



Assembly Council

Advance Unedited Version
5 June 2023

English only

Twenty-eighth session

Kingston, 10-28 July 2023

Item 14 of the provisional agenda of the Assembly*

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

Agenda item 16 of the Council

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Note by the Secretary-General

I. Background

1. This note describes the recent amendments to the statute of the International Civil Service Commission (“ICSC”) adopted by the United Nations 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 formal acceptance of the amended statute.

2. The ICSC exists for the primary purpose of coordinating and regulating the conditions of service of the United Nations common system. The statute of ICSC, which the General Assembly approved by its resolution 3357 (XXIX) of 18 December 1974, states in article 1, paragraph 2: “The Commission shall 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 present statute ...”. Article 30 of the ICSC Statute and Rules of Procedures (“ICSC statute”) provides that “[t]he present statute may be amended by the General Assembly. Amendments shall be subject to the same acceptance procedure as the present statute.” Further, paragraph 3 of Article 1 states that “[a]cceptance of the statute by such an agency or organization shall be notified in writing by its executive head to the Secretary-General.”

* ISBA/28/A/L.1

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. To be considered fully a participant in the common system of the International Civil Service Commission (ICSC), the Secretary-General of the Authority notified the Secretary-General of the United Nations on 6 October 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 recommendation of the Council.¹

4. On 6 January 2013, the Authority was duly notified by the International Civil Service Commission 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 statute of the ICSC. Since then, the Authority participates in the sessions of the Commission.

II. Revisions to the statute of the Commission

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

6. These 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 adjustment 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 adjustment applicable to each duty station.”

7. At present, the ICSC statute does not properly reflect the relevant competencies of the General Assembly and the ICSC regarding the establishment of post adjustment. This had led to litigation of over 100 cases in the United Nations Dispute Tribunal between 2018-2020. This is due to the references in the ICSC Statute to obsolete methodology which had been eliminated over 30 years ago through rolling changes approved by the General Assembly. For example, the scale for salaries and scales for post adjustment has been eliminated but is still reflected in the Statute. Additionally, classes of duty stations as stated in the Statute, has been eliminated from the methodology of establishing post adjustments and replaced with post adjustment multipliers for each duty station.

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

(a) whether the Authority would intend to take forward acceptance of the proposed amendment as stipulated in article 30 of the ICSC Statute; and

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

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

9. The specialised and related agencies have also received a letter dated 16 November 2022, requesting a response to the Chief Executives Board on the following questions raised by the fifth Committee document A/C.5/77/L.5 (Annex 2):

“The General Assembly is considering amending articles 10 and 11 of the statute of the ICSC to reflect the current operational reality without altering the authority of the Assembly or the Commission. If this 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 304 of the Commission’s Statute? “

10. Unlike some other specialised 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, since article 30 of the ICSC Statute states that the statute may be amended by the General Assembly and that such amendments shall be subject to the same acceptance procedure as the ICSC statute, the same process undertaken in 2012 for subscription by the Authority to the ICSC statute applies to revisions to the ICSC statute.

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

III. Recommendation

13. The Council is invited to take note of this report and to recommend to the Assembly that it accept the amendments to the statute of the International Civil Service Commission adopted by the United Nations General Assembly at its seventy-seventh session on 30 December 2022 in resolution 77/25.

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

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,

Acting on the recommendation of the Council,

1. ACCEPTS the amendments to the statute of the International Civil Service Commission adopted by the United Nations General Assembly at its seventy-seventh session on 30 December 2022 in resolution 77/256 A;
2. REQUESTS the Secretary-General to notify this acceptance to the Secretary-General of the United Nations.