

GENERAL AGREEMENT ON TARIFFS AND TRADE

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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/GATT), 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 judgment, 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;

