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Agenda item 145

United Nations common system

Letter dated 4 November 2022 from the President of the General Assembly addressed to the Chair of the Fifth Committee

I have the honour to transmit herewith a letter dated 3 November 2022 from the Chair of the Sixth Committee (Legal), Pedro Comissário Afonso, with regard to agenda item 145, “United Nations common system” (see annex).

(Signed) Csaba **Kőrösi**



Annex

1. I have the honour to write to you with regard to agenda item 145, on the United Nations common system.
2. As you are aware, at its 3rd plenary meeting, on 16 September 2022, the General Assembly, on the recommendation of the General Committee, referred the agenda item to both the Fifth and the Sixth Committees. In paragraph 11 of its resolution [76/240](#), the Assembly invited the Sixth Committee to consider the legal aspects of the report to be submitted by the Secretary-General, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters.
3. During the present session, the Sixth Committee considered the item at its 11th meeting, on 11 October 2022, as well as in informal consultations held on 12 and 17 October. During the informal consultations held on 12 October, the representative of the Department of Management Strategy, Policy and Compliance made a presentation and provided answers and clarifications to delegations, which were grateful for the opportunity.
4. The Committee had before it the report of the Secretary-General on the review of the jurisdictional set-up of the United Nations common system ([A/77/222](#)).
5. During the informal consultations, delegations expressed their appreciation to the Secretary-General for his comprehensive report, as well as for the consultations held with various stakeholders such as the International Civil Service Commission (ICSC), staff federations, United Nations system organizations, the United Nations Dispute Tribunal, the United Nations Appeals Tribunal, the International Labour Organization Administrative Tribunal and the Internal Justice Council. Delegations further exchanged views, on a preliminary basis, on the legal aspects of the report and the specific proposals contained therein.
6. Delegations underlined the importance of preserving the cohesion and consistency of a single, unified United Nations common system as the cornerstone for the regulation and coordination of the conditions of service. It was noted that the divergence in the jurisprudence of the two tribunal systems, irrespective of its actual frequency, could undermine the cohesion of the United Nations common system and that a meaningful long-term solution was warranted. In this regard, a delegation emphasized the role of the General Assembly in approving conditions of service and entitlements for all staff serving in the organizations of the United Nations common system, bearing in mind articles 10 and 11 of the statute of ICSC.
7. Delegations also took note of proposals 1 and 2, to facilitate the ICSC submissions to the tribunals and to further the ICSC guidance following relevant tribunal judgments, as contained in the report. Some delegations viewed proposals 1 and 2 positively and noted that they would not cause any significant legal issues. At the same time, a delegation raised concern about the possible implications of proposal 2 for the ICSC role in regulating and coordinating conditions of service and entitlements for all staff serving in the organizations of the United Nations common system.
8. Delegations further took note of proposal 3, to establish a joint chamber of the International Labour Organization Administrative Tribunal and the United Nations Appeals Tribunal. Some delegations expressed preliminary reservations, notably owing to the complexity of and the outstanding issues, both in legal and financial terms, related to the proposal. Questions on the proportionality of the proposal itself, as well as its implications for the length of proceedings in the two tribunal systems, were also raised. A delegation emphasized that the successful implementation of

proposal 3 would be dependent on the full and good-faith participation of the International Labour Organization Administrative Tribunal. Some delegations stressed the need for the Secretary-General to carry out further work on the outstanding legal and practical issues in close collaboration with the International Labour Organization and other stakeholders.

9. Some delegations emphasized that there was a need for exploration of additional steps or proposals, including the suggestion made by the judges of the International Labour Organization Administrative Tribunal to engage in periodic informal dialogue with judges of the United Nations Appeals Tribunal, as contained in annex II to the report of the Secretary-General.

10. It would be appreciated if the present letter were brought to the attention of the Chair of the Fifth Committee and circulated as a document of the General Assembly under agenda item 145, "United Nations common system".
