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ADMINISTRATIVE AND BUDGETARY CO-ORDINATION OF THE
UNITED NATIONS WITH THE SPECIALIZED AGENCIES AND
THE INTERNATIONAL ATOMIC ENERGY AGENCY

FEASIBILITY OF ESTABLISHING A SINGLE ADMINISTRATIVE TRIBUNAL

Report of the Secretary-General

1. By its decision 34/438, the General Assembly requested the Secretary-General and his colleagues on the Administrative Committee on Co-ordination to pursue a progressive harmonization and further development of the statutes, rules and practices of the Administrative Tribunal of the International Labour Organisation (ILO) and of the United Nations Administrative Tribunal, with a view to strengthening the common system and with the aim of establishing a single tribunal, and requested the Secretary-General to report on the subject to the General Assembly at its thirty-sixth session.

2. At the thirty-sixth and thirty-seventh sessions, the Secretary-General reported 1/ on certain relevant steps that had been taken by the United Nations Secretariat and by the International Labour Office subsequent to the adoption of the General Assembly's decision. At the former session he pointed out that the consultations required before any definitive proposals could be submitted to the Assembly had not yet been completed and that consideration of the review procedure for Administrative Tribunal judgements seemed inappropriate in view of just such a proceeding then pending before the International Court of Justice. 2/ At the latter session he presented a detailed outline of a study that had been undertaken by the Secretariat of those elements of the statutes, rules and practices of the ILO and United Nations Administrative Tribunals as to which progressive harmonization or further development should be considered. As he was then not yet in a position to make a substantive set of integrated proposals to the Assembly, he suggested, and the latter agreed, 3/ that he continue consultations necessary for a

progressive harmonization and further development of the statutes, rules and practices of the two Tribunals, with a view to strengthening the common system and to reducing, to the extent possible, the associated administrative costs, and that he report to the Assembly on the completion of these consultations with interim reports on the progress of the consultations being submitted to intervening sessions of the Assembly. The present paper is such an interim report.

3. During 1983 the Secretariat presented a revised version of the study described at the thirty-seventh session to a meeting of the Legal Advisers of the organizations of the United Nations system. That meeting, which was convened in New York from 14 to 16 September 1983, also received a discussion paper on the same subject prepared by the International Labour Office. After discussions inspired by those two papers, the Legal Advisers achieved a considerable measure of agreement on a number of proposed reforms designed to improve and/or to harmonize the proceedings of the two common system Administrative Tribunals.

4. On the basis of the conclusions of the Legal Adviser, the Secretary-General considers that he is now in a position to prepare, in consultation with the Director-General of ILO, a set of proposals as to the instruments governing the two Tribunals and their practices. These proposals would first of all be presented for comment to all the organizations subject to the jurisdiction of one or both of the Tribunals as well as to the members of these bodies; in addition, the Secretary-General would consult the staff of the United Nations through the Staff Management Co-ordination Committee and other executive heads would presumably consult their respective staffs. At the conclusion of this process, the proposed reforms would be submitted to the General Assembly at its thirty-ninth session, as well as to the competent organs of ILO.

Notes

1/ A/C.5/36/23 and A/C.5/37/23.

2/ Which resulted in the advisory opinion of 20 July 1982 by the International Court of Justice (Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal, Advisory Opinion, I.C.J. Reports 1982, p. 325).

3/ Resolution 37/129 of 17 December 1982.
