



COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Hundred and Twentieth Session

Rome, 25-27 March 2024

Review of the jurisdictional set-up of the United Nations common system – Update

I. Introduction

1. At its 119th Session held in October 2023, the Committee on Constitutional and Legal Matters (hereinafter “CCLM” or “the Committee”) was briefed about recent developments related to the review of the jurisdictional set-up of the UN common system.¹

2. In particular, the Committee was informed that, in his third report to the United Nations General Assembly (UNGA) regarding this review,² the UN Secretary-General recognized that the proposal to establish a joint chamber of the United Nations Appeals Tribunal (hereinafter “UNAT”) and the Administrative Tribunal of the International Labour Organization (hereinafter “ILOAT”) lacked the support by the stakeholders that is required for its implementation, notably from the judges of these two tribunals.³

3. Members of the CCLM were also informed that in June and July 2023, statements were issued by FAO and eight other UN common system agencies,⁴ calling into question the need to revise the current jurisdictional set-up of the UN common system and expressing their common position to maintain the *status quo*.

4. In its report, the CCLM noted “*that significant divergence of views persisted among stakeholders as to the preferred outcome of the review, [and] appreciated the engagement of the Legal Office to keep it informed, as necessary, of upcoming developments in that regard*”.⁵

5. Accordingly, this item has been placed on the Provisional Agenda of the Committee as an information item under Rule XXXIV, paragraph 7 (m) of the General Rules of the Organization,

¹ [CCLM 119/6](#).

² UN Doc. [A/78/154](#).

³ [CCLM 119/6, paragraph 24](#).

⁴ Respectively the International Telecommunication Union (ITU), the Organisation for the Prohibition of Chemical Weapons (OPCW), the Pan American Health Organization (PAHO), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Industrial Development Organization (UNIDO), the World Health Organization (WHO), and the World Intellectual Property Organization (WIPO).

⁵ [CL 174/10, paragraph 33](#).

whereby the Committee shall consider specific items referred to it which may arise out of “*policy aspects of relations with international governmental or non-governmental organizations, national institutions or private persons*”.

II. Update on subsequent developments

6. A few weeks after the closure of the 119th Session of the CCLM, the matter of the jurisdictional set-up of the UN common system was taken up by the Governing Body of the International Labour Organization (ILO). It will be recalled that the ILO, as the organization hosting the ILOAT, had taken the lead together with the UN Secretariat over the consultations among the agencies participating in the Legal Advisers Networks regarding the proposals for promoting consistency in the implementation of the International Civil Service Commission (ICSC)’s recommendations and decisions in the context of two independent tribunal systems.

7. In its report to the ILO Governing Body, the International Labour Office considered that the conditions were not met for the Governing Body to move ahead with any of these proposals, including the setting up of a joint chamber composed of judges from the UNAT and the ILOAT.⁶ Accordingly, the Governing Body decided to take no follow-up action on these proposals for the time being, except for the proposal to promote informal exchanges among the judges of the two tribunals.⁷

8. In parallel, the third report of the Secretary-General was tabled with the Administrative and Budgetary Committee of the UNGA (the Fifth Committee), during the General Assembly’s 78th Session. In their presentation to the Fifth Committee, the Under-Secretary-General for Management Strategy, Policy and Compliance noted that the proposal for the establishment of a joint chamber lacked broad support from key stakeholders, including from the tripartite constituents of the ILO.⁸

9. The Fifth Committee decided to take no action on the report, which means that the matter is no longer on the agenda of the General Assembly. This effectively brought the review of the jurisdictional set-up of the UN common system to a conclusion.

10. Thus, none of the amendments to the Statute of the ILOAT proposed as part of the review will be made. The Tribunal’s competence to hear disputes arising out of contracts of employment with some 58 international organizations having recognized its jurisdiction remains unchanged.

III. Suggested action by the Committee

11. This document is for the information of the Committee, which is invited to make such observations thereon as appropriate.

⁶ [GB.349/PFA/10, at paragraph 23.](#)

⁷ [GB.349/Decisions](#), at page 26.

⁸ Statement by Ms Catherine Pollard, Under-Secretary-General for Management Strategy, Policy and Compliance, 8 November 2023.