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DECISION OF THE COUNCIL OF THE INTERNATIONAL SEABED AUTHORITY CONCERNING THE STAFF REGULATIONS OF THE AUTHORITY

The Council of the International Seabed Authority

1. Decides to adopt and apply provisionally, pending approval by the Assembly, the staff regulations of the Authority as contained in the annex to the present document.
2. Recommends that the Assembly approve the staff regulations.

69th meeting
13 July 2000

Annex

STAFF REGULATIONS OF THE INTERNATIONAL SEABED AUTHORITY

Scope and purpose

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the staff of the International Seabed Authority ("the Authority"). They represent the broad principles of personnel policy for the staffing and administration of the Secretariat.

For the purposes of these Regulations, the expressions "the Secretariat of the Authority", "staff members" or "staff" shall refer to all the staff members of the Secretariat of the Authority, within the meaning of article 166, paragraph 1, of the United Nations Convention on the Law of the Sea, whose employment and contractual relationship are defined by a letter of appointment subject to regulations promulgated by the Authority pursuant to article 167, paragraph 3, of the Convention.

The Secretary-General, as the chief administrative officer, shall provide and enforce such staff rules consistent with these principles, as he or she considers necessary.

Article I

Duties, obligations and privileges

Regulation 1.1

Status of staff

(a) Staff members are international civil servants. Their responsibilities as staff members are not national but exclusively international.

(b) Staff members shall make the following written declaration witnessed by the Secretary-General or his or her authorized representative:

"I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the International Seabed Authority, and to discharge those functions and regulate my conduct with the interests of the International Seabed Authority only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the Authority.

"I also solemnly declare and promise to respect the obligations incumbent upon me as set out in the Staff Regulations and Rules and to refrain from any action which might reflect on my position as an international civil servant responsible only to the Authority.

"I further solemnly declare and promise that I shall have no financial interest in any activity relating to exploration for and exploitation of the resources of the international seabed area. Subject to my responsibilities to the Authority, I shall not disclose, even after the termination of my appointment with the Authority, any industrial secret, proprietary data which are transferred to the Authority in accordance with Annex III, article 14, of the Convention, or any other confidential information coming to my knowledge by reason of my service with the Authority."

(c) The Secretary-General shall ensure that the rights and duties of staff members, as set out in the Convention and the Staff Regulations and Rules and in the relevant resolutions and decisions of the Assembly, are respected.

(d) The Secretary-General shall seek to ensure that the paramount consideration in the determination of the conditions of service shall be the necessity of securing staff of the highest standards of efficiency, competence and integrity.

(e) The Staff Regulations apply to all staff at all levels, including staff holding appointments under the 100, 200 and 300 series of the Staff Rules.

(f) The privileges and immunities enjoyed by the Authority by virtue of subsection G of section 4 of Part XI of the Convention and other relevant instruments are conferred in the interests of the Authority. These privileges and immunities furnish no excuse to the staff members who are covered by them to fail to observe laws and police regulations of the State in which they are located, nor do they furnish an excuse for non-performance of their private obligations. In any case where an issue arises regarding the application of these privileges and immunities, the staff member shall immediately report the matter to the Secretary-General, who alone may decide whether such privileges and immunities exist and whether they shall be waived in accordance with the relevant instruments.

Regulation 1.2

Basic rights and obligations of staff

(a) Staff members shall uphold and respect the principles set out in the Charter of the United Nations, including faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. Consequently staff members shall exhibit respect for all cultures; they shall not discriminate against any individual or group of individuals or otherwise abuse the power and authority vested in them.

(b) Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status.

(c) Staff members are subject to the authority of the Secretary-General and to assignment by him or her to any of the activities or offices of the Authority. In exercising his or her authority the Secretary-General shall seek to ensure, having regard to the circumstances, that all necessary safety and security arrangements are made for staff carrying out the responsibilities entrusted to them.

(d) In the performance of their duties staff members shall neither seek nor accept instructions from any Government or from any other source external to the Authority.

(e) By accepting appointment, staff members pledge themselves to discharge their functions and regulate their conduct with the interests of the Authority only in view. Loyalty to the Authority is a fundamental obligation of all staff members by virtue of their status as international civil servants.

(f) While staff members' personal views and convictions, including their political and religious convictions, remain inviolable, staff members shall ensure that those views and convictions do not adversely affect their official duties or the interests of the Authority. They shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with the Authority. They shall avoid any action and in particular any kind of public pronouncement that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status.

(g) Staff members shall not use their office or knowledge gained from their official functions for private gain, financial or otherwise, or for the private gain of any third party, including family, friends and those they favour. Nor shall staff members use their office for personal reasons to prejudice the positions of those they do not favour.

(h) Staff members may exercise the right to vote but shall ensure that their participation in any political activity is consistent with, and does not reflect adversely upon, the independence and impartiality required by their status as international civil servants.

(i) Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the course of their duties or by authorization of the Secretary-General. These obligations do not cease upon separation from service.

(j) In accordance with article 168, paragraph 2, of the Convention, subject to their responsibilities to the Authority, the Secretary-General and the staff shall not disclose, even after the termination of their functions, any industrial secret, proprietary data which are transferred to the Authority in accordance with Annex III, article 14, or any other confidential

information coming to their knowledge by reason of their employment with the Authority.

Regulation 1.3

Honours, gifts or remuneration

(a) No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government.

(b) If refusal of an unanticipated honour, decoration, favour or gift from a Government would cause embarrassment to the Authority, the staff member may receive it on behalf of the Authority and then report and entrust it to the Secretary-General, who will either retain it for the Authority or arrange for its disposal for the benefit of the Authority or for a charitable purpose.

(c) No staff member shall accept any honour, decoration, favour, gift or remuneration from any non-governmental source without first obtaining the approval of the Secretary-General. The Secretary-General shall not grant such approval if it is likely to reflect on the integrity of the staff member as an international civil servant.

Regulation 1.4

Conflict of interest

(a) Staff members shall not be associated with the management of, or hold a financial interest in, any profit-making business or other concern if it were possible for the staff member or the profit-making business or other concern to benefit from such association or financial interest by reason of his or her position with the Authority.

(b) In accordance with article 168, paragraph 2, of the Convention, the Secretary-General and the staff shall have no financial interest in any activity relating to exploration and exploitation in the Area.

(c) All staff members at the assistant secretary-general level and above shall be required to file financial disclosure statements upon appointment and at intervals as prescribed by the Secretary-General, in respect of themselves and their dependent children, including any substantial transfers of assets and property to spouses and dependent children from the staff member or from any other source that might constitute a conflict of interest, after knowledge of the appointment or during its tenure, to provide certification stating that there is no conflict of interest with regard to the economic activities of spouses and dependent children, and to assist the Secretary-General in verifying the above-mentioned certification on his special request. The financial disclosure statements will remain confidential and will only be used, as prescribed by the Secretary-General, in making determinations pursuant to staff regulation 1.4(a).

Regulation 1.5

Outside employment and activities

(a) Staff members shall not engage in any outside occupation or employment, whether remunerated or not, without the approval of the Secretary-General.

(b) The Secretary-General may authorize staff members to engage in an outside occupation or employment, whether remunerated or not, if:

(i) The outside occupation or employment does not conflict with the staff member's official functions or the status of an international civil servant;

(ii) The outside occupation or employment is not against the interest of the Authority; and

(iii) The outside occupation or employment is permitted by local law at the duty station or place where the occupation or employment occurs.

Regulation 1.6

Use of property and assets

(a) Staff members shall only use the property and assets of the Authority for official purposes and shall exercise reasonable care when utilizing such property and assets.

(b) Staff members must respond fully to requests for information from staff members and other officials of the Authority authorized to investigate possible misuse of funds, waste or abuse.

Regulation 1.7

Performance of staff

(a) Staff members are accountable to the Secretary-General for the proper discharge of their functions. Staff members are required to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions and their performance will be appraised periodically to ensure that the required standards of performance are met.

(b) The whole time of staff members shall be at the disposal of the Secretary-General for the performance of official functions; however, the Secretary-General shall establish a normal working week and shall establish official holidays. Exceptions may be made by the Secretary-General as the needs of the service may require and staff members shall be required to work beyond the normal tour of duty when requested to do so.

Article II

Classification of posts and staff

Regulation 2.1

The Secretary-General shall make appropriate provision for the classification of posts and staff according to the nature of the duties and responsibilities required, consistent with the principles in use in the United Nations common system and with due regard for the need for economy and efficiency.

Article III

Salaries and related allowances

Regulation 3.1

The salary scales and the scale of post adjustment, if applicable, for all staff members shall be those applicable to staff in the United Nations.

Regulation 3.2

(a) A staff assessment shall be fixed by the Secretary-General in accordance with the assessment applicable to staff in the United Nations.

(b) In the case of a person who is not employed by the Authority for the whole of a calendar year or in cases where there is a change in the annual rate of payments made to a staff member, the rate of assessment shall be governed by the annual rate of each such payment made to him or her.

(c) The staff assessment shall be collected by the Authority by withholding it from payments. No part of the assessment so collected shall be refunded because of cessation of employment during the calendar year.

Regulation 3.3

(a) If taxes are levied by Member States on the salaries and emoluments paid by the Authority to staff members who are citizens of those Member States, the Authority shall refund the amounts of taxes to the extent that such amounts are reimbursed to the Authority by the Member States concerned.

(b) Payments made in accordance with the provisions of the present Regulation shall be reimbursed to the Authority by Member States in accordance with tax reimbursement agreements to be concluded with those Member States.

Regulation 3.4

The Secretary-General shall establish terms and conditions, under which dependency benefits, an education grant, an assignment grant, a mobility and hardship allowance, and language benefits shall be available to eligible staff members.

Regulation 3.5

Subject to satisfactory service, salary increments within the levels shall be awarded annually, except that any increments above step XI of the Associate Officer level, step XIII of the Second Officer level and step IV of the Principal Officer level shall be preceded by two years at the previous step.

Regulation 3.6

No salary and allowances shall be paid to staff members in respect of periods of unauthorized absence from work unless such absence was caused by reasons beyond their control or duly certified medical reasons.

Article IV

Appointment and promotion

Regulation 4.1

In accordance with article 167, paragraph 1, of the Convention, the staff members of the Authority shall consist of such qualified scientific and technical and other personnel as may be required to fulfil the administrative functions of the Authority.

Regulation 4.2

Upon appointment, each staff member, including staff seconded from government service, shall receive a letter of appointment stating the date on which service with the Authority is to commence, the duration of the appointment, the notice required to terminate it, the salary rate, and any special conditions that may be applicable. A copy of the Staff Regulations and the Staff Rules shall be provided to the staff member with the letter of appointment. In accepting appointment, the staff member agrees to accept the

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terms and conditions contained in the letter of appointment and in the Staff Regulations and Staff Rules and changes which may be duly made in such regulations and rules from time to time.

Regulation 4.3

(a) The paramount consideration in the recruitment and employment of staff and in the determination of their conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Subject to this consideration, due regard shall be paid to recruiting staff on as wide a geographical basis as possible.

(b) Under no circumstances shall specific posts come to be identified with any State, region or group of States.

Regulation 4.4

Selection of staff shall be made without distinction as to race, gender or religion. So far as practicable, selection shall be made on a competitive basis.

Regulation 4.5

The staff shall be appointed by the Secretary-General. The terms and conditions on which they shall be appointed, remunerated and dismissed shall be in accordance with these Regulations and the Staff Rules of the Authority.

Regulation 4.6

(a) Staff members shall be granted either permanent or temporary appointments under such terms and conditions consistent with the present Regulations as the Secretary-General may prescribe.

(b) The Secretary-General shall, as and when appropriate, prescribe which staff members are eligible for permanent appointments. The probationary period for granting or confirming a permanent appointment shall normally not exceed two years, provided that in individual cases the Secretary-General may extend the probationary period for not more than one additional year.

Regulation 4.7

The Secretary-General shall establish appropriate medical standards that staff shall be required to meet before appointment.

Regulation 4.8

Subject to the provisions of regulation 4.3 and without prejudice to the recruitment of fresh talent at all levels, the fullest regard shall be had, in filling vacancies, to the requisite qualifications and experience of persons already in the service of the Authority.

Article VLeaveRegulation 5.1

Staff members shall be allowed appropriate annual leave under conditions determined by the Secretary-General. Annual leave shall be subject to the exigencies of services.

Regulation 5.2

Eligible staff members shall be granted home leave once in every two years under conditions determined by the Secretary-General. Home leave shall be subject to the exigencies of service.

Regulation 5.3

Special leave may be authorized by the Secretary-General in exceptional cases.

Article VISocial securityRegulation 6.1

Provision shall be made for the participation of staff members in the United Nations Joint Staff Pension Fund in accordance with the regulations of that Fund.

Regulation 6.2

The Secretary-General shall establish a scheme of social security for the staff, including provisions for medical insurance, sick leave and maternity leave, and reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Authority. The Secretary-General may make group life insurance available to staff members on a voluntary basis.

Article VIITravel and removal expensesRegulation 7.1

Subject to conditions and definitions prescribed by the Secretary-General, the Authority shall, in appropriate cases, pay the travel and travel-related expenses of staff members, their spouses and dependent children.

Regulation 7.2

Subject to conditions and definitions prescribed by the Secretary-General, the Authority shall pay removal costs for staff members.

Article VIIIStaff relationsRegulation 8.1

The Secretary-General shall establish and maintain continuous contact and communication with the staff in order to ensure the effective participation of the staff in identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other personnel policies. In particular, effective arrangements involving staff representation shall be established to ensure such participation.

Article IX

Separation from service

Regulation 9.1

(a) The Secretary-General may terminate the appointment of a staff member who holds a permanent appointment and whose probationary period has been completed:

- (i) If the services of the individual concerned prove unsatisfactory;
- (ii) If he or she is, for reasons of health, incapacitated for further service;
- (iii) For abandonment of post;
- (iv) If the necessities of the service require abolition of the post, change of the functions of the post, or reduction of staff;
- (v) For such other reason as may be specified in the letter of appointment;

(b) The Secretary-General may also, giving his or her reasons therefor, terminate the appointment of a staff member who holds a permanent appointment:

- (i) If the conduct of the staff member indicates that the staff member does not meet the highest standards of integrity required by article 167, paragraph 2, of the Convention;
- (ii) If facts anterior to the appointment of the staff member and relevant to his suitability come to light that, if they had been known at the time of his or her appointment, should, under the standards established in the Convention and these Regulations, have precluded his or her appointment;
- (iii) If, in the case of an alleged violation of the obligations of a staff member under article 168, paragraph 2, of the Convention, the tribunal referred to in regulation 10.3 has recommended the dismissal of the staff member concerned;

No termination under subparagraphs (i) and (ii) shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Secretary-General.

(c) The Secretary-General may terminate the appointment of a staff member who holds a permanent appointment if, in the stated opinion of the Secretary-General, such action would be in the interest of the good administration of the Authority provided that the action is not contested by the staff member concerned.

(d) The Secretary-General may terminate the appointment of a staff member with a fixed-term appointment prior to the expiration date for any of the reasons specified in subparagraphs (a), (b) and (c) above, or for such other reason as may be specified in the letter of appointment.

(e) In the case of all other staff members, including staff members serving a probationary period for a permanent appointment, the Secretary-General may, at any time, terminate the appointment, if in his or her opinion, such action would be in the interest of the Authority.

Regulation 9.2

(a) If the Secretary-General terminates an appointment, the staff member shall be given such notice and such indemnity payments as may be applicable under these Regulations and the Staff Rules. However, no termination indemnity shall be paid to a staff member who is summarily dismissed under staff regulation 10.2; to a staff member who is dismissed upon recommendation by a tribunal as provided in regulation 9.1 (b) (iii), or to a staff member who abandons his or her post. Rates and conditions for payment of termination indemnity are specified in annex I to the present Regulations.

(b) The Secretary-General may, where the circumstances warrant and he or she considers it justified, pay to a staff member terminated under regulation 9.1 (c) an indemnity not more than 50 per cent higher than that which would otherwise be payable under these Regulations.

Regulation 9.3

Staff members may resign from the Authority upon giving the Secretary-General the required notice under the terms of their appointment.

Regulation 9.4

Staff members shall not be retained in service beyond the age of sixty-two years. The Secretary-General may, in the interest of the Authority, extend this age limit in exceptional cases.

Regulation 9.5

The Secretary-General shall establish a scheme for the payment of repatriation grants within the maximum rates and under the conditions specified in annex II to the present Regulations.

Article X

Disciplinary matters

Regulation 10.1

The Secretary-General shall establish administrative machinery with staff participation to advise him or her in disciplinary cases.

Regulation 10.2

The Secretary-General may impose disciplinary measures on staff members whose conduct is unsatisfactory. The Secretary-General may summarily dismiss a member of the staff for serious misconduct.

Regulation 10.3

Violation of the obligations of a staff member set forth in article 168, paragraph 2, of the Convention shall, on the request of a State party to the Convention affected by such violation, or natural or juridical person sponsored by a State party as provided in article 153, paragraph 2 (b), of the Convention and affected by such violation, be submitted by the Authority against the staff member concerned to an ad hoc tribunal of three qualified persons appointed by the Secretary-General of the United Nations. The party affected shall have the right to take part in the proceedings. If the tribunal so recommends, the Secretary-General shall dismiss the staff member concerned.

Article XI

Appeals

Regulation 11.1

The Secretary-General shall establish administrative machinery with staff participation to advise him or her in case of any appeal by staff members against an administrative decision alleging the non-observance of their terms of appointment, including all pertinent regulations and rules.

Regulation 11.2

The United Nations Administrative Tribunal shall, under conditions prescribed in its statute, hear and pass judgment upon applications from staff members alleging non-observance of their terms of appointment, including all pertinent regulations and rules.

Article XII

General provisions

Regulation 12.1

These Regulations may be supplemented or amended in accordance with the procedures set out in the Convention, without prejudice to the acquired rights of staff members.

Regulation 12.2

The Secretary-General shall from time to time issue such staff rules and amendments thereto as may be necessary to implement the present Regulations. Such staff rules shall be provisional until the requirements of regulations 12.3 and 12.4 have been met.

Regulation 12.3

The full text of provisional staff rules and amendments shall be reported to the Assembly. Should the Assembly find that a provisional rule or amendment is inconsistent with the intent and purpose of these Regulations, it may direct that the rule and/or amendment be withdrawn or modified.

Regulation 12.4

The provisional rules and amendments reported by the Secretary-General, taking into account such modifications or deletions as may be directed by the Assembly, shall enter into full force and effect 30 days after the end of the meeting of the Assembly at which the report was presented. Nothing in this paragraph shall prevent the rules and amendments having retroactive effect in order to ensure that they have effect at the same time as the corresponding United Nations rules and amendments.

Regulation 12.5

In cases where the Secretary-General is authorized by these Regulations to establish, prescribe or determine terms or conditions, these should be based on those applicable to the United Nations staff.

Regulation 12.6

Staff regulations and rules shall not give rise to acquired rights within the meaning of regulation 12.1 while they are provisional.

Appendix I

TERMINATION INDEMNITY

Staff members whose appointments are terminated shall be paid an indemnity in accordance with the following provisions:

(a) Except as provided in paragraphs (b), (c) and (e) and in regulation 9.2 (b), staff members shall be paid a termination indemnity in accordance with the following schedule:

Completed years of service	Months of gross salary, less staff assessment, where applicable, ^a or		Temporary appointments for a fixed term	Temporary appointments for a fixed term exceeding six months
	Permanent appointments	Months of pensionable remuneration less staff assessment, where applicable ^b		
Less than 1 ...	Not applicable	Nil)		One week for each month
1	Not applicable	1)		of uncompleted service
2	3	1)		subject to a minimum
3	3	2)		of six weeks' and a
4	4	3)		maximum of three months'
5	5	4)		indemnity pay
6	6	5	3	
7	7	6	5	
8	8	7	7	
9	9	9	9	
10	9.5	9.5	9.5	
11	10	10	10	
12	10.5	10.5	10.5	
13	11	11	11	
14	11.5	11.5	11.5	
15 or more	12	12	12	

^a For staff in the Professional and higher categories.

^b For staff in the General Service and related categories.

(b) A staff member whose appointment is terminated for reasons of health shall receive an indemnity equal to the indemnity provided under paragraph (a) of the present annex reduced by the amount of any disability benefit that the staff member may receive under the Regulations of the United Nations Joint Staff Pension Fund for the number of months to which the indemnity rate corresponds;

(c) A staff member whose appointment is terminated for unsatisfactory service or who for disciplinary reasons is dismissed for misconduct other than by summary dismissal under regulation 10.2 or dismissal following procedures under regulation 10.3 may be paid, at the discretion of the Secretary-General, an indemnity not exceeding one half of the indemnity provided under paragraph (a) of the present annex;

(d) No indemnity payment shall be made to:

(i) A staff member who resigns except where termination notice has been given and the termination date agreed upon;

(ii) A staff member who has a temporary appointment that is not for a fixed term and that is terminated during the first year of service;

(iii) A staff member whose temporary or fixed-term appointment is completed on the expiration date specified on the letter of appointment;

(iv) A staff member who is summarily dismissed or dismissed following procedures under staff regulation 10.3;

(v) A staff member who abandons his or her post;

(vi) A staff member who is retired under the Regulations of the United Nations Joint Staff Pension Fund;

(e) Staff members specifically engaged for conference and other short-term service or for service as consultants or as experts may be paid termination indemnity if and as provided in their letters of appointment.

Appendix II

REPATRIATION GRANT

In principle, the repatriation grant shall be payable to staff members whom the Authority is obligated to repatriate and who at the time of separation are residing, by virtue of their service with the Authority, outside their country of nationality. The repatriation grant shall not, however, be paid to a staff member who is summarily dismissed. Eligible staff members shall be entitled to repatriation grant only upon relocation outside the country of the duty station. Detailed conditions and definitions relating to eligibility and requisite evidence of relocation shall be determined by the Secretary-General.

Years of continuous service away from home country	Staff members with spouse or dependent child at time of separation	Staff member with neither a spouse nor dependent child at time of separation	
		Professional and higher categories	General Service category
		Weeks of gross salary, less staff assessment, where applicable, ^a or weeks of pensionable remuneration, less staff assessment, where applicable ^b	
1	4	3	2
2	8	5	4
3	10	6	5
4	12	7	6
5	14	8	7
6	16	9	8
7	18	10	9
8	20	11	10
9	22	13	11
10	24	14	12
11	26	15	13
12 or more	28	16	14

^a For staff in the Professional and higher categories

^b For staff in the General Service and related categories.
