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Matters relating to the Administrative Tribunal of the ILO: Progress report on the review of the jurisdictional set-up of the United Nations common system

Summary: This document provides information on the report of the United Nations Secretary-General on the jurisdictional set-up of the United Nations common system.

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Related documents: [GB.341/PFA/INF/8](#).

1. It is recalled that in March 2021, the United Nations (UN) General Assembly considered the report of the Secretary-General on the initial review of the jurisdictional set-up of the United Nations common system ¹ and the related report of the Advisory Committee on Administrative and Budgetary Questions. ²
2. In its resolution [75/245B](#), the General Assembly “requested the Secretary-General to submit a further report with detailed proposals and thorough analysis on practical options, giving priority to measures involving changes to the adjudication of cases involving International Civil Service Commission matters, as set out under option D [joint chamber], and measures under option B, limited to the review of tribunal judgments and issuance of guidance by the Commission, as well as increased exchanges between the tribunals, as set out in section IV of the report of the Secretary-General, and to present it for the consideration of the General Assembly no later than the seventy-seventh session”.
3. To advance work on the proposals, the UN Legal Counsel, in consultation with the Office, established a Working Group of the United Nations Legal Advisers Networks on the Review of the Jurisdictional Setup of the United Nations Common System (Working Group). The Working Group was tasked with developing proposals responsive to the requests of the General Assembly. Once reviewed by the Legal Advisers networks, the draft proposals will provide the basis for discussions with the staff federations, the Tribunals, the International Civil Service Commission (ICSC), the two networks of the High-Level Committee on Management (HLCM), and other relevant stakeholders, and for eventual presentation to the principals of the UN System Chief Executives Board for Coordination (CEB).
4. With regard to the proposal on increased exchanges between the tribunals, the co-chairpersons of the Working Group circulated a questionnaire to the three tribunals, the ILO Administrative Tribunal, the UN Appeals Tribunal and the UN Dispute Tribunal. The questionnaire aimed at ascertaining the interest of the tribunals in pursuing increased exchanges, as well as the frequency and modalities for such exchanges. To date, no response has been received from the ILO Administrative Tribunal and accordingly no proposal for this matter can be prepared at this stage.
5. The Working Group held 11 meetings and, in November 2021, concluded its discussions on the following three documents. The first discussion paper elaborates proposals for facilitating submissions by the ICSC to the tribunals of +the UN common system during the litigation of any complaint filed by a staff member arising out of an ICSC decision or recommendation. The purpose of the second paper is to consider the actions that need to be taken, and by whom, when an administrative tribunal issues a judgment concerning a recommendation or decision by the ICSC. Finally, the third paper sets out the key elements of a proposal for a joint chamber composed of judges from the ILO Administrative Tribunal and the UN Appeals Tribunal to issue one or more of the following three types of rulings: interpretative ruling (to identify and resolve any legal issues before an ICSC recommendation or decision is finalized or implemented); preliminary ruling (to enable a tribunal to seek a ruling from the joint chamber on a legal question that is relevant to the tribunal’s review of a complaint challenging the implementation of an ICSC recommendation or decision); appellate ruling (to resolve divergence in cases where the ILO Administrative Tribunal and the UN Appeals Tribunal reach inconsistent conclusions on a legal question relevant to an ICSC recommendation or decision).

¹ [A/75/690](#).

² [A/75/797](#).

6. In December 2021, the draft proposals of the Working Group were circulated to the Legal Advisers of the United Nations common system organizations, who were invited to provide preliminary observations on the texts. On 25 January 2022, following a review of the preliminary observations received, the Working Group finalized the three proposals which have now been forwarded to stakeholders for two rounds of consultations due to be completed by June while the report of the Secretary-General is expected to be finalized in late July 2022.