

Report of the International Civil Service Commission

Amendments to the statute of the International Civil Service Commission

Report by the Director-General

1. This report 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 clarifying the authority of the ICSC to establish post adjustment multipliers for duty stations in the United Nations common system and invites the Seventy-sixth World Health Assembly to note the recommendation of the Programme, Budget and Administration Committee of the Executive Board in document EB152/4 and consider a draft resolution on the acceptance of these amendments.

BACKGROUND

2. The General Assembly holds a central role in determining conditions of service and entitlements for all staff serving in the organizations of the United Nations common system. It established the ICSC in resolution 3357 (XXIX) of 18 December 1974 for the regulation and coordination of the conditions of service of the United Nations common system. The World Health Assembly accepted the statute of the ICSC at its twenty-eighth session in May 1975¹ further to the recommendation of the Executive Board at its fifty-fifth session in January 1975.² 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.”

3. In 2016, the ICSC conducted a place-to-place survey for the post adjustment in Geneva. The results of that survey were the subject of complaints to the Administrative Tribunal of the International Labour Organization. The Tribunal issued its Judgments No. 4134 to 4138 in July 2019 in which it set aside the implementation of the contested ICSC decisions on post adjustment multipliers in 2016 for Geneva. It concluded that the Commission “*did not have power to decide, itself, the amounts of post adjustments*”³ to be attributed to duty stations such as Geneva and that the General Assembly held this authority.

¹ Resolution WHA28.28.

² Resolution EB55.R50.

³ International Labour Organization Administrative Tribunal Judgment No. 4134, paragraph 40.

4. This Judgment of the Administrative Tribunal of the International Labour Organization was contrary to the practice of the ICSC to establish post adjustment multipliers for duty stations worldwide on a monthly basis. Thereafter, and following the urging of Geneva-based organizations under the jurisdiction of the Administrative Tribunal, the Fifth Committee of the United Nations General Assembly submitted a draft resolution, based on informal consultations, containing amendments to the ICSC statute to the United Nations General Assembly at its seventy-seventh session (document A/C.5/77/L.21).

5. On 30 December 2022, the General Assembly adopted resolution 77/256 A–B including amendments to Articles 10(b) and 11(c) of the ICSC statute, which clarified the decision-making authority of the ICSC with respect to the determination of post adjustment multipliers. The 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.”

6. The General Assembly invited the organizations of the common system to complete formal acceptance of the amended statute.

7. The amendments to the ICSC statute were considered by the Programme, Budget and Administration Committee of the Executive Board on 30 January 2023. The Committee:

“further proposed, as guidance for the Secretariat’s implementation of existing mandates, that the Secretariat should:

...

(e) facilitate any action required by WHO’s governing bodies to formally adopt the amendments to the International Civil Service Commission statute regarding post adjustment multipliers at the Seventy-sixth World Health Assembly and subsequently implement them as soon as possible.”¹

8. The Committee will consider the matter further at its thirty-eighth meeting immediately preceding the Seventy-sixth World Health Assembly.

¹ Document EB152/4, action line following paragraph 84.

ACTION BY THE HEALTH ASSEMBLY

9. The Health Assembly is invited to note the report, the recommendation of the Programme, Budget and Administration Committee and adopt the following draft resolution on the amendments to the statute of the International Civil Service Commission adopted by the General Assembly on 30 December 2022 in resolution 77/256 A:

The Seventy-sixth World Health Assembly,

Having considered the report by the Director-General;¹

Noting the recommendations of the Programme, Budget and Administration Committee of the Executive Board with reference to 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–B,

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 Director-General to notify this acceptance to the Secretary-General of the United Nations.

= = =

¹ Document A76/27.