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### UNITED NATIONS COMMON SYSTEM

#### Comments by the Federation of International Civil Servants' Associations

#### Note by the Secretary-General

The Secretary-General transmits herewith for consideration by the Fifth Committee a document submitted by the Federation of International Civil Servants' Associations (FICSA). This document has been presented pursuant to the provisions of paragraph 2 (b) of General Assembly resolution 35/213 of 17 December 1980, whereby the General Assembly reiterated its readiness "to receive and consider fully the views of the staff as set out by a designated representative of the Federation of International Civil Servants' Associations in a document submitted through the Secretary-General under the agenda item entitled 'Report of the International Civil Service Commission'".

Annex

COMMENTS BY THE FEDERATION OF INTERNATIONAL CIVIL  
SERVANTS' ASSOCIATIONS

I. GENERAL

1. When this Federation met with the International Civil Service Commission (ICSC) in Paris in March 1991 and in New York later in the year, there occurred the usual frustrating, shortsighted, inconclusive exchange of opinions to which we have become accustomed. The Commissioners once again manifested their determination to address the agenda items with the sole purpose of cutting, reducing and thereby demeaning the terms and conditions of service of all staff in the United Nations common system. When a person has been in the international civil service environment for at least 16 years, as have many staff representatives (and the distinguished representatives have not), one's patience with the reduction mentality grows short. In fact, the antics of the Commissioners have become so predictable that staff representatives are able to anticipate their response to any issue; if there is a way to introduce a reduction, the Commission will find it. If the way to introduce a reduction is unclear, the Commission will delay the issue by calling for a study.

2. During the last ICSC session, some of the Commissioners were concerned that we find it easy to criticize them and accused us of lacking the courage to speak plainly and clearly to the Fifth Committee. We assured them that indeed we have the courage and would not miss the opportunity. The Commissioners encouraged us to present our views to the Fifth Committee in the same terms as we use with them, most particularly on several technical issues such as the freeze of Professional salaries and the unacceptable decision to proceed with a study aimed at changing the method of determining the pensionable remuneration of General Service and related categories of staff, which has worked out so well in the past.

3. For nearly 16 years, staff representatives have been talking to the Fifth Committee in the form of one written statement a year. One submission, no dialogue. Over the past 16 years, the Fifth Committee has received from us untold amounts of paper containing innumerable columns of statistics and explanations and justifications to support our insistence that the terms and conditions of service of the international civil servant should not be reduced to the lowest common denominator. High are the expectations of the United Nations General Assembly for its international staff, important are the tasks it entrusts to them but low is the compensation it is willing to grant. Very few of its members actually took cognizance of what staff have been saying; those who did understand the need to stimulate the hiring of quality staff by offering competitive compensation preferred not to stand up to the conviction, perhaps for fear of being ostracized by Member States larger or richer than them.

4. In 1988, the Fifth Committee decided to alter its process of work and set up a system of "informal meetings" that exclude the participation of staff representatives. This move led to the unacceptable and demeaning practice of "hallway-sitting" which consists of staff representatives sitting in the corridor outside the meeting room awaiting questions from delegates. It is an affront to not only our dignity, but also to the dignity of the members of the General Assembly, in that they have shown their incapacity to trust in the very people to whom they have entrusted their countries' programmes. The Fifth Committee would certainly agree that a fresh perspective is required since, in most countries, staff participation is recognized as a valuable contribution to the effective management of both private and public sector organizations.

5. At times during the last 16 years, the United Nations (but not its specialized agencies) has suffered a crisis in confidence. It was perhaps not in the interests of several countries to have a strong United Nations, or perhaps there were other reasons for a decline in United Nations credibility. However, opinions are now undergoing a change. The United Nations has proved its worth as an international forum, thanks in great measure to the ongoing efforts of the people who work there.

6. While the organization takes credit, staff are accorded scant recognition by the organization and the world at large. In fact, actions are taken by the technical body of the Fifth Committee to discourage staff. For example, why were pension levels for Professional staff reduced twice? Why were Professional salaries frozen for four years? Why does this technical body want to attack the General Service pension system? Why has the Fifth Committee created a problem called "overlap" by refusing to adjust Professional salaries? Why does it now wish to tackle the overlap problem it created by cutting back on General Service salaries and pensions rather than raising Professional salaries? Why is it unable to see that its technical body is undermining the common system by insisting that conditions of service continuously deteriorate? Why does it fail to comprehend the fundamental problems facing the international civil servant today? Is it really so out of touch with reality?

7. There are several points in the ICSC report that we would like to comment on. We expect a positive response from the Fifth Committee to our positions this year.

## II. PENSIONS

8. The staff expect initial pensions in local currency to be in parity with pensions at the base city - 50 per cent of pensionable remuneration after 25 years of service or full Option D as set forth in the report of the United Nations Joint Staff Pension Board (UNJSPB) which is already available to the Fifth Committee. The time for increasing contributions to 24 per cent (maintaining the ratio of one third/two thirds) has arrived. This was agreed in 1983 and has not yet been fully implemented.

9. Professional staff look at the comparator's pensions and what do they find? Not a favourable comparison to say the least. The average age of entrance to the United States Civil Service is 23; there is no compulsory retirement age. Those retiring at age 62 leave with an accumulation rate of 78 per cent of final average remuneration. The maximum possible accumulation is 80 per cent. In the United Nations system, the average entrance age for Professional staff is 43; the maximum accumulation is 46 per cent. The policy supported by staff is to have a 2 per cent accumulation rate begin on entrance on duty and accruing credit for pension contribution through 35 years of service.

### III. SALARIES

10. For 16 years the purchasing power of Professional salaries has steadily declined through the Fifth Committee's wilful policy of reductions and refusal to grant full adjustment for cost-of-living rises. When it set the freeze in 1984, it ensured that the salaries of Professional staff would never catch up with the cost of living.

11. In 1989, the margin was set at a 5-year 115 mid-point average. The Commissioners are again recommending the rescission of the average and the granting of partial classes of post adjustment provided these do not move the margin above 120. The result for Professional staff is a partial freeze. Staff recommend raising the upper limit of the margin to at least 125 until the full impact of the United States Federal Employees Pay Comparability Act is known.

### IV. RESTRUCTURING THE INTERNATIONAL CIVIL SERVICE COMMISSION

12. Annexed to the present report is a copy of a FICSA paper on the functioning of ICSC. We trust that the Fifth Committee will make time to read it thoroughly and give our proposals careful consideration. It is time for staff to be accorded full right to negotiate with their employer. In order to do this, we need a fully impartial, highly professional, objective negotiating mechanism.

### V. SECURITY AND INDEPENDENCE OF THE INTERNATIONAL CIVIL SERVANTS

13. FICSA is gravely concerned by the ongoing violations of the independence and security of the international civil servants, particularly the number of staff members from the United Nations Relief and Works Agency still detained or imprisoned in the Middle East.

14. FICSA appeals to the Fifth Committee to redouble efforts to impress upon Governments and other entities the illegality of holding international civil servants without explanation, even if those staff members are nationals of the country in which they are being held. In case of arrest, it is essential that

the United Nations and its agencies have access to detained staff and take full responsibility for regular medical visits by a physician or team of physicians.

15. Following release from detention, a staff member's re-entry to service should be as swift, smooth and unstressful as possible, with no bureaucratic delay.

16. A complete computerized system of information on detained and missing staff should be established in the Office of the United Nations Security Coordinator.

17. FICSA continues to be preoccupied by the increasing number of personnel either seconded by their Governments, serving under reimbursable loans or engaged as associate experts. These practices must be monitored closely in order to protect the independence of the international civil service. Moreover, the practice of certain Governments of providing supplementary payments to some of their nationals working in the United Nations system should be prohibited.

## VI. CONCLUSIONS

18. The decisions the Fifth Committee is called on to make at this year's session will have a very serious impact on the terms and conditions of service of 52,000 people worldwide. We would like to see the Fifth Committee take its responsibilities seriously this year. It should not simply accept the recommendations of its technical body. It should reflect long on those recommendations, seriously consider their implications, contrast them with staff positions and come up on the side of justice.

## Appendix

### POSITION PAPER BY THE FEDERATION OF INTERNATIONAL CIVIL SERVANTS' ASSOCIATIONS ON THE ESTABLISHMENT OF A FRAMEWORK FOR THE DETERMINATION OF CONDITIONS OF SERVICE

#### Introduction

1. The present document has been prepared in response to a decision by the General Assembly to undertake a review of the functioning of ICSC. In resolution 44/198, the Secretary-General was invited, in consultation with staff representatives, to present a report on that subject, together with the views of the Commission itself, the General Assembly, at its forty-sixth session, in 1991. The present report contains FICSA's proposals for the establishment of a forum for negotiation of conditions of service.

2. There is no doubt that one of the contributing factors which led to the decision by the General Assembly to review the functioning of ICSC was the position taken by FICSA in 1988 and 1989. As a result of its disassociation with the activities of the Commission in 1988, modifications of the modus operandi of the Commission were introduced the following year which permitted a more democratic process of consultation between all parties concerned up to the decision-making stage when it came to an abrupt halt. Welcome as they were as a first step, the improvements witnessed in 1989 fell far short of what FICSA continues to perceive as the only viable method for determining conditions of employment: negotiations with the employers.

3. FICSA is concerned that the present review of the functioning of ICSC, while providing an opportunity for a number of improvements, will ignore the fundamental problems besetting the determination of conditions of service. Staff have been dismayed by the superficial and wholly inadequate level of consultation. On their side, Member States have taken exception to the statute of ICSC by frequently failing to observe the strict standards set forth in article 3, paragraph 1, and article 6, paragraph 1. FICSA has taken note of the report of the Consultative Committee on Administrative Questions (CCAQ) on the functioning of ICSC; the extent of some of the changes suggested by CCAQ is indicative of the widespread dissatisfaction of the administrations with ICSC in its present form. After a thorough examination of the CCAQ position paper, however, as well as a review of its recent experiences with the Commission under its "new" working methods, FICSA believes that it is essential to propose fundamental changes in the process leading to the determination of conditions of service.

New forum for negotiation of conditions of serviceBackground

4. In 1972 the General Assembly decided to establish an International Civil Service Commission. Two years later the present statutes of ICSC was approved. Significant changes have taken place throughout the world, in the field of industrial relations, public and private. Although these have brought in their sway an increasingly active participation of employees and their representatives in the determination of terms and conditions of service, the statute of ICSC has remained unchanged.

5. The current decade is placing increasing demands upon the United Nations and its specialized agencies. To satisfy these demands, there is a need for highly qualified and motivated staff who, through their elected representatives, are able to participate and negotiate directly concerning their terms and conditions of employment. Consultation is not an acceptable replacement for negotiation.

6. FICSA realizes that in a public/international service environment, direct negotiation with the decision-makers implies negotiation at the level of the legislative body. This may be cumbersome and impractical for many reasons, least amongst which would be the size of the Fifth Committee of the General Assembly and the need for legislators not to be part of the negotiated recommendations which they subsequently would have to review and decide upon. FICSA is therefore proposing a system which would permit full and meaningful negotiations between employer and staff, without diluting the decision-making authority of the legislative body.

7. FICSA's proposals are based on the negotiation process of conditions of service for public officials in the national context. In formulating these proposals, FICSA took full account of relevant international instruments, such as the Labour Relations (Public Service) Convention (No. 151) and Recommendation (No. 159), 1978, and the Collective Bargaining Convention (No. 154) and Recommendation (No. 163), 1981 of the International Labour Organisation (ILO). It also fully took into account the work of the ILO Joint Committee on the Public Service which, in 1988, studied in depth the question of the right to collective bargaining of public employees.

8. Following the logic of collective bargaining, FICSA wishes to address hereafter all issues imprescriptible to the setting up of true negotiation in the public service regarding the determination of the employer; the determination of the legislation; the items to be subject of negotiation; and the negotiation and decision-making process.

The employer

9. The Secretary-General of the United Nations as well as the executive heads of the specialized agencies are responsible for selecting and appointing staff of their respective organizations. They are, therefore, to be considered as the staff's employers.

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The legislative body

10. The General Assembly - and more specifically the Fifth Committee - is the legislative body which currently determines the conditions of service of the staff of the United Nations and its family. Although this may appear to have been a practical arrangement, it has a number of distinct disadvantages:

(a) Delegates assigned to the Fifth Committee (frequently junior diplomats) are not selected for their technical qualifications in the field of human resource management, industrial relations or labour, yet they are required to take decisions which have far-reaching implications on the competence, quality and efficiency of United Nations staff, and hence on the organizations themselves. It is little wonder that decisions are based on political rather than technical considerations;

(b) The status of delegates to the Fifth Committee as members of a national delegation frequently hinders the accrual of expertise and familiarity with the complex issues under discussion: continuity among delegates is relatively rare, owing to the normal rotation policy among diplomats. The junior level of representation of many delegations reflects the low priority attached by the respective Governments to the discussion of administrative and personnel issues in the Fifth Committee;

(c) For many delegates to the General Assembly, the United Nations implies the United Nations Secretariat in New York, and there is little awareness or recognition of the United Nations offices and specialized agencies in other headquarter and field duty stations;

(d) The consideration of personnel issues is consistently eclipsed by world crises under discussion in other Main Committees of the General Assembly;

(e) The Fifth Committee is responsible for both common system issues - in the area of terms and conditions of employment - and United Nations-specific issues in the area of budget and finance; decisions related to common system issues and the United Nations budget are bound to be taken against the context of the latter and hence ignore to a large extent the specific requirements of the specialized agencies.

11. By assuming responsibility for an area which does not fall within its competence, the Fifth Committee is failing to utilize the resources available to the United Nations system. It was never the intention of the United Nations Secretariat to cover all areas of specialization. The specialized agencies were each assigned a mandate entrusting them with the task of coordinating activities in their particular field of specialization. The determination of standards of employment is the prerogative of ILO, founded in 1919, whose Governing Body is comprised of representatives of Member States, workers and employers. By assigning to the ILO Governing Body, for example, the task of deciding conditions of service for the United Nations and its family, a judicious use of resources, both financial and human, could be achieved. By transferring responsibility for decision-making away from the



Fifth Committee there would be a greater likelihood that decisions would be based on a whole range of relevant considerations rather than exclusively on political and financial constraints. Naturally, the proportion that personnel costs occupy in the overall budget would continue to provide a framework for discussion and decision. It is further believed that this additional level of expertise, part of which derives from greater continuity of service in areas of human resource management and staff-management relations, would have far reaching and positive effects on the competence, quality and efficiency of staff and management within the United Nations system.

12. FICSA believes it is time that the United Nations system made more effective use of its distinct fields of expertise. Another possibility would be the setting up of a new legislative coordination body, consisting of one representative from the governing body of each participating organization, with full powers to agree with any negotiated terms proposed by the negotiating body, and commit funds accordingly.

#### The negotiating body

13. The common system is based on agreements between the United Nations and each specialized agency whereby they "agree to develop common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services." They also agree to consult on a variety of staff matters "with a view to securing as much uniformity in these matters as shall be found practicable" [emphasis added]. They further agree to cooperate in the interchange of personnel, when desirable, on a temporary or permanent basis, making due provision for the retention of seniority and pension rights. ICSC was created to give effect to those agreements, of which FICSA can only emphasize the pertinence. Unfortunately, the functioning of ICSC and the common system has ignored and blurred the spirit and objectives of these agreements.

14. The role of the proposed negotiating body should be limited to the determination of general rules and principles on conditions of service and related matters, providing for minimum conditions of service which must be common to all organizations forming part of the United Nations system. On top of this binding minimum, each and every organization should be free to discuss directly with its own personnel relevant improvements in the interests of both staff and management. Indeed, ICSC's mandate according to article 1 of its statute is twofold: it includes not only regulation, but also coordination of conditions of service, the latter being quite different from the former. According to article 10 of the same statute, ICSC's recommendations are actually limited to the "broad principles for the determination of the conditions of service of the staff", whereas these recommendations when approved by the General Assembly are, on the contrary, binding only for Professional salaries, staff assessment scales and a limited number of allowances. In other words, ICSC's statute as it stands should never have been interpreted as limiting the decision power of the respective

organizations with regard to matters relating to conditions of service not explicitly mentioned in its article 10 (b), (c) and (d).

15. Although in a perfect world, conditions of employment should be identical throughout the international civil service, differences in duty stations often necessitate a flexible application of similar principles. Climatic conditions, degree of hardship and local customs are among those factors responsible for differences, for example, in working hours, standard of travel, sick-leave entitlements, etc. There should be a move towards reducing the number of issues that fall within the competence of the negotiating body. Guidance on issues determined between staff and the employer (executive head) at the duty station could continue to be provided by CCAQ which would assume a more important coordinating role.

16. CCAQ should be given the authority to negotiate directly with staff representatives those issues which do not fall within the area of competence assigned to the legislative body. Whereas the level of allowances or entitlements and their minimum application should be determined on a system-wide basis, executive heads should be allowed leeway to extend the application of allowances and entitlements if they so choose, based on the conditions at the duty station and other factors. Examples of this are, inter alia, the non-resident's allowance for internationally recruited General Service staff, merit awards and incentives, home-leave travel arrangements, etc.

17. Negotiations between CCAQ and staff representatives as equal partners would be an extension of the negotiating process which already exists at the level of the majority of organizations. Both sides of the negotiating table would continue to hold meetings to develop their positions, but decisions would be taken only during joint negotiating sessions.

18. The primary concern of the negotiating body and its secretariat shall be methodology for General Service and Professional salaries, post adjustment, allowances, pensions and leave entitlements. The negotiating body and its secretariat shall also be concerned from time to time with other issues including career development, contractual status, post classification, recognition of merit and other entitlements. In this case the involvement will be for purposes of cataloguing, analysing and proposing certain minimum standards. Those organizations that require support regarding the enforcement of minimal conditions should be assisted, while more progressive organizations would continue to establish more advantageous terms of employment since no ceilings are proposed or implied.

19. In countries where negotiation mechanisms are well developed (e.g. the Nordic countries), it is the practice to use independent mediators to assist the two parties in reaching consensus in cases of deadlock. If this procedure was accepted within the context of the international civil service, ILO in its capacity of expert in labour negotiations, would be the appropriate organ to assume that role.

20. The negotiating body should be bipartite, composed of representatives of the employer and staff authorized to negotiate an agreed position on items on the agenda and adopt joint recommendations to the legislative body for final decision.

#### Secretariat of the negotiating body

21. In order for the negotiating body to have available technical background and statistical information to assist it in arriving at negotiated positions and recommendations, a technical secretariat shall be appointed. This secretariat shall be composed of staff members possessing qualifications in the various subjects of which the negotiating body shall be seized. Secretariat staff shall be regular staff members of an organization of the common system, assigned for a specific period of time to the secretariat.

22. There is a need for an independent secretariat with the resources and authority to obtain data on the conditions and terms of service in national civil services as well as in the United Nations and its specialized agencies. A rotation policy for Professional staff of the secretariat should be enforced, and advantage should be taken of loan/secondment arrangements for staff in participating organizations. Similarly, staff appointed to the secretariat could be assigned on loan to requesting agencies, ensuring a to-and-fro movement of secretariat staff. The secretariat would maintain responsibility for preparation of documentation and timely distribution thereof. The final report, to be prepared by the secretariat, shall set out the negotiated positions and/or recommendations.

#### Executive Secretary

23. A search panel composed of representatives of the two participating parties would undertake all actions connected with the identification of an appropriate candidate. This includes the preparation of the post description, the evaluation of applications and the preparation of a short-list of qualified candidates. The name of the successful candidate will be communicated to the appropriate personnel office for recruitment.

#### Working procedures

24. The negotiating body should include in its agenda items proposed by either party. It would also receive and negotiate subjects/issues requested by the legislative body. Such issues would be given primary consideration particularly those concerning the date when negotiated position was to be presented to the legislative body. The agenda of each session would include a number of standing items as well as those items proposed at the end of the previous session. The secretariat would be responsible for coordinating background documentation.

25. The negotiating body should determine its calendar and the number of meetings, which would be dictated by the requirements of the agenda. To enable it to perform its tasks in an efficient and timely manner, the

negotiating body should not be limited to the two regular meetings per year as is the case with ICSC, and appropriate budgetary resources should be provided.

26. At the conclusion of negotiations on any point(s) a final report would be prepared by the secretariat, addressed to the legislative body. Prior to submission thereof, the report would be reviewed by the parties to the negotiating body and "signed off" by the Chairman.

Relationship between the legislative and negotiating bodies

27. The legislative body receives the report of the negotiating body for its consideration together with a verbal presentation by the Chairman as may be deemed appropriate by the negotiating body. The Chairman and Vice-Chairman of the negotiating body will be available for clarification during the meeting of the legislative body. The legislative body will decide to accept or reject the negotiated recommendations on each issue.

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