

- (iii) If he has validated a period of prior non-pensionable service under article III, such amount, not exceeding 5 per cent of his pensionable remuneration for that period, as he may have received from the Provident Fund of a member organization in excess of his own contributions thereto, and have refunded to that member organization.

Article X, paragraph 1(b) (amended text)

If the participant has five or more years of contributory service, he shall be entitled, four months after his employment ceases, to a lump-sum payment which shall be the actuarial equivalent, at the date his employment ceased, of the retirement benefit payable at the age of sixty calculated on the basis of his contributory service and final average remuneration, provided that the amount to be received under this clause shall not be less than the amount receivable under sub-paragraph (a) above. During that period of four months he shall not be eligible for a disability benefit but shall be eligible for a death benefit based on his contributory service at the date he ceased to be employed by a member organization; except that

- (i) A widow's benefit will be payable only if his widow was his wife at the time his employment ceased, and
- (ii) If a death benefit becomes payable under article VII, 5, and no child's benefit is payable under article VIII, the death benefit shall not be less than the withdrawal benefit which would have been paid to the participant if he had requested earlier payment under the terms of sub-paragraph (c).

If he dies during this period of four months and a death benefit becomes payable under article VII, no further benefit shall be payable.

Article X, paragraph 1(d) (amended text)

Any participant whose years of contributory service when added to his age at withdrawal equal sixty or more may elect to receive, in lieu of the lump sum due under sub-paragraph (b) above, his withdrawal benefit in the form of either:

- (i) A life annuity, either immediate or deferred to age sixty, which is the actuarial equivalent of such lump sum, or
- (ii) One-half of the lump sum due under sub-paragraph (b) above and a life annuity deferred to age sixty which is the actuarial equivalent of one-half of such lump sum, or
- (iii) In the case of a married male participant, a life annuity, either immediate or deferred to age sixty, including a prospective widow's benefit for his wife, which is the actuarial equivalent of such lump sum. Where a participant who has so elected dies, such widow shall be entitled to a widow's benefit half as large as the life annuity which was being paid to the deceased at the time of his death, or had been deferred to age sixty as the case may be. This benefit shall cease on the widow's remarriage and the widow shall be entitled to a lump-sum payment equal to twice the annual amount of her widow's benefit.

Article X, paragraph 2 (amended text)

The payment of any lump sum due under this article shall be postponed at the request of the person entitled to the benefit for a period not exceeding three years from the date when the benefit became due.

Article X, paragraph 3 (new text)

Where a lump sum payment of a withdrawal benefit due under this article is made more than four months after the date when a participant's employment ceased, compound interest at 2½ per cent per annum shall, from that date, be added to the amount of benefit to which he is entitled.

Article XI (revised text)

Summary dismissal for serious misconduct

A participant who, in conformity with the Staff Regulations, has been summarily dismissed for serious misconduct shall receive:

- (a) His own contributions to the Pension Fund, with compound interest at 2½ per cent per annum, plus

(b) Such amount as may have been transferred on his account to the Pension Fund from the Provident Fund at the time of his entry into the Pension Fund, without interest, provided that, on the recommendation of the Secretary-General of the United Nations, or of the competent authority of the member organization concerned, the Joint Staff Pension Board shall, to the extent so recommended, grant to such participant a lump sum equal to either the whole or a part of the remainder of the benefit he would have been entitled to, under article X, had he ceased to be employed for reasons other than summary dismissal for serious misconduct.

Article XLI (new text)

**Jurisdiction of the United Nations
Administrative Tribunal**

1. Applications alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund arising out of a decision of the Joint Staff Pension Board may be submitted directly to the United Nations Administrative Tribunal by:

(a) Any staff member of a member organization which has accepted the jurisdiction of the Tribunal in Joint Staff Pension Fund cases who is eligible under article II 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 upon his death;

(b) Any other person who can show that he is entitled to rights under the Regulations of the Fund by virtue of the participation in the Fund of a staff member of such member organization.

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.

3. The decision of the Tribunal shall be final and without appeal.

4. The time limits prescribed in article 7 of the Statute of the Tribunal are reckoned from the date of the communication of the contested decision of the Joint Staff Pension Board.

956 (X). Acceptance by the specialized agencies of 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

The General Assembly

1. Takes note of the report¹⁰ of the Secretary-General on the acceptance by the specialized agencies of 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;

2. Takes note of the observations of the Advisory Committee on Administrative and Budgetary Questions as set forth in its third report¹¹ to the General Assembly at its tenth session.

*539th plenary meeting,
3 November 1955.*

957 (X). Procedure for review of United Nations Administrative Tribunal judgements: amendments to the Statute of the Administrative Tribunal

The General Assembly,

Recalling section B of its resolution 888 (IX) of 17 December 1954 in which it accepted in principle judicial

¹⁰ *Ibid.*, document A/2970.

¹¹ *Ibid.*, document A/2986.

review of judgements of the United Nations Administrative Tribunal,

Having considered the report¹² of the Special Committee on Review of Administrative Tribunal Judgements submitted pursuant to that resolution.

1. *Decides* to amend the Statute of the United Nations Administrative Tribunal, effective from the date of adoption of the present resolution, with respect to judgements rendered by the Tribunal thereafter, as follows:

(a) Add the following new articles 11 and 12:

"Article 11

"1. If a Member State, the Secretary-General or the person in respect of whom a judgement has been rendered by the Tribunal (including any one who has succeeded to that person's rights on his death) objects to the judgement on the ground that the Tribunal has exceeded its jurisdiction or competence or that the Tribunal has failed to exercise jurisdiction vested in it, or has erred on a question of law relating to the provisions of the Charter of the United Nations, or has committed a fundamental error in procedure which has occasioned a failure of justice, such Member State, the Secretary-General or the person concerned may, within thirty days from the date of the judgement, make a written application to the Committee established by paragraph 4 of this article asking the Committee to request an advisory opinion of the International Court of Justice on the matter.

"2. Within thirty days from the receipt of an application under paragraph 1 of this article, the Committee shall decide whether or not there is a substantial basis for the application. If the Committee decides that such a basis exists, it shall request an advisory opinion of the Court, and the Secretary-General shall arrange to transmit to the Court the views of the person referred to in paragraph 1.

"3. If no application is made under paragraph 1 of this article, or if a decision to request an advisory opinion has not been taken by the Committee, within the periods prescribed in this article, the judgement of the Tribunal shall become final. In any case in which a request has been made for an advisory opinion, the Secretary-General shall either give effect to the opinion of the Court, or request the Tribunal to convene specially in order that it shall confirm its original judgement, or give a new judgement, in conformity with the opinion of the Court. If not requested to convene specially, the Tribunal shall at its next session confirm its judgement or bring it into conformity with the opinion of the Court.

"4. For the purpose of this article, a Committee is established and authorized under paragraph 2 of Article 96 of the Charter to request advisory opinions of the Court. The Committee shall be composed of the Member States the representatives of which have served on the General Committee of the most recent regular session of the General Assembly. The Committee shall meet at United Nations Headquarters and shall establish its own rules.

"5. In any case in which award of compensation has been made by the Tribunal in favour of the person concerned and the Committee has requested an advisory opinion under paragraph 2 of this article, the

Secretary-General, if satisfied that such person will otherwise be handicapped in protecting his interests, shall within fifteen days of the decision to request an advisory opinion make an advance payment to him of one-third of the total amount of compensation awarded by the Tribunal less such termination benefits, if any, as have already been paid. Such advance payment shall be made on condition that, within thirty days of the action of the Tribunal under paragraph 3 of this article, such person shall pay back to the United Nations the amount, if any, by which the advance payment exceeds any sum to which he is entitled in accordance with the opinion of the Court.

"Article 12

"The Secretary-General or the applicant may apply to the Tribunal for a revision of a judgement on the basis of the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgement was given, unknown to the Tribunal and also to the party claiming revision, always provided that such ignorance was not due to negligence. The application must be made within thirty days of the discovery of the fact and within one year of the date of the judgement. Clerical or arithmetical mistakes in judgements, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Tribunal either of its own motion or on the application of any of the parties";

(b) Renumber the former articles 11 and 12 as articles 13 and 14 respectively, and in paragraph 3 of article 9 substitute the words "article 14" for "article 12";

(c) Amend paragraph 2 of article 10 to read:

"Subject to the provisions of articles 11 and 12, the judgements of the Tribunal shall be final and without appeal";

2. *Recommends* that Member States and the Secretary-General should not make oral statements before the International Court of Justice in any proceedings under the new article 11 of the Statute of the Administrative Tribunal adopted under the present resolution.

*541st plenary meeting,
8 November 1955.*

958 (X). Report of the Negotiating Committee for Extra-Budgetary Funds

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The General Assembly,

Having considered the report¹³ of the Negotiating Committee for Extra-Budgetary Funds appointed at the ninth session of the General Assembly,

Believing that provision should be made for the continuation of the work of the Committee,

1. *Requests* the President of the General Assembly to appoint a Negotiating Committee for Extra-Budgetary Funds consisting of not more than ten members to serve from the close of the tenth session to the close of the eleventh session of the General Assembly for the purpose of consulting with Member and non-member States as to the amounts which Governments may contribute on a voluntary basis toward each of the programmes approved by the General Assembly for which funds are not available through the regular budget of the United Nations and for which the Committee is specifically requested by the General Assembly to obtain pledges of voluntary contributions from Governments;

¹³ *Ibid.*, agenda item 40, document A/2945.

¹² *Ibid.*, Tenth Session, Annexes, agenda item 49, document A/2909.