General of Unesco, dated 5 January 1955 AT 2-3

IV. RECORDS OF THE 42ND SESSION OF THE EXECUTIVE BOARD RELATING TO THE ADOPTION OF THE RESOLUTION OF 25 NOVEMBER 1955, REQUESTING AN ADVISORY OPINION

A. *Summary Records of the 42nd Session of the Executive Board*

- (15) 14th meeting, 18 November 1955, see 42 EX/SR. 1-27 paragraphs 1 to 184
- (16) 25th meeting, 25 November 1955, see 42 EX/SR.1-27 paragraphs 55 to 159

B. *Executive Board Documents*

- (17) Judgments given by the Administrative Tribunal of the International Labour Organisation and Annex I 42 EX/37
- (18) Judgments given on 26 April and 29 October 1955 by the Administrative Tribunal of the International Labour Organisation ; Statement by the President of the Staff Association 42 EX/37, Annex II
- (19) Letter of the Secretary of the Executive Board dated 8 November 1955, transmitting to Members of the Executive Board the texts of the judgments rendered by the Administrative Tribunal of the ILO on 29 October 1955 EXBD/520285

- (20) Letter from the Director-General to (no symbol)
Dr. Frans Bender, Member of the
Executive Board, dated 7 Octo-
ber 1955 and communicated to Mem-
bers of the Executive Board by letter
dated 7 October 1955
- (21) Judgments given on 26 April and 29 (no symbol)
October 1955 by the Administrative
Tribunal of the ILO. Item II.I. Note
from the Director-General

C. *Resolutions and Decisions adopted by the Executive Board*

- (22) Resolution II.I adopted by the Execu- 42 EX/Decisions,
tive Board on 25 November 1955 pp. 20-21

V. STATUTE OF THE ADMINISTRATIVE TRIBUNAL OF THE INTERNATIONAL
LABOUR ORGANISATION AND OTHER RELEVANT INSTRUMENTS

A. *Statute and Rules of Court of the Administrative Tribunal of the
International Labour Organisation*

- (23) International Labour Organisation. (no symbol)
—Statute of the Administrative Tri-
bunal of the International Labour
Organisation adopted by the Inter-
national Labour Conference on
9 October 1946, and modified by the
said Conference on 29 June 1949
—Rules of Court adopted by the
Administrative Tribunal of the Inter-
national Labour Organisation on
22 February 1947 as amended on
10 August 1953
—Extract from the Resolution adop-
ted by the Assembly of the League of
Nations on 18 April 1946

B. *Staff Regulations and Staff Rules of the United Nations Educa-
tional, Scientific and Cultural Organization*

- (24) Unesco Staff Regulations as adopted by 8C/ADM/27
the General Conference at its seventh
Session and amended at its second
extraordinary Session
—Unesco Staff Rules as laid down by
the Director-General [as in force on
1 November 1954]
- (25) Amendments to Staff Regulations and ADM A/25,
to Staff Rules adopted or laid down A 25 Corr.
after the 8th Session of the General A 33, A 39
Conference and A 50
- (26) Provisional Rules of Unesco Appeals PEM/Memo/B.184,
Board as from 16 October 1953 Annex E

- (27) Definitive Statutes of Unesco Appeals (no symbol)
Board as adopted by the General
Conference of Unesco on 8 December
1954, in the course of its 8th Session
- C. *Records of the General Conference and of the Executive Board
relating to the policy of the Organisation regarding certain personnel
questions*
- i. *Second Extraordinary Session of the General Conference (Paris,
1953)*
- (28) Application to Unesco of Executive 2 XC/7
Order 10.422 of 9 January 1953 issued
by the President of the United States
of America, with Annex
- (29) Application to Unesco of Executive 2 XC/7 Add. 1
Order 10.422 of 9 January 1953 issued
by the President of the United States
of America. Addendum, with Annex
- (30) Application to Unesco of Executive 2 XC/7 Add. 2
Order 10.422 of 9 January 1953 issued
by the President of the United States
of America. Addendum 2
- (31) Interpretation or Amendment of Staff 2 XC/10
Regulations with respect to standards
of integrity
- (32) Communication from the Staff Associa- 2 XC/11
tion
- (33) Verbatim Records of the Fourth Ple- 2 XC/Resolutions
nary Meeting of the General Confe- and Proceedings,
rence, Thursday 2 July 1953, *see* para- pp. 46-60
graphs (12) to (98)
- (34) Verbatim Records of the Fifth Plenary 2 XC/Resolutions
Meeting of the General Conference, and Proceedings,
Friday 3 July 1953, *see* paragraphs pp. 60-65
(1) to (34)
- (35) Resolution 10.1 adopted by the General 2 EX/Resolutions
Conference on 3 July 1953 and Proceedings,
p. 23
- ii. *Thirty-Seventh Session of the Executive Board (Paris, 1954)*
- (36) Common personnel policy of the United 37 EX/32
Nations and Unesco
- (37) Common personnel policy of the United 37 EX/32 Add.
Nations and Unesco. Addendum:
Comments of the Staff Association
- (38) Interim Measures in connexion with the 37 EX/35
recruitment of United States citizens
- (39) Resolutions 11.2, 11.4 and 11.5 adopted 37 EX/Decisions,
by the Executive Board at its 37th pp. 15-16
Session

- iii. *Thirty-Eighth Session of the Executive Board (Venice, 1954)*
- (40) Summary Records of the fifth Meeting, 38 EX/SR. 1-13,
19 July 1954 pp. 33-34
- (41) Summary Records of the sixth Meeting, 38 EX/SR. 1-13,
21 July 1954 pp. 35-40
- (42) Summary Records of the tenth Meeting, 38 EX/SR. 1-13,
26 July 1954 pp. 66-67
- (43) Resolution 9.1 adopted by the Execu- 38 EX/Decisions,
tive Board at its 38th Session p. 7
- iv. *Eighth Session of the General Conference (Montevideo, 1954)*
- (44) Personnel recruitment Standards and 8C/ADM/11
methods
- (45) Personnel Policy, Obligations and 8C/ADM/14
Rights of Staff Members ; proposed
amendments to the Staff Regulations
- (46) Summary Records of the 17th Meeting 8C/Proceedings,
of the Administrative Commission, pp. 598-601
29 November 1954, see paragraphs
(60) to (110)
- (47) Summary Records of the 18th Meeting 8C/Proceedings,
of the Administrative Commission, pp. 601-608
29 November 1954, see paragraphs
(1) to (105)
- (48) Summary Records of the 19th Meeting 8C/Proceedings
of the Administrative Commission, 30 pp. 608-610
November 1954, see paragraphs (1)
to (37)
- (49) Summary Records of the 20th Meeting 8C/Proceedings,
of the Administrative Commission, 30 pp. 615-619
November 1954, see paragraphs (40)
to (79)
- (50) Summary Records of the 21st Meeting 8C/Proceedings,
of the Administrative Commission, pp. 620-625
1 December 1954, see paragraphs (1)
to (67)
- (51) Summary Records of the 22nd Meeting 8C/Proceedings,
of the Administrative Commission, pp. 626-630
1 December 1954, see paragraphs (1)
to (76)
- (52) Verbatim Records of the 14th Plenary 8C/Proceedings,
Meeting of the General Conference, pp. 61-62
13 November 1954, see paragraphs
(36) and (37)
- (53) Verbatim Records of the 16th Plenary 8C/Proceedings,
Meeting of the General Conference, pp. 197-202
8 December 1954, see paragraphs (25)
to (120)
- (54) Report of the Administrative Commis- 8C/Resolutions,
sion to the General Conference (8C/ pp. 78-79
ADM/35), see paragraphs (25) to (43)

- (55) Resolution 11.4 adopted by the General Conference on 8 December 1954 SC/Resolutions, pp. 18-19
- (56) Resolutions V.2.4. and V.2.5. adopted by the General Conference on 8 December 1954 SC/Resolutions, p. 59

VI. RECORDS RELATING TO THE CREATION OF THE ADMINISTRATIVE TRIBUNAL OF THE LEAGUE OF NATIONS

A. *Supervisory Commission of the League of Nations*

(a) *Documents of the Supervisory Commission*

- (57) Note contenant quelques observations du Rapporteur de la Commission de contrôle sur la question d'un Tribunal éventuel pour le personnel de la S. D. N. (10 August 1925) C.C. 196
- (58) Preliminary draft submitted by the Secretariat (12 February 1926) C.C. 200
- (59) Observations of the Director of the International Labour Office (27 February 1926) C.C. 203
- (60) Second preliminary draft prepared by the Legal Section of the Secretariat (20 April 1926) C.C. 213
- (61) Revised draft submitted by the Secretariat and the International Labour Office (21 May 1926) C.C. 222
- (62) Draft Report on the Establishment of an Administrative Tribunal (5 August 1926) C.C. 224
- (63) Note by the Secretary General (18 January 1927) C.C. 243
- (64) Amendment proposed by the Secretary General (February 1927) C.C. 254

(b) *Minutes of the Supervisory Commission*

- (65) 18th Session, fourth sitting, 6 March 1926 C.C./18th Session/ PV., pp. 46-72
- (66) 20th Session, first, second, third and fourth sittings, 4 and 5 June 1926 C.C./20th Session/ PV., pp. 1-49
- (67) 22nd Session, third and fourth sittings, 17 February 1927 C.C./22nd Session/ PV., pp. 49-70
- (68) 23rd Session, April 1927 C.C./23rd Session/ PV., pp. 2-3 and 32-33

(c) *Report of the Supervisory Commission*

- (69) Report of the Supervisory Commission on the establishment of an Administrative Tribunal L.O.N. Official Journal, Special Supplement, No. 58, pp. 250-257

B. *Fourth Committee of the Assembly of the League*

- (70) Report submitted to the Fourth Committee of the Assembly by the Subcommittee on the Administrative Tribunal A.IV/5.1927
- (71) Minutes of the fifth Meeting of the Fourth Committee, 17 September 1927 L.O.N. Official Journal, Special Supplement, No. 58, pp. 35-36
- (72) Report of the Fourth Committee to the Assembly A.72/1927. V

C. *Assembly of the League of Nations*

- (73) 21st Plenary Meeting of the Eighth Ordinary Session of the Assembly, 26 September 1927 L.O.N. Official Journal, Special Supplement. No. 54, p. 201

VII. RECORDS OF THE ADMINISTRATIVE TRIBUNAL OF THE INTERNATIONAL LABOUR ORGANISATION

A. *Judgments of the Administrative Tribunal of the International Labour Organisation, prior to the judgments Nos. 17, 18, 19 and 21*

- (74) Judgment No. 1, in the matter of Lhoest against the Secretariat of the League of Nations (no symbol)
- (75) Judgment No. 2, in the matter of Avenol against the Pensions Fund „
- (76) Judgment No. 3, in the matter of Perasse against the Secretariat of the League of Nations „
- (77) Judgment No. 4 (Arbitral Competence), in the matter of Weiss against Institut international de Coopération intellectuelle „
- (78) Judgment No. 5 (Arbitral Competence), in the matter of Hiekel against Institut international de Coopération intellectuelle „
- (79) Judgment No. 6 (Arbitral Competence), in the matter of Rothbarth against Institut international de Coopération intellectuelle „
- (80) Judgment No. 7 (Arbitral Competence), in the matter of Mercier against Institut international de Coopération intellectuelle „
- (81) Judgment No. 8, in the matter of Mange against the World Health Organization „
- (82) Judgment No. 9, in the matter of Starke against the Pensions Fund „

- (83) Judgment No. 10, in the matter of (no symbol)
March against the International
Labour Organisation
- (84) Judgment No. 11, in the matter of Des-
granges against the International
Labour Organisation ..
- (85) Judgment No. 12, in the matter of Plis-
sard against the International Labour
Organisation ..
- (86) Judgment No. 13, in the matter of
McIntire against United Nations Food
and Agriculture Organization ..
- (87) Judgment No. 14, in the matter of Tran-
ter against United Nations Food and
Agriculture Organization ..
- (88) Judgment No. 15, in the matter of Leff
against United Nations Educational,
Scientific and Cultural Organization ..
- (89) Judgment No. 16 (Arbitral Compe-
tence), in the matter of Niestlé against
Institut international de Coopération
intellectuelle ..
- B. *Judgments of the Administrative Tribunal of the International
Labour Organisation Nos. 17, 18, 19 and 21*
- (90) Judgment No. 17, in the matter of Du- (no symbol)
berg against United Nations Educa-
tional, Scientific and Cultural Organi-
zation
- (91) Judgment No. 18, in the matter of Leff
against United Nations Educational,
Scientific and Cultural Organization ..
- (92) Judgment No. 19, in the matter of
Wilcox against United Nations Edu-
cational, Scientific and Cultural Organi-
zation ..
- (93) Judgment No. 21, in the matter of
Bernstein against United Nations
Educational, Scientific and Cultural
Organization ..
- C. *Judgments of the Administrative Tribunal of the International
Labour Organisation, following judgments Nos. 17, 18, 19 and 21*
- (94) Judgment No. 20, in the matter of (no symbol)
Hartman against World Health
Organization
- (95) Judgment No. 22, in the matter of
Froma against United Nations Edu-
cational, Scientific and Cultural
Organization ..

- (96) Judgment No. 23, in the matter of (no symbol)
Pankey against United Nations
Educational, Scientific and Cultural
Organization
- (97) Judgment No. 24, in the matter of "
Van Gelder against United Nations
Educational, Scientific and Cultural
Organization

VIII. DOSSIERS OF THE DUBERG, LEFF, WILCOX AND BERNSTEIN
CASES BEFORE THE ADMINISTRATIVE TRIBUNAL OF THE INTER-
NATIONAL LABOUR ORGANISATION

A. *Written complaints instituting proceedings on behalf of the four
complaints and documents annexed*

- (98) Complaint by Mr. Peter Duberg. Facts Annex I
and pleadings
- (99) Individual documentation submitted PD-1 to PD-19
by Mr. Peter Duberg
- (100) Complaint by Mr. David Leff. Facts Annex I
and pleadings
- (101) Individual documentation submitted DL-1 to DL-17
by Mr. David Leff
- (102) Additional note submitted by Mr. DL-4
David Leff
- (103) Complaint by Mrs. Annette Wilcox. Annex I
Facts and pleadings
- (104) Individual documentation submitted AW-1 to AW-11
by Mrs. Annette Wilcox
- (105) General documentation regarding the (no symbol)
complaints submitted by Messrs.
Duberg and Leff and Mrs. Wilcox
- (106) Complaint by Mrs. Kathryn Bern- (no symbol)
stein. Facts and pleadings
- (107) Individual documentation submitted KB-1 to KB-12
by Mrs. Kathryn Bernstein
- (108) General documentation regarding (no symbol)
the complaint submitted by Mrs.
Kathryn Bernstein

B. *Statements in reply submitted by the defendant Organization
and documents annexed*

- (109) Statement submitted by Unesco in (no symbol)
reply to the complaint submitted by
Mr. Peter Duberg
- (110) Statement submitted by Unesco in "
reply to the complaint submitted by
Mr. David Leff
- (111) Statement submitted by Unesco in "
reply to the complaint submitted by
Mrs. Wilcox
- (112) Statement submitted by Unesco in "
reply to the complaint submitted by
Mrs. Bernstein, and documents
annexed

C. Interventions

- (113) Intervening Statement by M. Pierre (no symbol)
Henquet in the complaints submitted
by Messrs. Duberg and Leff and
Mrs. Wilcox
- (114) Intervening Statement by Mr. Pierre (no symbol)
Henquet in the complaint submitted
by Mrs. Bernstein

*D. Stenographic Records of the oral proceedings before the Administrative Tribunal of the International Labour Organisation
[unofficial Records by the defendant Organization]*

- (115) Duberg, Leff and Wilcox cases (no symbol)
- (116) Bernstein case ..

E. Terms of appointment of the complainants

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Photostatic copies of 37 judgments delivered by the Administrative Tribunal of the League of Nations.

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Unesco Staff Rules; Preliminary Provisions and Rules Nos. 48, 51, 52, 53, 61, 94, 98, 99 in force on 6 July 1954.

Amendments to Unesco Staff Regulations in Chapters I and IV, adopted by the Eighth Session of the General Conference effective as of 8 December 1954 and in force on 28 June 1955.

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