

**SPECIAL AGREEMENT EXTENDING THE JURISDICTION OF THE
ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS TO THE INTERNATIONAL
TRIBUNAL FOR THE LAW OF THE SEA WITH RESPECT TO APPLICATIONS BY
STAFF MEMBERS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE
SEA 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 (hereinafter referred to as “the 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 Tribunal for the Law of the Sea (hereinafter referred to as “the International Tribunal”) of the Regulations of the Pension Fund and agreement reached with the Board as to the conditions governing the admission of the International Tribunal to membership in the Pension Fund, by its resolution 51/217 of 18 December 1996 decided to admit the International Tribunal to membership in the Pension Fund, as from 1 August 1996;

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

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

Whereas, the States Parties to the United Nations Convention on the Law of the Sea, by a decision taken at their Fourth Meeting held from 4 to 8 March 1996, authorized the acceptance by the International Tribunal of the jurisdiction of the Administrative Tribunal in the matters referred to above, and thereafter the International Tribunal endorsed this decision;

WHEREAS, the United Nations Joint Staff Pension Board, at its session held in April 1953, recorded its understanding that for matters involving the Regulations of the 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 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 Pension Fund presented by:

- (a) any staff member of the International Tribunal, eligible under Article 21 of the Regulations to become a participant in the Pension Fund, even after his or her employment has ceased, and any person who has succeeded to such staff member's rights on his or her death;
- (b) any other person who can show that he or she is entitled to rights under the Regulations of the Pension Fund by virtue of the participation in the Pension Fund of a staff member of the International Tribunal.

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

Article II

The judgements of the Administrative Tribunal shall be final and without appeal and the International Tribunal 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 Administrative Tribunal with respect to cases arising under this Agreement shall be made by the Secretary-General of the United Nations in consultation with the Registrar of the International Tribunal.

2. The additional expenses which may be incurred by the United Nations in connection with the proceedings of the Administrative Tribunal relating to cases arising under this Agreement shall be borne by the Pension Fund. These additional expenses shall include:

- (a) any travel and subsistence expenses of the members of the Administrative Tribunal and of its staff when such expenses are specially required for dealing with cases under this Agreement and are in excess of those required by that 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, and shall enter into force as from 1 January 1997.

For the
International Tribunal for
the Law of the Sea

(Signed) G.E. Chitty
Dated: 18 February 1998
At Hamburg

For the
United Nations
Joint Staff Pension Board

(Signed) J.E. Connor
Dated: 25 February 1998
At New York