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Report on proposed amendments to the statute of the International Civil Service Commission

Agenda item 16 of the Council

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Proposed amendments to the statute of the International Civil Service Commission

Report of the Secretary-General

I. Background

1. The present note contains a description of the recent amendments to the statute of the International Civil Service Commission (ICSC) adopted by the General Assembly in resolution [77/256 A](#), as proposed by the Fifth Committee. The General Assembly invited the organizations of the common system to complete their formal acceptance of the amended statute.
2. ICSC exists for the primary purpose of coordinating and regulating the conditions of service of the United Nations common system. In accordance with article 1 (2) of the ICSC statute, which the General Assembly approved in its resolution [3357 \(XXIX\)](#), the Commission is to perform its functions in respect of the United Nations and of those specialized agencies and other international organizations which participate in the United Nations common system and which accept the statute. Article 30 of the ICSC statute and rules of procedure ([ICSC/1/Rev.3](#)) provides that the statute may be amended by the General Assembly and that amendments are to be subject to the same acceptance procedure as the original statute. Furthermore, under article 1 (3), acceptance of the statute by such an agency or organization is to be notified in writing by its executive head to the Secretary-General.
3. The International Seabed Authority is an autonomous international organization, but it applies to its staff the common system of salaries, allowances and other conditions of service of the United Nations and its specialized agencies. In order to be considered a full participant in the common system of ICSC, the Secretary-General of the Authority notified the Secretary-General of the United Nations on 6 October

* [ISBA/28/A/L.1](#).



2012 of the Authority's acceptance of the statute of the Commission, with effect from 2013, as requested by the Assembly at its eighteenth session, on the recommendation of the Council.¹

4. On 6 January 2013, the Authority was duly notified by ICSC that it was a full participant in the United Nations common systems of salaries, allowances and other conditions of service, with all associated benefits and obligations in accordance with article 1 (3) of the ICSC statute. Since then, the Authority participates in the sessions of the Commission.

II. Revisions to the statute of the Commission

5. The amendments are aimed at streamlining the role of ICSC and the General Assembly in deciding on post adjustment multipliers for duty stations.

6. Those amendments are as follows:

Article 10

The Commission shall make recommendations to the General Assembly on:

...

(b) The salary scales ~~of salaries~~ and the value of the post adjustments multiplier for staff in the Professional and higher categories;

...

Article 11

The Commission shall establish:

...

(c) The ~~classification of duty stations for the purpose of applying~~ post adjustments applicable to each duty station.

7. Prior to the adoption of the above amendment, the ICSC statute did not properly reflect the relevant competencies of the General Assembly and ICSC regarding the establishment of post adjustment. This had led to litigation of more than 100 cases in the United Nations Dispute Tribunal between 2018 and 2020. This is owing to references in the statute to obsolete methodology that had been eliminated more than 30 years ago through rolling changes approved by the General Assembly. For example, the scale for salaries and scales for post adjustments had been eliminated but were still reflected in the Statute. In addition, classes of duty stations, as reflected in the statute, had been eliminated from the methodology of establishing post adjustments and replaced with post adjustment multipliers for each duty station.

8. By a letter dated 16 November 2022, the secretariat of the Authority was invited by the Chairman of ICSC to provide the views of the Authority, as a participant in the United Nations common system, on the following questions concerning amendments to the ICSC statute:

(a) Whether the Authority intended to take forward acceptance of the proposed amendment as stipulated in article 30 of the ICSC statute;

(b) The steps and projected timeline for the Authority's acceptance process.

9. The specialized and related agencies also received a letter dated 16 November 2022 from the United Nations System Chief Executives Board for Coordination, in

¹ ISBA/18/A/4-ISBA/18/C/12, para. 22; ISBA/18/A/7, para. 7; and ISBA/18/C/13, para. 7.

which the Board requested a response to the following questions raised by the Fifth Committee in section II of its draft decision [A/C.5/77/L.5 \(A/77/671\)](#), para. 11):

(a) The General Assembly is considering amending articles 10 and 11 of the statute of ICSC to reflect the current operational reality without altering the authority of the Assembly or the Commission. If such a surgical amendment either through the text or footnote were approved, does your organization intend to take forward acceptance of the proposed amendment in accordance with article 30 of the Commission's statute?

(b) What are the steps and projected timeline for your organization's acceptance process?

10. Unlike some other specialized agencies, the Authority has only two duty stations, in Kingston and in New York, and applies a uniform scale of post adjustment rates provided by the ICSC. Therefore, the proposed amendments have no budgetary or administrative implications.

11. However, as article 30 of the ICSC statute indicates that the statute may be amended by the General Assembly and that such amendments are to be subject to the same acceptance procedure as the statute, the same process undertaken in 2012 for subscription by the Authority to the statute applies to revisions thereto.

12. Accordingly, by a letter dated 12 December 2022, the Secretary-General of the Authority communicated to ICSC that the proposed amendments preserved and did not affect the current operational reality of ICSC vis-à-vis the Authority and that the amendments should be made directly in the articles of the ICSC statute in order to provide legal clarity in comparison with interpretative footnotes. In addition, he indicated that the Council and the Assembly would be notified of the proposed amendments at the twenty-eighth session, to be held in 2023, prior to sending a written notification of acceptance.

III. Recommendation

13. The Council is invited to take note of the present report and to recommend to the Assembly that it accept the amendments to the ICSC statute adopted by the General Assembly in its resolution [77/256 A](#).

14. The Assembly is invited to accept the said amendments as suggested in the draft decision in the annex hereto, subject to the recommendation of the Council, and to request the Secretary-General to take the necessary steps to accept, on behalf of the Authority, the proposed amendments to the ICSC statute.

Annex

Draft decision of the Assembly of the International Seabed Authority concerning amendments to the statute of the International Civil Service Commission

The Assembly of the International Seabed Authority,

Taking note of the report of the Secretary-General,¹

Acting on the recommendation of the Council,

1. *Accepts* the amendments to the statute of the International Civil Service Commission adopted by the General Assembly of the United Nations at its seventy-seventh session in its resolution [77/256](#) A of 30 December 2022;

2. *Requests* the Secretary-General to notify to the Secretary-General of the United Nations of this acceptance.

¹ [ISBA/28/A/5-ISBA/28/C/14](#).