

## II

### *Treaties and international agreements*

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*from 31 January 1986 to 13 February 1986*

*No. 941*

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### *Traités et accords internationaux*

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*du 31 janvier 1986 au 13 février 1986*

*Nº 941*

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**UNITED NATIONS  
and  
UNITED NATIONS INDUSTRIAL DEVELOPMENT  
ORGANIZATION**

**Special Agreement extending the jurisdiction of the Administrative Tribunal of the United Nations to the United Nations Industrial Development Organization, with respect to applications by staff members of the UNIDO alleging non-observance of the regulations of the United Nations Joint Staff Pension Fund. Signed at Vienna on 28 January 1986 and at New York on 7 February 1986**

*Authentic texts: English and French.*

*Filed and recorded by the Secretariat on 7 February 1986.*

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**ORGANISATION DES NATIONS UNIES  
et  
ORGANISATION DES NATIONS UNIES  
POUR LE DÉVELOPPEMENT INDUSTRIEL**

**Accord spécial étendant la juridiction du Tribunal administratif des Nations Unies à l'Organisation des Nations Unies pour le développement industriel, en ce qui concerne les requêtes de fonctionnaires de cette Organisation invoquant l'inobservation des statuts de la Caisse commune des pensions du personnel des Nations Unies. Signé à Vienne le 28 janvier 1986 et à New York le 7 février 1986**

*Textes authentiques : anglais et français.*

*Classé et inscrit au répertoire par le Secrétariat le 7 février 1986.*

SPECIAL AGREEMENT<sup>1</sup> EXTENDING THE JURISDICTION OF THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS TO THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION, WITH RESPECT TO APPLICATIONS BY STAFF MEMBERS OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION 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 United Nations Industrial Development Organization (UNIDO) of the Regulations of the Pension Fund and agreement reached with the Board as to the conditions governing the admission of UNIDO to membership in the Pension Fund, decided by part IV of its resolution 40/245 of 18 December 1985 to admit the United Nations Industrial Development Organization to membership in the United Nations Joint Staff Pension Fund,

Whereas, by Resolution 678 (VII) of 21 December 1952<sup>2</sup>, 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, the General Conference of the United Nations Industrial Development Organization, by a decision taken at the second part of its first session in December 1985, authorized the acceptance by the United Nations Industrial Development Organization 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:

(a) Any staff member of the United Nations Industrial Development Organization eligible under article 21 of the Regulations as a participant in the Fund, even

<sup>1</sup> Came into force on 7 February 1986 by signature, with retroactive effect from 1 January 1986, in accordance with article IV.

<sup>2</sup> United Nations, *Official Records of the General Assembly, Seventh Session, Supplement No. 20 (A/2361)*, p. 52.

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 United Nations Industrial Development Organization.

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 United Nations Industrial Development Organization agrees, insofar 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 United Nations Industrial Development Organization.

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 will enter into force upon signature, with retroactive effect from 1 January 1986.

This Agreement, of which the English and French texts are equally authentic, has been duly signed in duplicate in each of these languages at Vienna on 28 January 1986 and at New York on 7 February 1986.

For the United Nations:

[Signed]

JAVIER PÉREZ DE CUÉLLAR  
Secretary-General

For the United Nations Industrial  
Development Organization:

[Signed]

DOMINGO L. SIAZON, Jr.  
Director-General