



# General Assembly

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## Seventy-third session

Items 118 (h) and (i), 137 and 148 of the provisional agenda\*

### Appointments to fill vacancies in subsidiary organs and other appointments: appointment of the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal

Programme budget for the biennium 2018–2019

Administration of justice at the United Nations

## Administration of justice at the United Nations

### Report of the Secretary-General

#### Addendum

## I. Introduction

1. In his report [A/73/217](#), the Secretary-General informed the General Assembly that the United Nations Joint Staff Pension Board would consider, at its sixty-fifth session, an amendment to article 48 of the Regulations of the United Nations Joint Staff Pension Fund and that the amendment, if adopted, would require a corresponding amendment to article 2.9 of the statute of the United Nations Appeals Tribunal. The Secretary-General undertook to inform the Assembly of the outcome of the sixty-fifth session of the Board and any corollary action by the Assembly that may be required.

## II. Jurisdiction of the United Nations Appeals Tribunal over decisions of the Standing Committee of the United Nations Joint Staff Pension Board

2. At its sixty-fifth session, held from 26 July to 3 August 2018, the Board adopted the following amendment to article 48 “Jurisdiction of the United Nations Appeals Tribunal” of the Regulations of the Fund:

(a) Applications alleging non-observance of these Regulations **in regard to rights affecting participation, contributory service and benefit entitlements under the Regulations** arising out of decisions of the **Standing Committee acting**

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\* [A/73/150](#).



**on behalf of the Pension Board under Section K of the Administrative Rules**, may be submitted directly to the United Nations Appeals Tribunal by:

(i) Any staff member of a member organization which has accepted the jurisdiction of the Tribunal in Joint Staff Pension Fund cases who is eligible under article 21 of these Regulations as a participant in the Fund, even after his or her employment has ceased, and any person who has succeeded to such staff member's rights upon his or her death;

(ii) Any other person who can show that he or she is entitled to rights under these Regulations by virtue of the participation in the Fund of a staff member of such member organization.

(b) In the event of a dispute as to whether the Tribunal has competence, the matter shall be settled by a decision of the Tribunal. **Remands, if any, shall be to the Standing Committee acting on behalf of the Pension Board.**

(c) The decision of the Tribunal shall be final and without appeal.

(d) The time limits prescribed in article 7 of the Statute of the Tribunal are reckoned from the date of the communication of the contested decision of the Board.

3. In accordance with article 49 of the Regulations of the Fund, the Board recommended that the General Assembly approve the aforesaid amendment to article 48 of the Regulations of the Fund at the seventy-third session (see report [A/73/9](#), submitted under agenda item 145 "United Nations pension system"). Should the Assembly approve the request, the amendment will require the following corresponding amendments to articles 2.9 and 7.2 of the statute of the United Nations Appeals Tribunal, respectively:

*Article 2*

9. The Appeals Tribunal shall be competent to hear and pass judgement on an appeal of a decision of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board **under Section K of the Administrative Rules** of the United Nations Joint Staff Pension Fund, alleging non-observance of the **Regulations of the Fund in regard to rights affecting participation, contributory service and benefit entitlements under its Regulations**, submitted by:

(a) Any staff member of a member organization of the Pension Fund which has accepted the jurisdiction of the Appeals Tribunal in Pension Fund cases who is eligible under article 21 of the **Regulations** of the Fund as a participant in the Fund, even if his or her employment has ceased, and any person who has acceded to such staff member's rights upon 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 Fund of a staff member of such member organization.

In such cases, remands, if any, shall be to the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board.

*Article 7*

2. For purposes of applications alleging non-observance of the **Regulations** of the United Nations Joint Staff Pension Fund arising out of a decision of the **Standing Committee acting on behalf of** the United Nations Joint Staff Pension Board, an application shall be receivable if filed within 90 calendar days of receipt of the **Standing Committee's** decision.

### **III. Conclusion and action to be taken by the General Assembly**

4. For reasons of legal certainty, it is necessary to ensure that the provisions on the jurisdiction of the United Nations Appeals Tribunal in respect of appeals alleging non-observance of the Regulations of the Pension Fund are consistent under the Regulations of the Fund and in the statute of the United Nations Appeals Tribunal. Accordingly, should the General Assembly approve the amendment to article 48 of the Regulations of the Fund, the Secretary-General requests the Assembly to approve, at the same session, the corollary amendments to articles 2.9 and 7.2 of the statute of the United Nations Appeals Tribunal as proposed in paragraph 3 above.

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