GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/4700

22 September 1978

Limited Distribution

ADMINISTRATIVE AND FINANCIAL QUESTIONS

Recognition of the United Nations Administrative Tribunal in Matters
Relating to United Nations Joint Staff Pension Fund Affairs

Note by the Director-General

At its twelfth session in 1957, the CONTRACTING PARTIES accepted the jurisdiction of the Administrative Tribunal of the International Labour Organisation to ICITO/GATT with respect to appeals by staff members of the organization alleging the non-observance of the Staff Rules and Regulations and related administrative directives of the organization. However, the agreement concluded to that effect between the Director-General of the International Labour Organisation and the then Executive Secretary of ICITO/GATT expressly excludes appeals from ICITO/GATT staff members claiming the non-observance of the Rules and Regulations of the United Nations Joint Staff Pension Fund. It will be recalled that prior to January 1978, GATT in Pension Fund matters was looked after by the Staff Pension Committee of the United Nations.

Following the endorsement by the CONTRACTING PARTIES at their thirty-third session in 1977 of a recommendation from the Committee on Budget, Finance and Administration that a separate ICITO/GATT Pension Fund Committee be established, such a committee was set up with effect from 1 January 1978. It is now incumbent upon the ICITO/GATT to recognize the competence of the Administrative Tribunal of the United Nations to hear and pass judgement on applications from staff members claiming non-observance of the Rules and Regulations of the said Fund.

The Committee on Budget, Finance and Administration was informed, on 25 May 1978, that the appropriate procedures would be initiated with a view to obtaining the formal consent of the Secretary-General of the United Nations to the inclusion of ICITO/GATT amongst the organizations in the common system recognizing the jurisdiction of the United Nations Administrative Tribunal in Pension Fund matters. Consultations have since taken place between the Legal Counsel of the United Nations and the Director-General, and the draft text of a special agreement extending the jurisdiction of the United Nations Administrative Tribunal to ICITO/GATT with respect to applications of its staff alleging non-observance of the Regulations of the United Nations Staff Pension Fund has been drawn up.

The draft text of this agreement is attached. The Committee on Budget, Finance and Administration is invited to recommend its approval by the CONTRACTING PARTIES.

ANNEX

Special Agreement extending the jurisdiction of the Administrative Tribunal of the United Nations to the Interim Commission for the International Trade Organization/General Agreement on Tariffs and Trade (ICITO/CATT), with respect to applications by staff members of the ICITO/GATT alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund.

WHEREAS, by an agreement made in June 1957 between the Executive Secretary of ICITO/GATT and the Secretary-General of the United Nations, ICITO/GATT became a member organization of the United Nations Joint Staff Pension Fund and accepted, as applicable to itself and to the members of its staff, the Regulations of the Fund,

WHEREAS the Council of Representatives of the Contracting Parties to the GATT at its meeting on /date yet to be determined/ has decided that ICITO/GATT should accept the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund.

WHEREAS, the United Nations Joint Staff Pension Board, at its annual meeting in April 1953, recorded its understanding that for matters involving the Regulations of the United Nations Joint Staff Pension Fund full faith, credit and respect shall be given to the proceedings, decisions and jurisprudence of the Administrative Tribunal, if any, of the agency concerned relating to the staff regulations of that agency, as well as to the established procedures for the interpretation of such staff regulations,

NOW, THEREFORE, it is agreed as follows:

Article I

- 1. The United Nations Administrative Tribunal shall be competent to hear and pass judgement, in accordance with the applicable provisions of its Statute and its Rules, upon applications alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund presented by:
 - (a) any staff member of the Interim Commission for the International Trade Organization/General Agreement on Tariffs and Trade, eligible under article 21 of the Regulations as a participant in the Fund, even after his employment has ceased, and any person who has succeeded to such staff member's rights on his death;

- (b) any other person who can show that he is entitled to rights under the Regulations of the United Nations Joint Staff Pension Fund by virtue of the participation in the Fund of a staff member of the Interim Commission for the International Trade Organization/General Agreement on Tariffs and Trade.
- 2. In the event of a dispute as to whether the Tribunal has competence, the matter shall be settled by a decision of the Tribunal.

Article II

The judgements of the Tribunal shall be final and without appeal and the Interim Commission for the International Trade Organization/General Agreement on Tariffs and Trade agrees, in so far as it is affected by any such judgement, to give full effect to its terms.

Article III

- 1. The administrative arrangements necessary for the functioning of the Tribunal with respect to cases arising under this Agreement shall be made by the Secretary-General of the United Nations in consultation with the Director-General of the Interim Commission for the International Trade Organization/General Agreement on Tariffs and Trade.
- 2. The additional expenses which may be incurred by the United Nations in connexion with the proceedings of the Tribunal relating to cases arising under this Agreement shall be borne by the United Nations Joint Staff Pension Fund. These additional expenses shall include:
 - (a) any travel and subsistence expenses of the members of the Tribunal and of the Tribunal staff when such expenses arise directly out of cases under this Agreement and are in excess of those required by the Tribunal for dealing with cases relating to staff members of the United Nations;
 - (b) any wages of temporary staff, cables, telephone communications and other "out of pocket" expenses when such expenses are specially required for dealing with cases under this Agreement.

Article IV

This Agreement, of which the English and French texts are equally authentic, has been duly signed in duplicate in each of these languages on at Geneva, and on at New York.

For the United Nations:

For the ICITO/GATT:

Kurt Waldheim Secretary-General Olivier Long Director-General