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UNITED NATIONS SALARY SYSTEM

Draft statute of the International Civil Service Commission

Report of the Secretary-General

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* A/9100.

** To be issued as an addendum to the present report.

I. INTRODUCTION

1. At its twenty-seventh session, the General Assembly, by resolution 3042 (XXVII) of 19 December 1972, decided to establish in principle, as of 1 January 1974, an International Civil Service Commission and requested the Secretary-General to submit to it at its twenty-eighth session a draft statute for the commission as well as proposals for its administrative, budgetary and financial arrangements.

2. The resolution was adopted under agenda item 83 entitled "United Nations salary system", which was included in the agenda of the twenty-seventh session of the General Assembly pursuant to its resolution 2743 (XXV) of 17 December 1970, under the terms of which the General Assembly had created the Special Committee for the Review of the United Nations Salary System. The Special Committee submitted its report to the Assembly at its twenty-seventh session. ^{1/} The General Assembly decided, in paragraph 5 of its resolution 3042 (XXVII), to transmit to the Commission, after it had been constituted, the report of the Special Committee and related documents for its consideration and action at the earliest possible time.

3. In accordance with paragraph 3 of the resolution, the present report is submitted "through the Advisory Committee on Administrative and Budgetary Questions". As read in conjunction with the stipulation in paragraph 4 of the resolution concerning the selection of candidates for appointment to the Commission, this provision appears to reflect a suggestion contained in the Advisory Committee's report on the subject (A/8914, para. 12). It was the Advisory Committee's view that, subject always to consideration and decision by the General Assembly, the right blend of qualifications, outlook and geographical distribution could best be assured through quiet diplomacy, rather than by the direct elective process. The Advisory Committee offered to play a part in such a method of sifting candidates, if this were desired by Member States. The Secretary-General accordingly interprets that provision as designed to enable him to carry out the necessary consultations with the Advisory Committee concerning the selection of candidates for appointment to the Commission before he submits his proposals to the General Assembly.

4. The proposals consist of a draft statute for the Commission and of budget estimates for the first two years of its operation. As provided in the resolution, the Secretary-General has prepared these proposals together with his colleagues in the Administrative Committee on Co-ordination and after consultation with the staff representatives. Both the broad principles underlying the draft statute and the specific provisions to be included in it were the subject of extended interagency discussions. On 6 July 1973, ACC approved the text of the draft statute. ^{2/}

^{1/} Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 28 (A/8728 and Corr.1).

^{2/} See annex I below.

5. In reaching agreement on the draft statute for the Commission, the Secretary-General and his colleagues in ACC were able to draw upon the advice of the International Civil Service Advisory Board (ICSAB). The Board, which had also been consulted about the earlier proposals for the creation of an international civil service commission, 3/ was convened for its session in 1973 pursuant to paragraph 6 of General Assembly resolution 3042 (XXVII), which continued the Board in being until such time as the Commission was constituted and became operational. The Board devoted the entire session to an examination of the draft statute. The discussion that took place at the session, and particularly the observations and conclusions that the Board has incorporated in its report, 4/ have helped to resolve some of the more complex or debatable issues relating to the proposed terms of reference for the Commission.

6. The Secretary-General wishes on this occasion to place on record his gratitude, as well as that of his colleagues in ACC, to the Board, its Chairman Dr. Jamshid Amouzegar, Minister of Finance of Iran, and all its members, for the signal contribution they have been able to make to the development of the international civil service. The twenty-first session of the Board in 1973 may well have been its last session. It may thus turn out to be a fitting conclusion of its work over the years in that it helped to prepare the ground for what the Board referred to as a "promising succession".

7. Under the terms of paragraph 4 of Assembly resolution 3042 (XXVII), the Secretary-General and his colleagues in ACC were requested "to initiate appropriate consultations with a view to the compilation of a roster of candidates for appointment to the International Civil Service Commission ... and to consult with the Advisory Committee on Administrative and Budgetary Questions in time for consideration and decision by the General Assembly at its twenty-eighth session". In the course of the discussion in the Fifth Committee that preceded adoption of the resolution, it was made clear that the words "appropriate consultations" meant consultations with Member States, the executive heads and the representatives of the staff. The Secretary-General has accordingly drawn up a list of candidates submitted to him by Member States, either in response to a letter he had addressed to the chairmen of the regional groups of States at the United Nations or otherwise, by executive heads and by staff representatives. Following consultations with the Advisory Committee, the Secretary-General will submit an addendum to the present report giving the names of the candidates thus selected for appointment to the Commission, together with their curricula vitae.

3/ For the views of the Board on the subject, as set out in the report of its session in 1972, see Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 28 A (A/8728/Add.1).

4/ For the text of the report, see annex II below.

II. NOTES ON THE DRAFT STATUTE OF THE INTERNATIONAL CIVIL SERVICE COMMISSION

Chapter I. Establishment

8. Article 1 (b) defines the competence of the Commission as extending to the United Nations and to "those specialized agencies and other international organizations which participate in the United Nations common system and which accept the present statute". The "United Nations common system" consists of the United Nations, including the organs established by it for particular purposes and financed by voluntary contributions, those specialized agencies which have, in accordance with Article 63 of the Charter, entered into relationship agreements with it, containing provisions for the development of common personnel standards, methods and practices (the ILO, FAO, UNESCO, ICAO, WHO, UPU, ITU, WMO and IMCO), the International Atomic Energy Agency (IAEA) which has similarly entered into an agreement with the United Nations, and the General Agreement on Tariffs and Trade (GATT), which follows the United Nations staff regulations and rules and is a member organization of the United Nations Joint Staff Pension Fund.

Chapter II. Composition and appointment

9. Article 2 provides that "the Commission shall be composed of thirteen members appointed by the General Assembly, including three full-time members, of whom one shall be designated Chairman, and ten part-time members". This provision conforms to the General Assembly resolution, under which the Commission is to consist of "not more than thirteen independent experts", a formulation that was clearly intended to allow scope for further efforts to reconcile the view favouring a somewhat smaller body with the principle of equitable geographical distribution. On examination of all the issues involved, the conclusion has been reached that, subject to appropriate arrangements to ensure continuity of operation, a commission of 13 members could be made sufficiently representative to command general confidence.

10. In prescribing that three of the 13 members of the Commission should be appointed on a full-time basis, the article reflects a recognition which, after a good deal of deliberation, has now been generally accepted by the majority of those who were concerned with the elaboration of the terms of reference for the Commission. The Secretary-General and his colleagues in ACC have weighed carefully the relative merits of entrusting the day-to-day business of the Commission to a full-time chairman only, or alternatively to a full-time chairman and a full-time vice-chairman. They have also considered the observations of ICSAB on this point, which explain the differences in point of view between those who favoured three and the minority groups who thought that one or two would suffice to perform the continuing functions of the Commission. It is their conclusion that, for reasons of workload as well as of procedure, it would be impracticable to limit the full-time membership to one or two.

11. Article 3 sets forth the two principles that should govern the appointment of the members of the Commission. Paragraph (a) spells out the meaning of the words

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"the requisite qualifications and experience" referred to in the resolution, while paragraph (b) states that "the members of the Commission... shall be selected with due regard for broad geographical distribution". The Secretary-General believes that, provided the requirement of qualifications is met and the membership of the other organizations is taken into account, the pattern of geographical distribution reflected in the composition of the Advisory Committee should also be followed in the case of the Commission. This would mean:

- (a) Two members to be appointed from among nationals of African States;
- (b) Two from Asian States;
- (c) One from an Eastern European State;
- (d) Two from Latin American States;
- (e) One from a Western European or other State;
- (f) One each from among nationals of each of the five States which are permanent members of the Security Council.

12. Article 5 (a) lays down the procedure under which the members of the Commission will be appointed by the General Assembly. In accordance with the principles of continuity and of rotation, paragraph (a) of this article provides that, while the term of office is four years, of the members initially appointed "the terms of four members shall expire at the end of three years, and the terms of four other members at the end of two years". The Secretary-General proposes that, in order to achieve the result envisaged in this provision, the part-time members, whose terms are to expire at the end of the initial terms of two, three and four years, respectively, should be chosen by lot to be drawn after the roster of candidates is submitted to the General Assembly. He further proposes that, in view of the contractual issues involved, the initial terms of office of the three full-time members should be determined during the nominating process in agreement with the candidates concerned. The aim would be to ensure that the chairman of the Commission is willing to accept an appointment for a term of four years and, of the two other full-time members, one is willing to accept a term of three years and the other a term of two years. This procedure will produce the desired pattern of five members, including the chairman, initially appointed for four years, four members, including one full-time member, for three years and four other members, including one full-time member, for two years.

Chapter III. Functions and powers

13. Articles 9 to 17 of this chapter define the scope and nature of the functions that will be assigned to the Commission. After stating, in article 9, that the aim of developing a single unified international civil service, which is embodied in the relationship agreements entered into by the United Nations, on the one hand, and each of the organizations in the common system, on the other, should guide the Commission in the performance of its work, the chapter specifies the type of responsibilities that are conferred upon the Commission and the manner in which they are to be carried out.

14. Under article 10, the Commission is to make recommendations to the General Assembly on "the broad principles for the determination of the conditions of service of the staff" and on three elements of pay which are of general application: Professional and higher-level salaries, post adjustments, which are added to or deducted from such salaries in order to compensate for differences in cost-of-living at the various duty stations, and the staff assessment to which all salaries are subject. Since under existing statutory provisions, as set out in the Staff Regulations, these matters are reserved to the General Assembly for its decision, the function of the Commission under this article will be to assist the Assembly in the discharge of its own responsibilities. As in the past, recommendations in this area acted upon by the General Assembly will precede similar action by the corresponding organs of the other organizations in the common system.

15. The functions assigned to the Commission under article 11 differ from those enumerated under article 10 in two respects: (a) they cover methods of application of the broad principles for determining the conditions of service and particular allowances or benefits; and (b) they represent a uniform cession to the Commission of powers now variously distributed between the legislative and executive organs of the organizations in the common system. It is the intent of this provision that the authority of the Commission in regard to the technical or detailed aspects of the conditions of service should be the same in relation to all the organizations it is to serve.

16. In consideration of the separate statutory arrangements made by the General Assembly for dealing with pension matters, this element of the conditions of service is excluded from the authority of the Commission. The Secretary-General and his colleagues in ACC are nevertheless prepared to accept the suggestion of ICSAB (see annex II, paragraph 38) that, since there is a vital interrelationship between salaries and pensions, the Commission should be represented at sessions of the United Nations Joint Staff Pension Board and be in a position to obtain from it data bearing on salaries and benefits.

17. Article 12 is concerned with an element of the United Nations conditions of service that is determined locally in each of some 140 duty stations spread around the world. That element consists of the salary scales or wage rates for staff who are recruited predominantly or largely from the area of the duty station. The rates of pay of such staff members are set on the basis of the best prevailing conditions of employment in the locality. As the number of duty stations, including those where there are offices of several organizations, is substantial and while the local conditions of employment vary greatly, the task of establishing these salaries or wages has necessarily fallen to each organization using, where appropriate, the machinery for interagency co-ordination.

18. Having regard to the dimensions of that task and to the resources that can be effectively placed at the disposal of a central regulatory organ, the Secretary-General and his colleagues in ACC have concluded that the function to be assigned to the Commission in this area should be so defined as to allow for gradual and controlled evolution. Article 12 defines the scope and nature of the function accordingly.

19. As regards scope, paragraph (a) of the article distinguishes between "headquarters duty stations" and "other duty stations". The former comprise the following offices located at the seats of the organizations in the United Nations common system: Bern (UPU), Geneva (the ILO, WHO, ITU, WMO and GATT), London (IMCO), Montreal (ICAO), New York (United Nations), Paris (UNESCO), Rome (FAO) and Vienna (IAEA). At these duty stations, the Commission will be required to "establish the facts for and make recommendations as to the salary scales". Other duty stations will be added to this list when ACC is satisfied that the local circumstances warrant conferring responsibility upon the Commission. In deciding whether or when to add a particular duty station, ACC will consider such matters as the number of organizations and staff involved and the degree to which the staff at the duty station fall within the General Service category as generally defined, or outside it.

20. With respect to the nature of the function to be assigned to the Commission in this area, paragraphs (a) and (b) of the article distinguish between fact-finding, recommendations and determinations. Under paragraph (a), the Commission will assume responsibility for fact-finding and making recommendations at the specified duty stations as soon as it is able to do so. Under paragraph (b), the Commission will be empowered to make a salary determination at a particular duty station if requested to do so by "the executive head or heads concerned, after consultation with the staff representatives". In so far as the United Nations is concerned, the Secretary-General would wish to ensure that any request made by him to the Commission to act in this last-mentioned capacity would be done with the agreement of all concerned. In addition, at such duty stations as Geneva, where there are six separate organizations, or Vienna, with two organizations, interagency agreement should precede any action under this provision.

21. The Secretary-General has noted the view of ICSAB (see annex II, para. 52) to the effect that the Commission, rather than ACC, should decide when it is ready to extend the scope and area of its responsibilities in regard to setting the salaries of staff in the General Service and other locally recruited categories. While recognizing the logic of this view, he believes that the pace at which the Commission will be able to assume additional responsibilities in regard to the matters covered by article 12 will depend not only on the means placed at its disposal - of which the Commission will be fully aware - but also on such factors as local influences or attitudes and the ultimate accountability of the executive heads for the functioning of the secretariats. It is for reasons of this nature that the Secretary-General considers article 12 in its present wording, representing as it does a well-balanced distribution of functions among all the interested parties, as best designed to serve the aim of effective regulation and co-ordination of the common system.

Chapter IV. Administrative, budgetary and financial arrangements

22. Under article 20, paragraph (a), the conditions of service of the full-time members of the Commission are to be determined by the General Assembly. The purpose of this provision is to set apart the salary and allowances to be paid to the full-time members of the Commission from those of the staff of the organizations

which the Commission will be required to review, advise on or determine. An annual salary and a special annual allowance or allowances, which might be subject to periodic adjustments for cost-of-living or currency variations, could under this provision be established by the General Assembly. The Secretary-General notes in this connexion the view of ICSAB (annex II, para. 57) that "the remuneration and status of the Chairman should be such as to permit him to speak on equal terms with executive heads". In line with the Board's clarification that this suggestion should not be taken to mean parity, the Secretary-General believes that the remuneration of the chairman and of the two full-time members should be set at a level not less than that of an Assistant Secretary-General.

23. Paragraph (b) of article 20 limits the compensation of the other members of the Commission to the payment of travel and subsistence expenses in accordance with the rules established for members of subsidiary organs of the United Nations serving in their individual capacity. On this point, the report of ICSAB contains a suggestion which appears to the Secretary-General to merit consideration. In paragraph 58 of its report (see annex II), the Board links the requirement of independence with the level of compensation for travel and subsistence and observes that "Individuals should not be put in the position of themselves subsidizing the organizations". Noting that, in United Nations practice, honoraria are not usual, the Board suggests that at least members who give extended service should be paid per diem compensation. The Secretary-General shares the Board's view on this subject.

Chapter V. Procedure

24. Article 26 deals with the promulgation, notification and implementation of the Commission's decisions. In paragraph (a) the article provides that decisions of the Commission shall be transmitted to the executive heads of the organizations concerned and, if they affect the interests of the staff, also to staff representatives. Under paragraph (b), the organization concerned is to be notified of the principal reasons for each decision. In accordance with these provisions, the requirement that the Commission should notify the organizations concerned of the principal reasons for each decision would also apply to decisions affecting the interests of the staff, referred to in paragraph (a) of the article.

25. Article 28 empowers the Commission to establish subsidiary bodies for the purpose of carrying out particular tasks within its competence. Pursuant to this provision, the Commission will be able to draw upon the specialized advice of the Expert Committee on Post Adjustments in dealing with the technical aspects of applying cost of living differentials to salaries of Professional and higher-level staff. It will also permit the Commission, in line with the principles laid down in article 29, to set up the necessary machinery to facilitate consultation with executive heads and staff representatives.

III. BUDGET ESTIMATES FOR THE BIENNIUM 1974-1975

26. These estimates have been prepared on the basis of the following assumptions:

- (a) The seat of the Commission will be located in Geneva;
- (b) The full-time members of the Commission and staff transferred from agencies to its secretariat will be charged to the Commission's budget with effect from 1 April 1974. Newly recruited staff members will, on average, be appointed with effect from 1 July 1974;
- (c) Two sessions of the Commission will be held in 1974, one of two weeks' duration and the other of four weeks' duration. One session of four weeks' duration will be held in 1975;
- (d) The Expert Committee on Post Adjustments will function as a subsidiary body of the Commission;
- (e) For calculation of salary and related costs of the Commission's members and staff, a rate of exchange of 3.00 Swiss francs to the dollar and an average post adjustment of class 16 1/2 have been used for 1974, and 17 1/2 for 1975. The actual costs in those years will, of course, depend upon the actual rates of exchange and post adjustment levels which will obtain.
- (f) One half of the United Nations Headquarters staff involved would be transferred to the seat of the Commission;
- (g) The remuneration of a full-time member of the Commission will be set at the equivalent of the emoluments of an Assistant Secretary-General.

Staffing

27. The estimated staff requirements of the Commission for the biennium 1974-1975 are:

<u>Level</u>	<u>Number of posts</u>
Equivalent of Assistant Secretary-General	3
Director (D-2)	1
Principal Officers (D-1)	2
Senior Officers (P-5)	5
First Officer (P-4))	11
Second Officer (P-3))	
Associate Officer (P-2)	1

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<u>Level</u>	<u>Number of posts</u>
<u>Total Professional and higher category</u>	23
Principal level, General Service	2
Other General Service	25
<u>Total General Service category</u>	27
<u>TOTAL, all levels</u>	50

28. The deployment of the above resources would be as follows:

A. Office of the members of the Commission

- (i) Three full-time members at the equivalent of the Assistant Secretary-General level, supported by three secretaries;
- (ii) Secretary of the Commission at the D-2 level, Regulations Officer at the P-5 level, supported by an administrative assistant at the principal level (General Service) and two secretaries.

B. Pay and Allowances Division

- (i) Chief at the D-1 level supported by a secretary;
- (ii) Pay Research Section consisting of 5 Professionals (1 P-5, 4 P-4/3) and 5 General Service (clerks and clerk-stenographers);
- (iii) Cost-of-living Surveys Section comprising 7 Professionals (1 P-5, 2 P-4, 3 P-3 and 1 P-2) and 11 General Service (including 1 principal level) (statistical clerks, clerks and clerk-stenographers).

C. Standards and Training Division

- (i) Chief at the D-1 level supported by a secretary;
- (ii) Classification and Grading Unit involving 2 Professionals (1 P-5, 1 P-4) supported by 2 General Service posts;
- (iii) Recruitment Standards Officer at the P-5 level supported by 1 General Service staff member;
- (iv) Training Officer at the P-4 level supported by 1 General Service staff member.

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SUMMARY

	Equivalent of ASG	D-2	D-1	P-5	P-4/3	P-2/1	Total	Principal level	Other levels	Total	Grand Total
Office of the members of the Commission	3	1	-	1	-	-	5	1	5	6	11
Pay and Allowances Division	-	-	1	2	9	1	13	1	15	16	29
Standards and Training Division	-	-	1	2	2	-	5	-	5	5	10
	3	1	2	5	11	1	23	2	25	27	50

29. The following posts are at present assigned to activities which will be performed in the Commission once it becomes operational; their costs figure in the offset mentioned in paragraphs 38 and 39 below:

(a) United Nations (New York)

1 D-1, 1 P-5, 1 P-4, 1 P-2/1, 8 General Service

(b) UNDP (New York)

1 P-4

(c) ILO (Geneva)

2 P-4, 3 General Service

(d) WHO (Geneva)

1 P-4

(e) ICSAB secretariat (New York)

1 D-2, 1 Principal level of General Service

(f) Consultative Committee on Administrative Questions secretariat (Geneva)

1 P-4, 1 Principal level of General Service

Of the above, only those in (a) and (b) figure in the estimated costs for transfer and removal.

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Temporary assistance

30. Provision is made under this heading for the costs of living of temporary staff to meet periods of peak work-load and for ad hoc assignments. An amount of \$10,000 has been included for each year of the biennium.

Consultants

31. The estimated cost of consultants is as follows:

- (i) The fees and travel costs of consultants used in the carrying-out of cost-of-living surveys, are estimated to amount to \$10,000 in each year of the biennium;
- (ii) Pricing agents fees are expected to amount to \$18,000 in each year of the biennium;
- (iii) A provision of \$30,000 has been included, covering 12 man-months of consultants' services in each year.

Overtime

32. Provision of an amount of \$5,000 has been included in each year under this heading.

Travel

33. The estimated travel costs are as follows:

(a) Sessions of the Commission

On the basis of an average per trip cost for each part-time member of \$800, the estimated requirements for the two sessions in 1974 and the single session in 1975 would amount to:

	<u>1974</u>	<u>1975</u>
	\$	\$
Two round trips for 10 members at \$800 per trip	16,000	
One round trip for 10 members at \$800 per trip		8,000
Travel subsistence and other expenses	19,500	13,000
	<u>35,500</u>	<u>21,000</u>

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(b) Official travel of full-time members of the Commission and the staff

It is estimated that amounts of \$5,000 and \$20,000 for 1974 and 1975, respectively, will be required.

(c) Travel of members and staff to sessions of the Expert Committee on Post Adjustment

It is assumed that the Expert Committee on Post Adjustment will meet at least once in 1974 and in 1975, for which an amount of \$8,000 would be required in each year.

Rental of premises

34. Provision is made under this heading for the rental of premises for the Commission, in Geneva, should this prove to be necessary. Amounts of \$20,000 and \$30,000 for 1974 and 1975, respectively, have been included.

Furniture and equipment

35. The provision here was arrived at on the basis of standard costs for furniture, plus an amount for such equipment as calculators, adding machines and photo-copiers.

Language and conference services

36. It has been assumed that the Commission will require interpretation in the five official languages and that its documentation will be issued in English and French. On this basis, the estimated costs of the Commission's sessions are as follows:

	<u>1974</u> \$	<u>1975</u> \$
Interpretation (10 interpreters, at current rates, for days of session)	42,000	28,000
Translation and reproduction	8,000	6,000
	<u>50,000</u>	<u>34,000</u>

In addition, an amount of \$10,000 is provided for translation and reproduction requirements other than for Commission sessions.

Miscellaneous supplies and services

37. The provision includes \$10,000 for computer charges, \$5,000 for communications, and the balance of \$10,000 for stationery, printing of material externally, library books and supplies and any other general expense.

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Summary of budgetary requirements

38. The total estimated costs shown below, calculated on a net basis (that is, after deduction of staff assessment), amount to \$1,045,000 for 1974 and \$1,459,000 for 1975. Income from staff assessment is estimated to amount to \$138,000 in 1974 and \$226,000 for 1975. Against the net amounts of \$1,045,000 and \$1,459,000 for 1974 and 1975, respectively, the costs of staff mentioned in paragraph 29 above may be offset, together with the 1974 costs of ICSAB, the Expert Committee on Post Adjustments, part of the costs of the staff office of the Consultative Committee on Administrative Questions, and the costs of the consultants and pricing agents engaged in cost-of-living surveys. The total offset, for both years, calculated at rates in effect 1 September 1973, is estimated at \$500,000.

39. The cost of United Nations participation in the activities of the Commission, calculated on the same basis as obtained for its participation in activities sponsored by the Consultative Committee on Administrative Questions, that is, about 33 per cent of the costs, would amount to \$345,000 in 1974 and \$482,000 in 1975. However, the United Nations would be relieved of the costs of staff mentioned in paragraph 29 above, amounting to \$203,000, and the Organization would not have to pay for its share in some of the costs relative to the activities of the Consultative Committee on Administrative Questions which would no longer continue. This is estimated to amount to \$37,000. The net additional cost to the United Nations of participation in the International Civil Service Commission would therefore amount to \$105,000 in 1974 and \$242,000 in 1975.

(In United States dollars)

<u>Cost estimates</u>	<u>1974</u>	<u>1975</u>
(i) Salaries and wages (net)	567,000	952,000
(ii) Common staff costs (including costs of transfer and removal)	202,000	286,000
(iii) Temporary assistance	10,000	10,000
(iv) Consultants	58,000	58,000
(v) Overtime	5,000	5,000
(vi) Travel:		
Sessions of the Commission	35,000	21,000
Official travel	5,000	20,000
Meetings of the Expert Committee on Post Adjustments	8,000	8,000
(vii) Rental of premises	20,000	30,000
(viii) Furniture and equipment	50,000	--
(ix) Language and conference services	60,000	44,000
(x) Miscellaneous supplies and services (including \$10,000 for computer charges and \$5,000 for communications)	25,000	25,000
TOTAL	1,045,000	1,459,000

ANNEX I

DRAFT STATUTE OF THE INTERNATIONAL CIVIL SERVICE COMMISSION

CHAPTER I
ESTABLISHMENT

Article 1

(a) The General Assembly of the United Nations establishes, in accordance with the present statute, an International Civil Service Commission, hereinafter referred to as the Commission.

(b) 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 (hereinafter referred to as the organizations).

(c) Acceptance of the statute by such an agency or organization shall be notified in writing by its executive head to the Secretary-General.

CHAPTER II
COMPOSITION AND APPOINTMENT

Article 2

The Commission shall be composed of 13 members appointed by the General Assembly, including three full-time members, of whom one shall be designated Chairman, and 10 part-time members.

Article 3

(a) The members of the Commission shall be appointed in their personal capacity as individuals of recognized competence who have had substantial experience of executive responsibility in public administration or related fields, particularly in personnel management;

(b) The members of the Commission, no two of whom shall be nationals of the same State, shall be selected with due regard for broad geographical distribution.

Article 4

(a) After appropriate consultations with Member States, the executive heads of the other organizations, and with staff representatives, the Secretary-General, in his capacity as Chairman of the Administrative Committee on Co-ordination, shall

compile a list of candidates for appointment as Chairman and members of the Commission and shall consult with the Advisory Committee on Administrative and Budgetary Questions before consideration and decision by the General Assembly.

(b) In the same way, the names of candidates shall be submitted to the General Assembly to replace members whose terms of office have expired or who have resigned or otherwise ceased to be available.

Article 5

(a) The members of the Commission shall be appointed by the General Assembly of the United Nations for a term of four years and may be reappointed. Of the members initially appointed, however, the terms of four members shall expire at the end of three years, and the terms of four other members at the end of two years.

(b) A member appointed to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

(c) A member of the Commission may resign on giving three months' notice to the Secretary-General.

Article 6

(a) The Commission shall be responsible as a body to the General Assembly. Its members shall perform their functions in full independence and with impartiality; they shall not seek or receive instructions from any Government, or from any secretariat or staff association of an organization in the United Nations common system.

(b) No member of the Commission may participate in the deliberations of any organ of the organizations on any matter within the competence of the Commission unless the Commission has requested him to do so as its representative. Nor shall a member of the Commission serve as an official or consultant of any such organization during his term of office or within three years of ceasing to be a member of the Commission.

Article 7

No appointment of a member of the Commission can be terminated unless, in the unanimous opinion of the other members, he has ceased to discharge his duties in a manner consistent with the provisions of the present statute.

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Article 8

- (a) The Chairman shall direct the work of the Commission and its staff.
- (b) If the Chairman is unable to act, one of the other full-time members designated by him shall act as Chairman.
- (c) For the purposes of the Convention on Privileges and Immunities of the United Nations, the full-time members of the Commission shall have the status of officials of the United Nations.

CHAPTER III

FUNCTIONS AND POWERS

Article 9

In the exercise of its functions, the Commission shall be guided by the principle set out in the agreements between the United Nations and the other organizations, which aims at the development of a single unified international civil service through the application of common personnel standards, methods and arrangements.

Article 10

The Commission shall make recommendations to the General Assembly of the United Nations on:

- (a) The broad principles for the determination of the conditions of service of the staff;
- (b) The scales of salaries and post adjustments for staff in the Professional and higher categories;
- (c) Staff assessment.

Article 11

The Commission shall establish:

- (a) The methods by which the principles for determining conditions of service should be applied;
- (b) Rates of allowances and benefits other than pensions, the conditions of entitlement thereto and standards of travel;

/...

(c) The classification of duty stations for the purpose of applying post adjustments.

Article 12

(a) At the headquarters duty stations and such other duty stations as may from time to time be added at the request of the Administrative Committee on Co-ordination, the Commission shall establish the relevant facts for, and make recommendations as to the salary scales of, staff in the General Service and other locally recruited categories.

(b) Notwithstanding the provisions of paragraph (a), the executive head or heads concerned, after consultation with the staff representatives, may request the Commission to determine the salary scales at a particular duty station instead of making a recommendation.

(c) In exercising its functions under paragraphs (a) and (b) above, the Commission shall, in accordance with article 29, consult executive heads and staff representatives.

Article 13

The Commission shall establish job classification standards for all categories of staff in fields of work common to several of the organizations. It shall advise the organizations on the development of consistent job classification plans in other fields of work.

Article 14

The Commission shall make recommendations to the organizations on:

- (a) Standards of recruitment;
- (b) The development of recruitment sources, including the establishment of central rosters of qualified candidates, particularly at junior entrance levels;
- (c) The organization of competitive examinations or alternative selection procedures;
- (d) Career development, staff training programmes, including interorganization programmes, and evaluation of staff.

Article 15

The Commission shall make recommendations to the organizations on the development of common staff regulations.

/...

Article 16

The Commission may, after appropriate consultations, make such recommendations to the organizations on other matters as it may consider necessary to achieve the purposes of the present statute.

Article 17

The Commission shall submit an annual report to the General Assembly, including information on the implementation of its decisions and recommendations. The report shall be transmitted to the governing organs of the other organizations, through their executive heads, and to staff representatives.

Article 18

The Commission as a whole shall formulate recommendations under article 10 concerning the salary system and conditions of service; approve under article 11 the rates of allowances and benefits hitherto determined by the General Assembly; adopt the annual report under article 17; propose budget estimates under article 21; and adopt its rules of procedure under article 30. It shall establish general policies within which the full-time Commissioners shall carry out the other functions of the Commission.

Article 19

The full-time members of the Commission shall report, as required, to the Commission as a whole with regard to the discharge of their responsibilities under the present statute.

CHAPTER IV

ADMINISTRATIVE, BUDGETARY AND FINANCIAL ARRANGEMENTS

Article 20

(a) The conditions of service of the full-time members of the Commission shall be determined by the General Assembly.

(b) Other members of the Commission shall be entitled only to travel and subsistence expenses in accordance with the rules established by the General Assembly for members of organs and subsidiary organs of the United Nations serving in their individual capacity.

Article 21

(a) The Commission shall have a staff as provided in the budget approved by the General Assembly.

(b) The staff shall be appointed by the Secretary-General after consultation with the Chairman of the Commission and, as regards senior staff, with the Administrative Committee on Co-ordination. All staff shall be appointed after appropriate selection procedures. In carrying out their duties, they shall be responsible to the Chairman and shall be removable only after consultation with him.

(c) Subject to paragraph (b) of the present article, the staff of the Commission shall be regarded for administrative purposes as officials of the United Nations, which shall provide the necessary administrative facilities for them.

(d) Within the relevant budgetary provisions, the Commission may employ such experts and auxiliary staff as it may deem necessary.

Article 22

(a) The Secretary-General shall provide such office and conference facilities as the Commission may require.

(b) The budget of the Commission shall be included in the budget of the United Nations. The budget estimates shall be established by the Secretary-General, after consultation with the Administrative Committee on Co-ordination, on the basis of proposals by the Commission.

(c) The expenditure on the Commission shall be shared by the organizations in a manner to be agreed by them.

Article 23

The seat of the Commission shall be Geneva, Switzerland.

CHAPTER V

PROCEDURE

Article 24

(a) The Commission shall meet every year in regular session.

(b) A special session may be convened by the Chairman when, in his opinion, it is necessary to deal with a matter prior to the next regular session.

/...

- (c) Seven members of the Commission shall constitute a quorum.

Article 25

- (a) Recommendations of the Commission under article 10 shall be communicated by the Secretary-General to the executive heads of the other organizations.
- (b) The decisions taken thereon by the General Assembly shall be communicated by the Secretary-General to the executive heads of the other organizations for action under their constitutional procedures.
- (c) The executive head of each organization shall inform the Commission of all relevant decisions taken by the governing organ of his organization.
- (d) The recommendations under paragraph (a) above shall be communicated to staff representatives.

Article 26

- (a) Decisions of the Commission shall be promulgated under the signature of the Chairman and transmitted to the executive heads of the organizations concerned. If they affect the interests of the staff, they shall also be transmitted to staff representatives.
- (b) The organization concerned shall be notified of the principal reasons for each decision.
- (c) The decisions shall be applied by each organization concerned with effect from a date to be determined by the Commission.

Article 27

The Commission, in making its decisions and recommendations, and the executive heads, in applying them, shall do so without prejudice to the acquired rights of the staff under the staff regulations of the organizations concerned.

Article 28

The Commission may establish subsidiary bodies for the purpose of carrying out particular tasks within its competence. The Commission may make arrangements with one or more of the organizations whereby they will carry out, on its behalf, functions of fact-finding and analysis.

Article 29

(a) The Commission shall be given such information as it may require from the organizations for the consideration of any matter under examination by it. It may request from any organization or from staff representatives written information, estimates or suggestions in regard to such matters.

(b) Executive heads of the organizations and staff representatives shall have the right, collectively or separately, to present facts and views on any matter within the competence of the Commission. The manner in which this right shall be exercised shall be set out, after consultations with executive heads and staff representatives, in the rules of procedure established under article 30.

Article 30

Subject to the provisions of the present statute, the Commission as a whole shall establish its rules of procedure.

CHAPTER VI

OTHER PROVISIONS

Article 31

The present statute may be amended by the General Assembly. Amendments shall be subject to the same acceptance procedure as the present statute.

Article 32

An organization may not withdraw its acceptance of the statute unless it has given to the Secretary-General two years' notice of its intention to do so.

ANNEX II

REPORT OF THE TWENTY-FIRST SESSION OF THE INTERNATIONAL
CIVIL SERVICE ADVISORY BOARD

/Original: English/

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LETTER OF TRANSMITTAL

Geneva, 1 June 1973

Dear Mr. Secretary-General,

I have pleasure in forwarding herewith the report of the International Civil Service Advisory Board on its twenty-first session, held at the Office of the United Nations at Geneva from 21 May to 1 June 1973.

In accordance with the arrangements made pursuant to resolution 3042 (XXVII) of the General Assembly, the Board devoted its entire session to an examination of the draft statute for the International Civil Service Commission as approved by the Administrative Committee on Co-ordination. It heard the views of the organizations in the common system and of the Federation of International Civil Servants' Associations. Its own comments are set out in the report.

Sincerely yours,

J. Amouzegar
Chairman

Mr. Kurt Waldheim, Chairman
Administrative Committee on Co-ordination
United Nations
New York

/...

I. INTRODUCTION

1. The International Civil Service Advisory Board held its twenty-first session at the United Nations Office at Geneva from 21 May to 1 June 1973. The full membership of the Board was present:

Chairman: Dr. Jamshid Amouzegar
Members: Sir Adetokunbo Ademola
Mr. Pascal Frochaux
Mr. Guillaume Georges-Picot
Mr. Toru Haguiwara
Mr. Robert E. Hampton
Mr. A. G. Koulazhenkov
Mr. Gustavo Martínez Cabañas
Sir Wilfred Morton
Mr. Raúl A. Quijano
Mr. Vladimir Velebit

2. In accordance with the traditional practice of the Board, the present report reflects the consensus of the members on the questions considered. While the views of individual members may have differed on certain points of detail, the general conclusions stated in the report represent the agreed conclusions of the Board.

3. The Board had before it a series of documents prepared by the organizations in the United Nations common system and by the secretariat of the Board. Representatives of the organizations assisted the Board with explanations and discussion throughout the course of the session.

4. Representatives of the Federation of International Civil Servants' Associations (FICSA) provided the Board with staff views, oral and written, on the questions considered.

5. An attendance list for the session will be found in the appendix below.

II. DRAFT STATUTE OF THE INTERNATIONAL CIVIL SERVICE COMMISSION

A. Nature of the review

6. The Board had before it the text of General Assembly resolution 3042 (XXVII) of 19 December 1972, by which the Assembly decided to establish in principle, as of 1 January 1974, an International Civil Service Commission. The Assembly requested the Secretary-General, together with his colleagues in the Administrative Committee on Co-ordination and after such consultations as he or they may deem necessary, to submit detailed proposals for an International Civil Service Commission, including a draft statute covering its terms of reference and related matters. This was pursuant to a recommendation of the Advisory Committee on Administrative and Budgetary Questions that the task of formulating the draft terms of reference of the Commission "could be entrusted in the first instance to the Secretary-General and his colleagues in ACC on the understanding that they would consult as necessary with staff representatives and ICSAB and would submit their recommendations to the General Assembly through the Advisory Committee on Administrative and Budgetary Questions well before the opening of the twenty-eighth session of the General Assembly" (A/8914, para. 15).

7. A draft statute, as prepared by the organizations in the United Nations common system, was transmitted to the Board and, in the course of its session, it received from them a number of amendments designed to give effect to decisions of principle which ACC took on specific articles on 12 April 1973, when it otherwise approved the draft as a whole.

8. After a first reading of the draft statute, accompanied by exchanges of views with representatives of the organizations and of FICSA, the Board gave consideration to the manner in which it could best comment on the material before it. The Board interpreted its role in the light of the previous history of its review of the need for, and possible nature of, an International Civil Service Commission, at its nineteenth and twentieth sessions. While it considered that the most concise medium for presenting the design of the Commission was indeed in the form of a draft statute, the Board did not conceive its own function in terms of legislative drafting or redrafting. Rather, it concluded that it could most usefully concentrate on the questions of principle which emerge from the text. These questions arise in particular from those articles which gave pause to ACC, or which have not been the subject of unanimity among the parties before the Board, or which in a few instances seem to the Board to be not entirely in harmony with criteria it had previously enunciated.

9. Secondarily, the Board will give attention to some articles which seem to conflict with the principles it would recommend, though again without attempting to substitute its own drafting.

B. The Commission

1. Size

10. On the question of the composition of the Commission, the Board would first recall the motive of the organizations in proposing, and the General Assembly in endorsing, the establishment of the Commission. That was the long-felt need for an expert central regulatory body to which could be delegated a degree of continuous and essentially executive authority over conditions of service in the common system. It could perform in an authoritative manner many of the co-ordinating functions now conducted in the common system by purely consultative procedures; and it could do so on a full-time basis. a/

11. In each of its two previous reviews of the problem, it seemed to the Board that detailed functions now performed within a dozen administrations could be supervised only by a highly skilled and relatively small organ. That is why "the Board had defined the need in terms of a new body that, subject to the General Assembly, should have executive authority and be independent, compact, permanent, and at the highest level ...". b/

12. It emerges at once from the draft statute that the Commission is to be composed of 13 members. The Board recognizes that this is consistent with the General Assembly resolution according to paragraph 1 of which it was decided to establish a commission "consisting of not more than thirteen independent experts having the requisite qualifications and experience" (underlining supplied).

13. The Advisory Committee had thought that the figure 13 "should be regarded as the maximum membership" and expressed the opinion that "a somewhat smaller number should not be ruled out if that can be reconciled with the principle of broad geographical representation" (A/8914, para. 10). The Board is fully cognizant of the weight which this principle carries with the General Assembly in the creation of an organ intended to bring about a wide administrative reform. Nevertheless, members of ICSAB responsible for the report of its twentieth session cannot fail to register their disappointment in a proposal which, in their view, so far departs from its recommendation of a "compact" body. The Board had felt that both the expert quality and the representative character of such a commission could be assured if it were so designed as to reflect appropriately the basic national civil service concepts. c/

14. The Board therefore permits itself to stress once more the essential requirement of an effective working structure for a body which is expected to foster efficient personnel management in other units throughout the common system. If a

a/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 28A (A/8728/Add.1), para. 41.

b/ Ibid., para. 44.

c/ Ibid.; see also ICSAB/XIX/1, annex II.

wider - and therefore inevitably looser - membership is considered requisite to assure the confidence of Member States, then that choice imposes upon all concerned a duty to design an organ so constructed as to be ready to apply itself throughout the year to the difficult tasks which are to be delegated to it. It is this consideration which motivates the following examination.

2. Structure: division of functions

15. It is evident from the draft statute that earnest attention has been given to a structure which would be adapted to widely representative deliberations on a variety of major, longer-term issues and, at the same time, contain an active nucleus capable of rapid day-to-day administrative decisions. It proposes that a membership of 13 be appointed by the General Assembly, three as full-time members (of whom one shall be appointed Chairman) and 10 as part-time members. The full Commission of 13 would meet at least annually, would report annually to the General Assembly and would be responsible for recommending to the Assembly legislative action in key areas, much as ICSAB has done in the past - on the principles for the determination of the conditions of service of the staff, on Professional salaries and post adjustments, and on staff assessment. It would establish certain specific allowances and benefits, if these are delegated to the Commission by the General Assembly (see paragraph 36 below).

16. Thus the full Commission would take over many of the functions of ICSAB. Essentially the operational nucleus would to a considerable degree assume those administrative and executive tasks now under the charge of numerous separate executive heads and in large part within the co-ordinating competence of the Consultative Committee on Administrative Questions, which are to be delegated to the central Commission.

17. The Administrative Committee on Co-ordination concluded that, to avoid confusion of responsibilities within the Commission, the statute itself should lay down the division of functions summarized above. It accordingly specifies what powers the Commission as a whole may exercise and states that the full-time members shall perform the remaining functions under the statute not expressly assigned to the plenary body.

18. In order that the full-time members do not seem to exercise their separate responsibilities in isolation from their other colleagues on the Commission, the draft statute would have them function subject to such policies as the Commission as a whole may establish. This provision is meant to maintain a balance and a fuller association between the two elements of the Commission. It affords the full-time members the benefit of considered judgements from the diverse body of experts to comprise the whole group. But it does not grant the part-time membership powers over the full-time, and could not do so consistently with the special and immediate responsibilities of the latter. Here the Board detects a possibility that the very nature of the division could on occasion lead to controversy in the event of a difference of opinion as to whether actions taken within their specific authority by the full-time members were in harmony with general policies stated by the larger group. As the 10 could not set aside

determinations made by the three, it could be that the only remedy would lie in an account of the difference in the annual report to the General Assembly. Still the very fact of the Commission having two kinds of members might expose them to some degree of internal strain or tension. One view was accordingly expressed that this was inherent in the inequality of function assigned the two different elements of the Commission.

3. Alternative structures

19. The Board was informed that ACC also examined an alternative by which, in lieu of the three, there would be a full-time Chairman, or Chairman and Vice-Chairman. The Advisory Committee on Administrative and Budgetary Questions itself, subject to the question of workload, had favoured the one full-time Chairman. Such a Chairman would, of course, be able to establish working panels of members for specific purposes, as does the Chairman of ICSAB.

20. Assuming that there must be a larger Commission with a working nucleus as an unavoidable consequence, the Board finds the arguments in favour of one or the other forms of full-time membership somewhat nicely balanced. The competing considerations are that a single Chairman would clearly be the representative of the Commission as a whole (even though having special powers by statute), while a group of three could seem to constitute a body apart. Indeed, the latter possibility has led to the understandable, if doubtless mistaken, fear that part-time service would represent a "second-class" membership; actually, a variation in assigned function should never entail a difference in quality of membership. On the other hand, in the case of a single Chairman, certain decision-making powers could rest with one man as compared with the combined judgement to be exercised by the corporate body of three. The opinion was expressed that an undue accretion of power could also result. There is equally the thought that the pressures on the Commission from all interested parties can better be withstood by a body of three than by a lonely Chairman. Likewise, efficiency might be served if each of the three were thus enabled to assume particular assignments.

21. The alternative of adding a full-time Vice-Chairman would relieve the burdens of the Chairman and provide a replacement in the event of his temporary incapacity, yet would avoid the appearance of a separate unit within the Commission. It might not to the same degree ensure continuity, full-time functioning and the formulation of a group view before a decision is taken.

22. The views of the Board were divided, but there were more members favouring the choice of three as against one or two. In either situation, the Board is convinced of the need for some full-time service, especially to perform functions now conducted within the several administrations. Second only to a genuinely compact body, the one choice open, in the view of the Board, is to draw a distinction between the types of authority to be exercised within the Commission.

23. There would still be the theoretical possibility of conferring upon the plenary Commission the power either to select the members to serve full-time or to decide for itself what authority is to be delegated to them.

24. The Board, however, accepts the assumption of the statute that the General Assembly will want to appoint the Chairman and any full-time members - in accordance with its own criteria of competence and acceptability - to a body whose impact on the efficiency of administration within the family of the United Nations will be so influential.

25. Moreover, the governing bodies of the several agencies, and their executive heads, will quite excusably be concerned to satisfy themselves that they are transferring their functions to members of this Commission well chosen for the purpose.

26. A lesser difficulty with the selection of the Chairman or other full-time members by a plenary commission is that the availability of any high-level expert for full-time service over a four-year term is a matter which must be determined during the nominating process and cannot be left to an election procedure within the Commission after that body has been appointed.

27. The Board was led to reflect on the possibility suggested by one member of a slight variation in structure and a somewhat more considerable shift in function, which would restore compactness and at the same time obviate the risk of conflict of authority as between part-time and full-time members. This would envisage a compact commission, possibly of three, but preferably of five members. It would be responsible to the General Assembly for both the executive functions and the recommendations provided for in the present draft. This Commission, however, would be assisted by an advisory council of eight (or 10) members. The Commission would submit both its plans of operation and its recommendations to the General Assembly first to the advisory council, to obtain its opinion before further action. Execution would then be the exclusive responsibility of the commissioners.

28. This variant would have most of the advantages and few of the disadvantages in the present draft statute. While it does not press the idea, the Board sees merit in having it weighed against the existing scheme.

C. Specific functions

29. Mention has already been made of the sharing of functions within the Commission. On the one hand there are questions of wide legislative concern, such as have traditionally been acted on by the General Assembly. In the past, most of these have been the subject of recommendations by ICSAB. For that reason it seems to the Board that they are well suited for review by a regionally balanced but expert body of 13. These subjects for the most part have the widest application in the international civil service, raise questions of basic principle and commonly carry with them important budgetary implications. The confidence of legislative organs could thus be enhanced by the knowledge that a broadly representative and highly qualified body had reviewed such issues.

30. On the other hand, there is the large number of important problems of international personnel administration, which are handled at administrative levels

and which do not normally require legislative action. They do call for close attention from experts; they require frequent decisions and often cannot be held over during the intervals between the sessions of higher bodies; and finally - most important - they have increasingly involved difficulties of voluntary administrative co-ordination among the organizations seeking common conditions of service. These are the functions intended to be carried out on a full-time basis.

1. Responsibilities of the full Commission

(a) Recommendations to the General Assembly

31. By the draft statute, the full Commission is required to make recommendations to the General Assembly on the broad principles for the determination of the conditions of service of the staff. The Board takes note that, within the realm of principle, this language is broadly phrased, placing no limitation on the powers of the full Commission to make recommendations on the conditions of service for decision by the General Assembly. In particular, of course, this authority embraces the problem of the essential criteria for the fixing of salaries, which was under review by ICSAB and, subsequently, by the Special Committee for the Review of the United Nations Salary System, and which the Commission was requested, under General Assembly resolution 3042 (XXVII), to carry on as quickly as possible. This includes both the continuing review, under the Noblemaire principle for Professional staff and for the General Service, the principle of fixing salary scales on the basis of the best prevailing conditions of employment in the locality of the duty station, which has been treated by ICSAB as requiring intensive re-examination.

32. The draft statute next assigns to the plenary body the duty to recommend to the General Assembly the scales of salaries and post adjustments for staff in the Professional and higher categories. It is the understanding of the Board that these scales would naturally be established in application of the broad principles recommended by the Commission and approved by the General Assembly, and that the report of the Commission submitting proposed scales would demonstrate the basis on which they had been arrived at in application of the stated principles.

33. The third subject on which the Commission as a whole must make recommendations to the General Assembly had been qualified as "the rates of staff assessment". The Board felt that here too the principles of staff assessment were of sufficient importance that the Commission should not be restricted to the calculation of rates. Representatives of the organizations agreed that it would suffice to delete that word.

34. It is to be noted that the assignment of authority to the Commission to make recommendations on these three subjects represents no change in the legislative authority of the General Assembly in this area.

(b) Allowances and benefits

35. The subject of allowances and benefits is one which has had the most disparate treatment throughout the common system. Some allowances have been fixed by the executive head, some legislatively and some in one manner in one organization and at a different level in another organization. It has long seemed to the Board that the subject could most effectively be handled in a more centralized manner and it welcomes the intent of the draft statute to bring uniformity into the system by delegating these functions to a single, qualified organ.

36. In this area, for historical reasons, certain allowances have been legislated by the General Assembly (dependency allowance, education grant, termination indemnity and repatriation grant) as has one benefit (home leave). Since it is the intention of the drafters that legislative bodies in all organizations should delegate to the Commission whatever powers are required to make its express authority uniform as among all the organizations, it is logical that the General Assembly, too, should contribute to this uniformity of function. The draft statute would therefore assign to the Commission the establishment of both rates of allowances and benefits (other than pensions), and the conditions of entitlement thereto, and also of standards of travel. One member, however, holds the view that the Commission, where it deems appropriate, should feel free on its own initiative to make recommendations to the legislative bodies on the subject of allowances and benefits. It was nevertheless felt by the Board that the effect of delegation of authority by all organizations to the Commission must be such as to enable it to deal with this subject without referral to the legislative bodies.

37. Because the allowances set by the General Assembly in the past bear a relatively closer relationship than others to the basic conditions of international service, it is the rationale of the draft statute that their determination could better fall within the authority of the Commission as a whole. In acknowledging the soundness of this proposal, the Board has in mind that the allowances in question are important elements in the totality of the conditions of service, and so need to be uniformly fitted into the composite whole; yet it must be recognized that, in budgetary terms, they represent a small proportion of total staff costs. In the case of dependency allowances, which involve basic social policy, it is perhaps a finely balanced question whether these ought rather to accompany salary-fixing procedures, but there is obvious logic, too, in keeping all allowances together.

38. The exclusion of pensions from the authority of the Commission is based upon two considerations. First, the General Assembly has established a separate United Nations Joint Staff Pension Fund, adopts its Regulations, and receives annual reports from the United Nations Joint Staff Pension Board. Second, that Board, in turn, has its own machinery for actuarial advice, a highly specialized discipline, which would not be required by the Commission for determining entitlements and for reviews and appeals. Nevertheless, there is a vital interrelationship between salaries and pensions, rates of contributions and general conditions of service. The Commission may, accordingly, be expected to offer views to the Joint Staff Pension Board and should, in the view of ICSAB, be represented at sessions of that Board and be in a position to obtain from it data bearing upon salaries and benefits.

(c) Rules of procedure: consultative procedures

39. The adoption of the rules of procedure of the Commission will have a more than usual significance and is made a responsibility of the Commission as a whole. In particular, the importance is due to a statutory requirement that the rules include provisions (after consultation with executive heads and staff representatives) establishing the manner in which executive heads and staff representatives may exercise their right, collectively or separately, to present facts and views on any matter within the competence of the Commission. The Board has also recommended to representatives of the organizations that the draft statute might more clearly express the correlative obligation on the part of the Commission to obtain from the parties the information it may require.

40. In this connexion, FICSA argued for creating now a statutory obligation that the rules of procedure also require the Commission to establish tripartite consultative machinery or, as it was put, a "forum for a dialogue". Organizations and staff recognized the need for the Commission to have an appropriate mechanism for consulting administrations and staff. Doubts were expressed as to whether it was possible to provide in the statute itself the precise form of machinery which the Commission might eventually find it needed. After extensive discussion, the Board accepted the view that the draft statute should include a mention that, in adopting its rules of procedure, the Commission should take account of the various forms of consultation, formal or informal, which it might require for discussion of its plans and proposals. FICSA also agreed that the seeking of advice on any subject should be at the Commission's initiative.

41. The statute envisages full-time and part-time members. The Board feels that provision should be made in the Commission's rules of procedure for keeping part-time members adequately informed of the work conducted between plenary sessions.

(d) Annual report

42. A further function assigned to the Commission as a whole, which also has a more than ordinary significance for the prestige and authority of the body, is the adoption of the annual report to the General Assembly, which is also to include information on the implementation of its decisions and recommendations. The Board believes that ACC is right in deciding not to set up an expensive enforcement machinery in the Commission at this stage. Existing provisions for audits and joint inspection could adequately oversee compliance with Commission decisions. Nevertheless, the moral effect of the Commission's reporting to the General Assembly (and thereby to the governing organs of the agencies) on failures of co-ordination should be great.

43. Indeed, the Board would go further. As the draft statute retains an advisory character for some Commission action, the statute ought to provide that here, too, it report on any inaction that could leave serious gaps in its co-ordination of the common system.

2. Responsibilities of the full-time nucleus

(a) Criterion

44. As indicated in paragraphs 16 to 18 above, the full-time nucleus carrying out essentially executive functions would, subject to any general policies of the plenary Commission, exercise whatever powers the statute assigned the Commission, but did not expressly reserve to the body as a whole. Thus, to continue the example used in paragraphs 36 and 37 above, the full-time unit would establish rates of, and entitlement to, allowances and benefits not heretofore legislated by the General Assembly. One opinion was expressed that such allowances and benefits should be considered by the Commission as a whole.

(b) Post adjustment

45. It would also establish the classification of duty stations for post adjustment purposes. Here the Board would favour the Commission's having competence to go into the full question of post adjustments, especially as it is conceived that the existing Expert Committee on Post Adjustments will become a subsidiary body of the Commission. It seems clear that a highly technical body like the Expert Committee should continue to operate as at present until the Commission is ready to absorb its tasks.

(c) General Service salaries

46. A most critical area for the work of the Commission's technical staff and membership nucleus and, again, one in which it must only gradually assume full responsibility, is that of salaries for the General Service category. The size alone of the task is forbidding: at least half of the international civil service is distributed over the world in some 140 duty stations, in each of which the best prevailing local conditions of employment govern. Wage-fixing methodologies necessarily vary according to the locality and the nature of its wage and employment patterns, and ICSAB has found its effort to achieve harmony most trying. The Board has often noted the need in the organizations for greater expertise in statistics, in grading patterns and in pay research. Often, too, it has drawn attention to a marked disparity in General Service wage scales between one headquarters city and another, resulting from a lack of uniformity in method and even causing some difficulties in staff movement. The category has also been the most troublesome for management-staff relations.

47. It is a symptom of the complexity of the situation confronting the executive heads that General Service salary-fixing was originally almost the leading argument for setting up an expert central organ to which full powers of determination could be delegated; yet, in its review of the draft statute, ACC came to the conclusion that, for the present, fact-finding and the duty to make recommendations to the executive heads should suffice. They were in part influenced by the size of the task for a Commission which must begin with a very limited staff, in part by the consideration that, in the event of non-acceptance by the staff of a Commission determination, the executive responsibilities of the head of the organization might press him to retain some powers to negotiate.

48. The solution of ACC was to propose that authority be conferred on the Commission to find the facts and make recommendations to the executive heads at headquarters duty stations. At other duty stations, the existing system would prevail, except that ACC would from time to time request the Commission to furnish similar services at a given station. At the same time, a quasi-arbitral role was provided in that, at any particular duty station, the executive head or heads, after consultation with staff representatives, could request a determination. During the Board session, one organization proposed the addition of a paragraph that, at a future date to be determined, authority should be transferred to the Commission to establish salary scales for General Service and other locally recruited categories, after full consultation with administration and staff representatives. In fact, all parties agreed with this aim, the only doubt being whether the statement of aspiration belonged in a statutory text.

49. The clauses concerning General Service salary scales were the subject of extended discussion during the session. The Board was persuaded that the new Commission must attain to a full authority on the subject, but also that it must do so step by step, and area by area. In so doing, it will gradually bring this authority into harmony with its other powers in respect of remuneration. In particular, it is not logical that the Commission should too long continue to determine allowances for locally recruited categories, while only being able to make recommendations on the closely related question of salaries.

50. The Board was unable to accept the contention of FICSA that the statute should contain no article whatever on General Service salaries. The argument that harmony had already been attained in this area, and could persist by virtue of local negotiations only, is not convincing in the light of the experience of a number of ICSAB panels. On the other hand, the Board is also not convinced by the argument of some administrations that an executive head is prevented, on grounds of his constitutional obligations, from delegating his responsibility for negotiating General Service salaries with the staff. In any practical sense, few executive heads have had any control over the central salary-fixing procedures for the Professional and higher category, and the General Service category can hardly be different.

51. The Board would therefore endorse the proposal that the movement should be in the direction of full salary determination for General Service and other locally recruited categories, preceded by an interim period of finding the facts and making recommendations. Certainly any such article in the statute should require full consultation with administration and staff representatives.

52. The Board would urge upon ACC, however, that logic would argue that the Commission rather than ACC would be in a better position to determine its readiness to extend the scope and area of its responsibilities - after due consultation in each instance. In all likelihood it would be more reassuring to governing organs to know that the Commission would assume authority as soon as it felt able, rather than when chief administrative officers were prepared to release the authority to it. The Commission would surely be in the better position to exercise a judgement as to the evolution of its work and the means placed at its disposal. Certainly this would be more consonant with the prestige and dignity of the Commission.

(d) Setting standards

53. A series of articles in the draft statute would next transfer to the Commission only limited advisory - or at best standard-setting - functions. It is required to establish job classification standards, but is authorized to do so only in fields of work common to several of the organizations. In other fields, it is to advise on the development of consistent job classification. This is narrow.

54. In other matters the function is purely advisory. No distinction is made, for example, between staff training programmes, an area well adapted to an advisory role, and standards of recruitment, which certainly has a normative or standard-setting value. In either case, the Commission "may advise the organizations". Even the development of common Staff Regulations (in many ways crucial to the creation of a single unified international civil service) is advisory. There are several other advisory areas in which ICSAB itself has over the years proffered more advice than it has seen results: the development of recruitment sources, the organization of competitive examinations, staff evaluation and career development. The Board regrets the sparsity of rule-making authority furnished the Commission in these areas for, in many, a purely advisory function seems inadequate.

55. A number of these functions, whether standard-setting or advisory, seem to the Board of sufficient importance that they would be the subject of consideration by the full Commission under its authority to establish general policies for the guidance of the full-time nucleus.

56. The Board also discussed with the organizations the possible usefulness of what the legislative draftsman calls a "catch-all clause". This would enable the Commission, after consultations and taking full account of the special requirements of individual organizations, to consider any other matters relevant to the exercise of its functions under the statute for the development of a unified international civil service.

D. Administration and budget

1. Compensation of Commission members

57. The draft statute provides for the General Assembly to determine the conditions of service of the full-time Commissioners. The Board endorses the clear implication that, for the sake of general confidence in their freedom from bias, their salaries and allowances should be separately established from those which they have power to recommend or determine. The remuneration and status of the Chairman should be such as to permit him to speak on equal terms with executive heads. This should not be taken as a recommendation of parity.

58. The position is more difficult with respect to members serving for only a part of the year. The Board is concerned that, if the services of true experts independent of government subsidy are to be obtained, current travel and subsistence

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expenses may very well prove inadequate. Individuals should not be put in the position of themselves subsidizing the organizations. The Board understands that, in United Nations practice, the payment of honoraria is not usual, but, if this is not possible, then per diem compensation may have to be considered, at least for members who give extended service, for example, on panels of the Commission performing ad hoc functions.

59. Concerning the activities of Commission members, the draft statute provides that no member of the Commission may serve on an organ of any organization in the common system, the functions of which include consideration of any matter within the competence of the Commission. The Board recognizes the intention to assure independence and avoid conflicts of interest, but it would incline to the view that the opinion which it furnished on its own terms of reference might suffice in this case also. It advised ACC that "in the Board's opinion it is undesirable that a member should be called upon to participate in the deliberations of a legislative or similar body on a report of the Board unless he is requested to do so as a representative of the Board". d/

2. Staff

60. The draft statute has addressed itself with circumspection to the delicate equilibrium required between the responsibility of the Chairman of the Commission to direct the staff and his interest in their qualifications and discipline, on the one hand, and on the other the traditional requirement that the staff of subsidiary organs be provided under the authority of the Secretary-General.

61. As a formal matter, it is no doubt correct for the statute to provide for the staff to be appointed by the Secretary-General; it is most unlikely that there would not be consultation with the Chairman. On balance, however, the Board considers it more in keeping with the standing of the Chairman that the statute should provide for consultation with him to precede appointment by the Secretary-General. In principle also, to require that the staff should be removable by the Secretary-General only after such consultation avoids even the appearance that the officials of an independent Commission could be influenced in any way by the formal powers of the head of any one of the administrations affected by decisions of the Commission. The Board does not believe that the Commission represents the kind of organ where an unfavourable precedent could be created; it is an interorganizational body deriving its functions from a separate statute to be acceded to by numerous organizations, all of whose executive heads have a constitutional interest in its work.

62. The Board notes the provision for appropriate procedures for the selection of the staff and understands that these will include attention to an equitable geographical distribution.

d/ Official Records of the General Assembly, Eighteenth Session, Annexes,
agenda item 64, document A/C.5/976, annex, para. 16.

63. The Board was given an outline of the numbers and classes of staff which the organizations had in mind to propose as the initial staff of the Commission. The Board's reaction was twofold: firstly, the proposals seemed commendably economical; secondly, within the total, staff would be made available from posts within organizations which would become redundant as the Commission began its work, so producing modest savings within some secretariats. The initial numbers will, it must be faced, tend to grow as the Commission assumes effective charge of its responsibilities in the years ahead.

3. Budget

64. The Board held a similar discussion as to the practical responsibilities affecting the budget of the Commission, leading to its approval by the General Assembly. Consistent with the financial regulations, the budget estimates will be established by the Secretary-General. Inasmuch as the costs of the Commission will be shared by all organizations (in a manner to be agreed by them), the Secretary-General will consult with ACC. In the course of the Board's discussion, it was recognized that the Secretary-General would first act on the basis of proposals drawn up by the Commission. The Board believes that those proposals should be acted on by the Commission as a whole.

E. Procedures

1. Quorum

65. The question of the quorum for the sessions of the Commission presented some difficulty. While adequate representation is always necessary for the judgements reached to be broadly based, it is also important that the work of the plenary body not be hampered by too high a figure of absolutely required attendance, or conceivably be stopped by a subsequent absence. After testing alternatives, the Board accepted the figure of seven proposed by ACC. It does, however, advise against a specific number of full-time members being required within that figure. This would complicate the problem and imply an undesirable differentiation between the two types of function on the Commission.

66. The possibility could also be considered, however, of having a specific provision in the statute, rules or letter of appointment that two successive absences from the sessions of the Commission without reasonable explanation would be deemed to be a resignation.

2. Particular articles

67. One member of the Board expressed the opinion that the proposed article reserving the acquired rights of the staff under the Staff Regulations of the organizations concerned should be deleted from the draft statute. While the Commission would have no intention of encroaching on such rights, he felt that the inclusion might have the effect of hampering it in its work.

68. The Board understood that the organizations have received with favour its suggestion that the statute should include an article on transitional measures. An important example of the need is referred to in paragraph 45 above. The requirement becomes the more apparent from the fact that the Commission cannot be expected to enter upon all its activities from the start.

69. The Board likewise had in mind that the procedural articles of the draft statute might well include a provision for a review by the General Assembly, after the first four years of the Commission's operation, of its composition and effectiveness.

70. A comment could be offered on the articles concerning amendment and withdrawal. Although the Board recognizes that, in a treaty, these would be standard final articles, they are also not without a certain connotation. It feels that, whatever the reassurance they provide to governing organs of the specialized agencies, this could be given with better grace if amendments, for example, were made binding on the other organizations "when" approved by their governing organs, in accordance with the procedure applicable to acceptance, rather than "only to the extent" so approved. Similarly, the undesirability of withdrawal might be more firmly expressed if the authority were stated in the negative, that an organization may not withdraw on less than two years' notice. The Board suggests the substitution of two years' for one year's notice in order to give the common system the time requisite for making the necessary adjustments.

F. Conclusion

71. The Board welcomes the measures taken to date to establish the International Civil Service Commission. The unifying work in the administration of the United Nations common system to date has shown much progress. Despite the constitutional independence of the organizations and the purely voluntary character of their consultative procedures, they have brought about no small degree of co-ordination in their conditions of service. Nevertheless, a desire to agree, by means of a long process of discussions, can be no substitute for a central organ which can exert regulatory powers and bring together a body of experts qualified to assure that the legislative actions it recommends, the decisions it takes, and the advice it puts forward will all be directed towards the steady development of a single unified international civil service.

72. The Board itself looks back with satisfaction on the assistance it has received from the organizations and from the representatives of the staff throughout its own participation in this co-ordinating process. Where it has had authority to make firm recommendations, it can recall with gratification their general acceptance by the legislative bodies. But it harbours no illusion that its more hortatory role, despite goodwill, has produced measurable results.

73. Since the results which are now to be obtained by a Commission having a degree of executive authority are in their bulk of a detailed administrative nature, it seems to the Board that its previous recommendations that the Commission

be an independent, expert and compact body remain sound. The Board is still prepared to renew that recommendation. It has recognized, however, that to further the acceptability of the Commission's recommendations on a number of essential principles or on matters having a budgetary impact, a broader and geographically representative organ may be necessary. In that case, the Board reaches the conclusion that the practical choice before the organizations is limited: the larger body will require an executive unit capable of taking at all times detailed administrative decisions normally of a highly technical nature, as well as maintaining an intense oversight in a dozen different organizations and in duty stations around the world. This is not a function suitable for a body of 13.

74. The two different roles implied by these distinctions necessitate a division of functions between the two elements of such a Commission. The Board, after a searching review, and subject to a number of observations that it has offered in the course of its session, has concluded that the sharing of basic responsibilities as elaborated in the draft statute placed before the Board is (given the assumptions noted) both logical and desirable.

75. If the essentials of this draft statute find favour with the Advisory Committee on Administrative and Budgetary Questions and the General Assembly, the Board will deem it a promising succession when the International Civil Service Commission "becomes operational".

APPENDIX

LIST OF PARTICIPANTS

I. Members of the Board

Dr. Jamshid Amouzegar
Sir Adetokunbo Ademola
Mr. Pascal Frochaux
Mr. Guillaume Georges-Picot
Mr. Toru Haguiwara
Mr. Robert E. Hampton
Mr. Anatoly Georgievich Koulazhenkov
Mr. Gustavo Martínez Cabañas
Sir Wilfred Morton
Mr. Raúl A. Quijano
Mr. Vladimir Velebit

II. Organizations in the United Nations common system

United Nations

Mr. David Miron, Assistant Director for Special Assignments,
Office of Personnel Services

International Labour Organisation

Mr. C. J. Hislaire, Chief, Personnel and Administrative Services Department
Mr. W. Farr, Chief, Personnel Policy Branch

Food and Agriculture Organization
of the United Nations

Mr. C. F. Pennison, Assistant Director-General,
Administration and Finance Department
Mr. R. Goodall, Assistant to the Assistant Director-General,
Administration and Finance Department

United Nations Educational, Scientific
and Cultural Organization

Mr. V. Erofeev, Assistant Director-General for Administration
Mr. Roger Barnes, Director, Bureau of Personnel
Mr. Meir Leker, Administrative Officer,
Regulations and Rules Section

World Health Organization

Mr. John I. Armstrong, Director,
Division of Personnel and General Services
Mr. Jean Brouland, Chief of Personnel Unit
Mr. R. S. M. Sundaram, Responsible Officer,
Employment Conditions and Policies

International Civil Aviation Organization

Mr. J. J. Rolian, Chief, Personnel Branch

Universal Postal Union

Mr. Zdeněk Čaha, Assistant Director-General,
Juridical and Administrative Division

International Telecommunication Union

Mr. Michel Bardoux, Senior Counsellor, Personnel Department

World Meteorological Organization

Mr. Robert L. Munteanu, Chief, Administration and External Relations
Department
Mr. Mustapha Fellague-Ariouat, Chief, Personnel Branch

Inter-Governmental Maritime Consultative Organization

Mr. Marcel Landey, Head of Administrative Division

International Atomic Energy Agency

Mr. Muneer-Uddin Khan, Director, Division of Personnel

General Agreement on Tariffs and Trade

Mr. D. P. Taylor, Assistant Director-General,
Department of Conference Affairs and Administration
Mr. Y. Ogaard, Chief, Personnel Section

III. United Nations Development Programme

Mr. C. Roy Smith, Chief, Administration Branch,
Personnel Division

IV. Consultative Committee on Administrative Questions

Mr. R. L. Munteanu, Chairman
Mr. A. Lethbridge, Secretary
Mr. D. Jon Grossman, Senior Administrative Officer

V. Federation of International Civil Servants' Associations

Mr. N. G. Rathore, President
Mr. K. J. Brendow, General Secretary
Mr. J. Balfroid, Treasurer
Mr. V. Torres-Molinero, Member of Executive Committee

VI. Secretariat

Mr. W. W. Cox, Secretary
