

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1989

Part Three. Judicial decisions on questions relating to the United Nations and related
intergovernmental organizations

Chapter VIII. Decisions of national tribunals



Copyright (c) United Nations

Part Three. Judicial decisions on questions relating to the United Nations and related intergovernmental organizations

CHAPTER VII. DECISIONS AND ADVISORY OPINIONS OF INTERNATIONAL TRIBUNALS

International Court of Justice

Applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations (request for advisory opinion) 383

CHAPTER VIII. DECISIONS OF NATIONAL TRIBUNALS

Mexico

Ministry of Foreign Affairs

Communiqué to the President of the Special Federal Conciliation and Arbitration Board No. 14 395

Part Four. Bibliography

LEGAL BIBLIOGRAPHY OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

A. INTERNATIONAL ORGANIZATIONS AND INTERNATIONAL LAW IN GENERAL

1. General 400

2. Particular questions 404

B. UNITED NATIONS

1. General 405

2. Particular organs 407

 General Assembly 407

 International Court of Justice 407

 Regional commissions 411

 Secretariat 411

 Security Council 412

 United Nations Forces 412

Chapter VIII

DECISIONS OF NATIONAL TRIBUNALS

Mexico

Ministry of Foreign Affairs

COMMUNIQUÉ TO THE PRESIDENT OF THE SPECIAL FEDERAL CONCILIATION AND ARBITRATION BOARD No. 14¹

Former employee of Mexican nationality dismissed by UNHCR filed employment claim with local labour board — Confirmation of immunity of UNHCR from jurisdiction of conciliation and arbitration boards.

On 31 March 1989, an employee of Mexican nationality who had been recruited as a typist by the UNHCR office in Mexico City filed an employment claim against that office before Special Federal Conciliation and Arbitration Board No. 14, on the grounds that he had been unjustly dismissed.

On 19 April 1989, UNHCR requested the Ministry of Foreign Affairs to intervene with the Board in order to confirm the immunity of UNHCR from jurisdiction.

On 11 December 1989, the Ministry of Foreign Affairs sent the following communiqué to the President of the Board, confirming the immunity of UNHCR from jurisdiction:

“Having carefully reviewed the agreements and, in particular, the precedents of international law, the Ministry of Foreign Affairs has not found any precedents whereby the national courts or tribunals of members of the international community, including Mexico, have exercised jurisdiction over the United Nations, its organs or specialized agencies.

“Moreover, while it is true that the current trend in international law with regard to inter-State practice is not to recognize immunity from jurisdiction in labour matters concerning employees who are nationals of the State in which the court or arbitration board is situated in order not to deprive them of the opportunity of defending themselves, international organizations, for that same reason, offer their employees internal administrative remedies to protect their labour rights, as in the case in question.

“Accordingly, in the view of the Ministry of Foreign Affairs, international organizations enjoy immunity from the jurisdiction of conciliation and arbitration boards, unless the employee can prove that the international organization in question denied him justice by not allowing him to avail himself of his internal administrative remedies.”

NOTE

¹Translation prepared by the Secretariat of the United Nations.