



Governing Body

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Programme, Financial and Administrative Section

PFA

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Conclusion of the review of the jurisdictional set-up of the United Nations common system

Summary: This document provides information on the conclusion of the review of the jurisdictional set-up of the United Nations (UN) common system undertaken by the UN Secretary-General at the request of the UN General Assembly.

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Related documents: [GB.341/PFA/INF/8](#); [GB.344/PFA/INF/9](#); [GB.346/PFA/12\(Rev.1\)](#); [GB.347/PFA/INF/11](#); [GB.349/PFA/10](#).

1. The review of the jurisdictional set-up of the United Nations (UN) common system was initiated in 2019 following UN General Assembly resolution 74/255, adopted subsequent to the judgments of the ILO Administrative Tribunal concerning the Geneva post adjustment cases.¹
2. In the context of that review, the UN Secretary-General presented three reports. A first report in January 2021 provided an overview of the jurisdictional set-up and outlined various options to address the issue of inconsistent implementation of the decisions and recommendations of the International Civil Service Commission (ICSC).² A second report in August 2022 presented more detailed proposals, including the possible establishment of a joint chamber of the ILO Administrative Tribunal and the UN Appeals Tribunal to issue interpretative, preliminary and/or appellate rulings in cases involving ICSC recommendations or decisions.³ A third report in August 2023 sought to complete the work on the outstanding legal and practical aspects pertaining to the jurisdictional set-up of the UN common system.⁴
3. In his third report, the Secretary-General noted the strong reservations of the majority of stakeholders, including the ILO Administrative Tribunal and the UN Appeals Tribunal, the ICSC, UN common system organizations and staff federations, as well as the strong objections expressed by the non-governmental groups of the ILO Governing Body. In these circumstances, the Office, in line with the Secretary-General's conclusions, expressed the view that the conditions were not met for the Governing Body to move forward with the consideration of any of the proposals, except the promotion of informal exchanges between the two tribunals.
4. The Governing Body, which was regularly informed of the progress of the review process,⁵ decided at its 349th Session (October–November 2023) to “take no follow-up action for the time being, noting the lack of support for the various proposals to address the issue of inconsistent implementation of the recommendations and decisions of the International Civil Service Commission, with the exception of the promotion of informal exchanges among the judges of the tribunals of the UN common system”. It further requested the Director-General to communicate this decision to the UN Secretariat and to keep the Governing Body informed of any decisions that the UN General Assembly may take on this matter at its 78th session or thereafter.⁶
5. By letter dated 6 November 2023, the Director-General transmitted a copy of the Governing Body's decision to the UN Under-Secretary-General for Management Strategy, Policy and Compliance.
6. By letter dated 22 December 2023, the Under-Secretary-General for Management Strategy, Policy and Compliance informed the ILO Director-General of the decision of the Fifth Committee of the UN General Assembly, taken at its 78th Session, to take no action on

¹ UN General Assembly, resolution 74/255, [United Nations common system](#), A/RES/74/255 B (2019).

² UN General Assembly, [Initial review of the jurisdictional set-up of the United Nations common system: Report of the Secretary-General](#), A/75/690, 2021.

³ UN General Assembly, [Review of the jurisdictional set-up of the United Nations common system: Report of the Secretary-General](#), A/77/222, 2022.

⁴ UN General Assembly, resolution 77/257, [Review of the jurisdictional set-up of the United Nations common system](#), A/RES/77/257 (2023) and UN General Assembly, [Review of the jurisdictional set-up of the United Nations common system: Report of the Secretary-General](#), A/78/154, 2023.

⁵ GB.341/PFA/INF/8; GB.344/PFA/INF/9; GB.346/PFA/12(Rev.1); GB.347/PFA/INF/11; and GB.349/PFA/10.

⁶ GB.349/PFA/PV, para. 85.

the third report of the Secretary-General on the review of the jurisdictional set-up of the United Nations common system (A/78/154).

7. The Under-Secretary-General for Management Strategy, Policy and Compliance noted that the Fifth Committee's decision brought the review of the jurisdictional set-up to a conclusion and gave assurances that any relevant development in the future would be brought to the attention of the ILO Director-General. In closing, she expressed her appreciation for the excellent collaboration between the UN Secretariat and the International Labour Office during the different stages of the project.