



UNITED NATIONS

ST/SGB/Organization

Section: OLA

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SECRETARIAT

ORGANIZATION MANUAL

A description of the
functions and organization of

THE OFFICE OF LEGAL AFFAIRS

SECRETARY-GENERAL'S BULLETIN

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SECRETARY-GENERAL'S BULLETIN

To: Members of the staff

Subject: OFFICE OF LEGAL AFFAIRS

1. This bulletin describes the current organization and functions of the Office of Legal Affairs.
2. Document ST/SGB/Organization, section H/Rev.2 of 18 April 1983, which described the earlier organization and functions of the Office, is hereby superseded.

Javier PEREZ DE CUELLAR
Secretary-General

OFFICE OF LEGAL AFFAIRS

An overview

The legal service was envisaged as one of "the principal units of the Secretariat" by the Preparatory Commission of the United Nations. Pursuant to that recommendation, a Legal Department was established in the Secretariat and in 1953 the name was changed to the Office of Legal Affairs in order to reflect more clearly its role in providing legal advice to the Secretary-General and acting on his behalf in legal matters. The broad functions of the Office are as follows:

Serves as a unified central legal service for the Secretariat and other United Nations organs and, in this capacity, advises them on questions of international and national, public, private and administrative law;

Deals with questions concerning privileges and immunities and the legal status of the Organization;

Prepares drafts of international conventions, agreements, rules of procedure of United Nations organs and conferences and other legal texts;

Deals with questions relating to credentials of permanent representatives to the United Nations and representatives to United Nations organs and conferences;

Provides legal liaison between Headquarters and United Nations organs, offices and field missions elsewhere and, where necessary and as far as possible, provides legal advisers to field missions;

Discharges the Secretariat's responsibilities under Article 102 of the Charter of the United Nations regarding the registration and publication of treaties and the Secretary-General's responsibilities as the depositary for multilateral conventions;

Discharges the Secretary-General's responsibilities under the Statute of the International Court of Justice, except those of a budgetary nature;

Represents the Secretary-General in judicial proceedings, negotiations or other procedures for the settlement of disputes of a legal character;

Provides secretariat services for the Sixth Committee of the General Assembly, the International Law Commission, the United Nations Commission on International Trade Law, the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space, the United Nations Administrative Tribunal, the Committee

on Applications for Review of Administrative Tribunal Judgements and other committees or conferences dealing with legal matters;

Prepares, reviews and co-ordinates studies for the Repertory of Practice of United Nations Organs and maintains a record of the practice of the General Assembly in procedural matters;

Prepares United Nations publications and articles on legal matters;

Prepares studies to assist the progressive development of international law and its codification;

Provides assistance in the teaching, study, dissemination and wider appreciation of international law.

Organizational elements and their functions

UNDER-SECRETARY-GENERAL FOR LEGAL AFFAIRS - THE LEGAL COUNSEL

Performs the functions of a head of department/office, as described in the introductory section of this Manual. In addition, performs the following functions:

Deals with questions referred to him by the Secretary-General or his Office and with other important legal questions referred to him by other units of the Secretariat or United Nations organs;

Certifies legal instruments issued on behalf of the United Nations;

Represents the United Nations or the Secretary-General at meetings and conferences dealing with matters of a legal nature and of concern to the United Nations;

Advises the Secretary-General on matters of law;

Convenes and represents the United Nations at meetings of the legal advisers of the United Nations system.

Office of the Legal Counsel

Assists the Legal Counsel in the examination of legal questions referred to him by the Secretary-General, other units of the Secretariat or United Nations organs;

Assists the Legal Counsel in the administration of the Office of Legal Affairs, in the co-ordination of departmental and interdepartmental activities and in maintaining liaison with legal organs of the United Nations, United Nations offices established away from Headquarters, legal advisers or liaison officers assigned to field missions or other Secretariat units and international and national legal organizations;

Prepares legal opinions and studies and provides advice to United Nations organs and bodies and their subsidiaries, as well as to departments and offices of the Secretariat, on the interpretation of the Charter and rules of international public law, as well as treaties and United Nations resolutions and regulations, on the legal aspects of programmes and activities in which the Organization is engaged and on the drafting of international conventions and agreements, resolutions and regulations;

Prepares legal statements for United Nations organs and replies to legal questions received from Member Governments, organizations and the general public;

Deals with questions arising under Articles 104 and 105 of the Charter, the Convention on the Privileges and Immunities of the United Nations, the headquarters agreements with the United States of America and other host Governments and other instruments;

Maintains liaison with the International Court of Justice and discharges the legal responsibilities of the Secretary-General under the Statute of the Court, including the preparation of legal statements and the transmission of notices relating to judicial proceedings;

Provides advice on questions of international law, on the legal aspects of peace-keeping missions and on territorial and terminological questions; prepares draft rules of procedures for United Nations organs and conferences;

Assists other units of the Office of Legal Affairs in their work and in the provision of secretariat services for legal meetings and conferences;

Prepares, reviews and co-ordinates studies for the Repertory of Practice of United Nations Organs and maintains a record of the practice of the General Assembly in procedural matters;

Deals with questions relating to the credentials of permanent representatives to the United Nations and representatives on United Nations organs, and provides secretariat services for the Credentials Committee;

Performs the functions of a staff office and an executive office, as described in the introductory section of this Manual.

1. General Legal Division

Prepares legal opinions and studies and provides advice to United Nations organs and bodies and their subsidiaries, as well as departments and offices of the Secretariat, on the interpretation of the Charter, rules of administrative law of the Organization, international private law and United Nations resolutions and regulations, on legal aspects of programmes and activities in which the Organization is engaged and on the drafting of international conventions and agreements, resolutions and regulations;

Provides legal advice to and participates in meetings of United Nations bodies, for example, the Committee on Contracts, the United Nations Joint Staff Pension Board, the United Nations Claims Board, etc.;

Provides or participates with other departmental units in providing secretariat services for special committees and conferences dealing with legal matters or activities;

Drafts, as required, negotiates and interprets contracts entered into, throughout the world, by the United Nations, the United Nations Development Programme and the United Nations Children's Fund, particularly on commercial matters, both with Governments and with private law entities;

When requested, examines evaluations and conclusions of joint disciplinary committees and of joint appeals boards; represents the Secretary-General before the Administrative Tribunal and provides factual and legal information to it, as requested, concerning cases on appeal before the Tribunal; prepares submissions to the Committee on Applications for Review of Administrative Tribunal Judgements and documentation and briefs on behalf of the Secretary-General to the International Court of Justice in cases submitted to the Court by the Committee;

Deals, on behalf of the Organization, with claims and disputes of an international and a private law character, negotiates settlements and participates in judicial and arbitral proceedings and claims;

Provides secretariat services to the Legal Committee of the Committee on the Peaceful Uses of Outer Space;

Provides full legal services at Headquarters to the United Nations Development Programme, the United Nations Children's Fund and the United Nations Institute for Training and Research, and assists in providing legal advice on

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general legal questions to the regional commissions and to other organs away from Headquarters;

Provides substantive advice on technical co-operation activities of a legal character.

2. Treaty Section

Registers, files and records treaties and international agreements and prepares them for publication in the United Nations Treaty Series and issues the monthly Statement of Treaties and International Agreements Registered or Filed and Recorded with the Secretariat in accordance with Article 102 of the Charter;

Exercises the Secretary-General's depositary functions under multilateral treaties;

Issues the annual Multilateral Treaties Deposited with the Secretary-General; the Handbook of Final Clauses and the Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements;

Assists the Legal Counsel in the examination of legal questions concerning treaties, prepares relevant documentation in pursuance of decisions taken by the General Assembly and provides advice to other units of the Secretariat and to the specialized agencies;

Collaborates in the drafting of formal clauses of treaties and agreements concluded under United Nations auspices;

Serves as custodian of agreements concluded by the United Nations;

Answers inquiries regarding treaties and other international instruments.

3. Codification Division

Assists the International Law Commission and organs of the United Nations in matters relating to the progressive development of international law and its codification and, in respect of the foregoing, undertakes research, prepares studies, documentation, analytical compilations of background material and recommendations and assists in the preparation of drafts for international codification conventions;

Provides secretariat services for the Sixth Committee of the General Assembly and conferences on the progressive development of international law and

its codification; also provides secretariat services for the International Law Commission and other specific bodies established by the General Assembly, e.g., the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

Prepares drafts of international conventions and agreements;

Carries out research on fundamental problems of international law upon the request of the International Law Commission and other bodies;

Prepares the Reports on International Arbitral Awards, the Legislative Series, the United Nations Juridical Yearbook and the Yearbook of the International Law Commission;

Assists in the dissemination of information regarding United Nations work on the codification and progressive development of international law.

4. International Trade Law Branch

Assists United Nations organs, bodies and conferences in matters relating to international trade law;

Collects and disseminates information on the law of international trade and relevant work of international organizations; assists in co-ordinating the work of these organizations and prepares the Register of Texts in international trade law and the Yearbook of the United Nations Commission on International Trade Law;

Provides substantive support to technical co-operation activities involving international trade law;

Provides training and assistance in the field of international trade law, taking into account the special interest of developing countries;

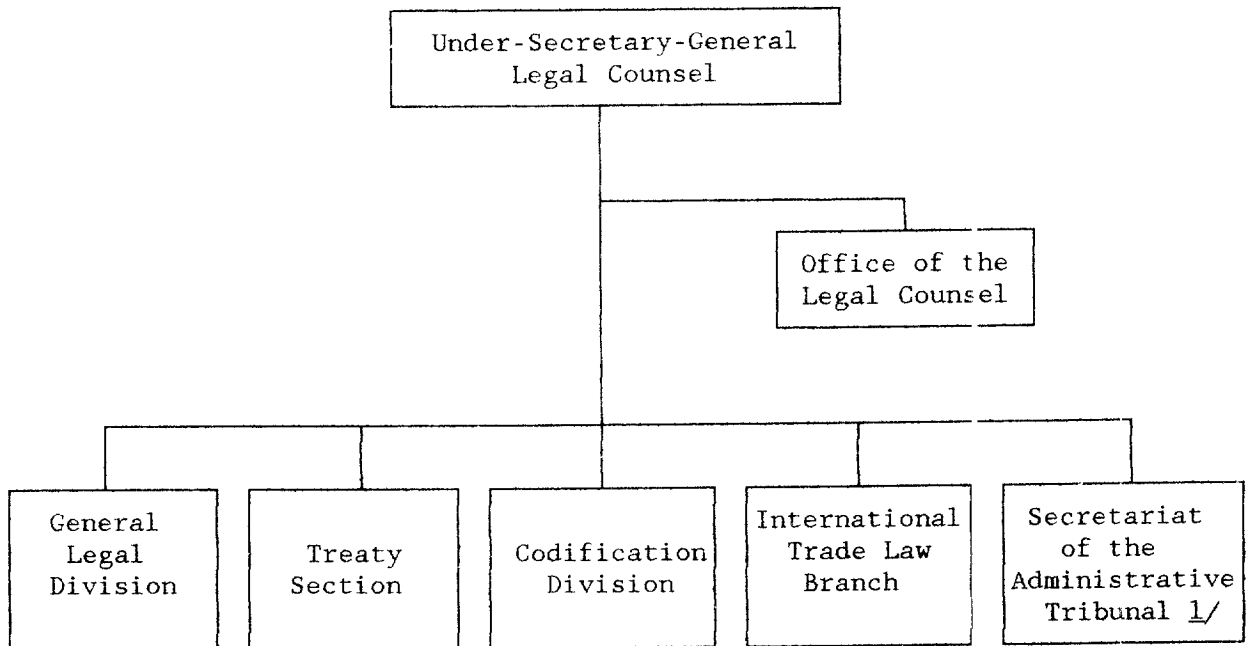
Carries out work in respect of contracts in the field of industrial development in connection with the legal implications of the new international economic order;

Provides secretariat services for the United Nations Commission on International Trade Law and its subsidiary bodies.

5. Secretariat of the Administrative Tribunal

Provides the Executive Secretary and secretariat services for the United Nations Administrative Tribunal. (In substantive matters, the Executive Secretary is exclusively responsible to the Tribunal.)

ORGANIZATION OF THE
OFFICE OF LEGAL AFFAIRS



1/ In substantive matters, the head of the Secretariat (Executive Secretary) is exclusively responsible to the Administrative Tribunal.