

No. 833

**UNITED NATIONS
and
INTERIM COMMISSION
FOR THE INTERNATIONAL TRADE ORGANIZATION
AND CONTRACTING PARTIES TO THE
GENERAL AGREEMENT ON TARIFFS AND TRADE**

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. Signed at Geneva on 2 February 1979 and at New York on 15 February 1979

Authentic texts: English and French.

Filed and recorded by the Secretariat on 15 February 1979.

SPECIAL AGREEMENT¹ 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 6 November 1978 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,² 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.

¹ Came into force on 15 February 1979 by signature.

² United Nations, *Treaty Series*, vol. 55, p. 187.

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 2 February 1979 at Geneva, and on 15 February 1979 at New York.

For the United Nations:

[Signed]
KURT WALDHEIM
Secretary-General

For the ICITO/GATT:

[Signed]
OLIVIER LONG
Director-General