

**AGREEMENT BETWEEN THE UNITED NATIONS JOINT STAFF PENSION BOARD AND THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA AS TO THE CONDITIONS GOVERNING THE ADMISSION OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA TO MEMBERSHIP IN THE UNITED NATIONS JOINT STAFF PENSION FUND**

WHEREAS, the International Tribunal for the Law of the Sea (hereinafter referred to as "the International Tribunal") was created by the 1982 United Nations Convention on the Law of the Sea which entered into force on 16 November 1994

WHEREAS, the Regulations of the United Nations Joint Staff Pension Fund (hereinafter referred to as (the UNJSPF")), as adopted by the General Assembly of the United Nations and presently in force, provided by Article 3, paragraph (b) that "membership in the Fund shall be open to the specialized agencies ... and to any other international, intergovernmental organization that participates in the common system of salaries, allowances and other conditions of service", and in Article 3, paragraph (c) that "admission to membership in the Fund shall be by decision of the General Assembly, upon the affirmative recommendation of the Board, after acceptance by the organization concerned of these Regulations and agreement reached with the Board as to the conditions which shall govern its admission;"

WHEREAS, it has been established that the conditions of service of staff members of the International Tribunal conform to those of the United Nations common system;

WHEREAS, at its 47th session in July 1996 the United Nations Joint Staff Pension Board, decided to recommend to the General Assembly that the International Tribunal be admitted to membership in the UNJSPF;

WHEREAS, the General Assembly, by its resolution 51/217 of 18 December 1996 approved this recommendation with effect from 1 January 1997;

WHEREAS, the States Parties to the United Nations Convention on the Law of the Sea at their Fourth Meeting held from 4 to 8 March 1996, approved the application *mutatis mutandis* of the Financial Regulations and the Staff Regulations and Rules of the United Nations and participation in the United Nations common system, and consequently recommended the acceptance by the International Tribunal of the Regulations of the UNJSPF, and thereafter the International Tribunal endorsed these recommendations;

NOW THEREFORE the parties hereto agree as follows:

## Article 1

Effective 1 January 1997, the International Tribunal accepts the Regulations, Rules and Pension Adjustment System of the UNJSPF, as they are in force on that date and as they may be amended from time to time thereafter.

## Article 2

The participation in the UNJSPF of a participant whose service under an appointment with the United Nations is succeeded on or before 1 January 1997, without an interruption, by service under an appointment with the International Tribunal which does not expressly exclude UNJSPF participation, shall be deemed to be continuous.

## Article 3

Service, performed prior to 1 January 1997 under an appointment with the International Tribunal by a participant not covered by the terms of article 2 of this Agreement, shall be recognized by the UNJSPF as contributory service, provided that:

- (a) an election to this effect is made by the participant concerned no later than 31 July 1997; and
- (b) contributions for the period of service to be recognized are received by the UNJSPF, in accordance with article 25 of the Regulations of the UNJSPF, at the rate of 23.70 per cent of the pensionable remuneration of the participant with interest, within 90 days of the notification by the UNHSPF of the amount due.

## Article 4

The International Tribunal shall conclude an agreement with the United Nations for the acceptance by the International Tribunal of the jurisdiction of the United Nations Administrative Tribunal for application by International Tribunal staff members alleging non-observance of the Regulations of the UNJSPF arising out of decisions by the Board.

The present Agreement shall enter into force as from 1 January 1997. It has been duly signed in duplicate originals, in English, at the dates and places given below.

For the  
International Tribunal for  
the Law of the Sea

Date: 30 June 1997  
(*Signed*) G.E. Chitty

For the  
United Nations  
Joint Staff Pension Board

Date: 30 June 1997  
New York  
(*Signed*) Raymond Gieri