

No. 900

UNITED NATIONS
and
INTERNATIONAL CENTRE FOR THE STUDY
OF THE PRESERVATION AND THE RESTORATION
OF CULTURAL PROPERTY

Special Agreement extending the jurisdiction of the administrative Tribunal of the United Nations to the International Centre for the Study of the Preservation and the Restoration of Cultural Property, with respect to applications by staff members of the Centre alleging non-observance of the regulations of the United Nations Joint Staff Pension Fund. Signed at Nara City, Japan, on 8 December 1981, and at New York on 15 December 1981

Authentic texts: English and French.

Filed and recorded by the Secretariat on 15 December 1981.

SPECIAL AGREEMENT¹ EXTENDING THE JURISDICTION OF THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS TO THE INTERNATIONAL CENTRE FOR THE STUDY OF THE PRESERVATION AND THE RESTORATION OF CULTURAL PROPERTY, WITH RESPECT TO APPLICATIONS BY STAFF MEMBERS OF THE INTERNATIONAL CENTRE FOR THE STUDY OF THE PRESERVATION AND THE RESTORATION OF CULTURAL PROPERTY ALLEGING NON-OBSERVANCE OF THE REGULATIONS OF THE UNITED NATIONS JOINT STAFF PENSION FUND

WHEREAS, in accordance with article 3 of the Regulations of the United Nations Joint Staff Pension Fund, the General Assembly of the United Nations, upon the recommendation of the United Nations Joint Staff Pension Board, and after acceptance by the International Centre for the Study of the Preservation and the Restoration of Cultural Property (ICCROM)² of the Regulations of the Pension Fund and agreement reached with the Board as to the conditions governing the admission of ICCROM to membership in the Pension Fund, decided by its resolution 35/215A, Part III, of 17 December 1980³ to admit the International Centre for the Study of the Preservation and the Restoration of Cultural Property to membership in the United Nations Joint Staff Pension Fund;

WHEREAS, by resolution 678 (VII) of 21 December 1952,⁴ the General Assembly of the United Nations recommended that the specialized agencies which are member organizations of the United Nations Joint Staff Pension Fund accept the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of the Regulations of the Fund;

WHEREAS it is desirable that other member organizations of the Fund also should accept the jurisdiction of the United Nations Administrative Tribunal in such matters;

WHEREAS the General Assembly of the International Centre for the Study of the Preservation and the Restoration of Cultural Property, by a decision taken at its eleventh session on 12 May 1981, authorized the acceptance by the International Centre for the Study of the Preservation and the Restoration of Cultural Property of the jurisdiction of the United Nations Administrative Tribunal in the matters referred to above;

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:

¹ Came into force on 15 December 1981 by signature.

² For the Statutes of ICCROM, see United Nations, *Treaty Series*, vol. 1321, No. 1-22032.

³ United Nations, *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 48 (A/35/48)*, p. 246.

⁴ *Ibid.*, *Seventh Session, Supplement No. 20 (A/23/61)*, p. 52.

- (a) Any staff member of the International Centre for the Study of the Preservation and the Restoration of Cultural Property, 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 own 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 International Centre for the Study of the Preservation and the Restoration of Cultural Property.

2. In the event of a dispute as to whether the Tribunal has competence, the matter shall be settled by the decision of the Tribunal.

Article II. The judgements of the Tribunal shall be final and without appeal and the International Centre for the Study of the Preservation and the Restoration of Cultural Property 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 of the International Centre for the Study of the Preservation and the Restoration of Cultural Property.

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 are specially required for dealing with 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 at the sites and on the dates appearing under the respective signatures.

For the United Nations:

[Signed]

KURT WALDHEIM
Secretary-General

DONE at New York on 15.12.1981.

For the International Centre for the Study
of the Preservation and the Restoration of
Cultural Property:

[Signed]

BUNSAKU KURATA
President, General Assembly

DONE at Nara City, Japan, on Decem-
ber 8, 1981.