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**PENSIONS OF THE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE****Report of the Fifth and Sixth Committees**

Rapporteurs: Mr. T. H. Aghnides (Greece)  
Professor K. H. Bailey (Australia)

1. At its twenty-third plenary meeting, held on 6 February 1946, the General Assembly, being "desirous of assuring that adequate and reasonable pensions be assured to the judges and the Registrar and the staff of the International Court of Justice", directed the Secretary-General, "in consultation with the Registrar of the Court, to develop a pension plan for the judges and Registrar and staff for submission to the second part of the first session of the General Assembly".
2. Accordingly, the General Assembly, at its forty-sixth plenary meeting, held on 31 October 1946, referred to a Joint Fifth and Sixth Committee the question of a pension plan for the members of the Court. Proposals for a pension plan for the Registrar and the staff of the Court were, with the agreement of the Registrar, included in the scheme prepared by the working party established by the Secretary-General to consider the question of a permanent staff retirement scheme, in accordance with the resolution of the General Assembly adopted at its thirty-first plenary meeting on 13 February 1946.
3. At its meetings on 11 and 13 November 1946, the Joint Sub-Committee established by the Fifth and Sixth Committees considered the report of the Secretary-General on the proposed pension plan for the members of the International Court of Justice (document A/110), and unanimously recommended that the proposed pension plan be adopted in amended form.

/The Sub-Committee

The Sub-Committee suggested that, with a view to stabilizing the annual budgetary charges for the cost of these pensions, consideration should be given to the possibility of creating, by regular annual budgetary provision, a special Retirement Fund out of which would be paid the pensions of members of the Court.

4. The Fifth Committee, at its thirtieth meeting, held on 25 November 1946, and the Sixth Committee, at its twenty-ninth meeting, held on 5 December 1946, adopted unanimously the report of the Joint Sub-Committee (document A/C.5 and 6/Sub.1, pages 4 to 6).

5. In consequence, the Fifth and Sixth Committees recommend to the General Assembly the adoption of the following resolution:

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THE GENERAL ASSEMBLY ADOPTS the proposed pension plan for members of the International Court of Justice, as amended and reproduced in Annex I.

ANNEX I

PENSION SCHEME REGULATIONS FOR MEMBERS OF THE  
INTERNATIONAL COURT OF JUSTICE

1. The members of the Court who have ceased to hold office shall be entitled to retiring pensions provided that the members concerned:
  - (a) have not resigned;
  - (b) have not been required to relinquish their appointment for reasons other than the state of their health;
  - (c) have completed at least five years of service.
2. Notwithstanding the provisions of regulations 1 (c) above and 6 below, members elected at the first part of the first session of the General Assembly for a period of three years only, shall, on retirement after completion of that period of service, and provided they are not subsequently re-elected, be entitled to the same pension as though five years' service had been completed.
3. Except as provided in regulation 2, a member who retires before the completion of five years' service shall not be entitled to a pension, provided that the Court may, by a special decision based on the fact that the member concerned is in a precarious state of health and has insufficient means, grant him financial assistance not exceeding the pension to which he would have been entitled had he completed five years' service.
4. If a member resigns after having completed at least five years of service, the Court may, by special decision, grant him such pension as seems equitable, but not exceeding an amount calculated as in regulation 6.
5. The payment of a pension shall not begin until the member concerned has reached the age of sixty. In an exceptional case, however, the pension may, by a decision of the Court, be made payable in whole or in part to the person entitled thereto before he reaches that age.

6. Subject to the provisions above, a member shall be entitled to the payment of a pension equivalent to one three hundred and sixtieth of his salary in respect of each complete month passed in the service of the Court, the amount being calculated:

- (a) for members who have held the office of President, on their annual salary and special annual allowance;
- (b) for members who have held the office of Vice-President, on their annual salary and special allowances;
- (c) for other members, on their annual salary;

averaged in each case over the whole period of service.

If a person entitled to a pension is re-elected to office, the pension shall cease to be payable during his new term of office. At the end of this period, however, the amount of the pension shall be determined as provided for above, on the basis of the total period during which he discharged his duties.

7. No pension payable under these regulations shall exceed one-third of the annual salary excluding any allowances.

8. Pensions shall be calculated in terms of the currency in which the salary of the member concerned is fixed by the General Assembly.

9. Upon the death of a member, his widow may be granted, by decision of the Court, a widow's pension of not less than one-twelfth of the annual salary (excluding allowances) of the member, but amounting to not more than one-half of the pension which would have been payable to the member had he qualified for it at the time of his death. This pension shall cease on the widow's re-marriage.

10. Upon the death of a former member who was in receipt of a retirement pension under these regulations, his widow, provided she was his wife at the time of his retirement from the Court, may be granted, by decision of the Court, a widow's pension of not less than one-twelfth of the annual salary (excluding allowances) of the former member, but not more than

/one-half

one-half of that being paid to the deceased at the time of his death; or where a partial pension is being paid under regulation 5 above, a widow's pension of one-half of such larger amount as the member would have been entitled to had his pension commenced at the age of sixty. This pension shall cease on the widow's re-marriage.

11. Upon the death of a member or a former member while in receipt of a pension granted under these regulations, who leaves no widow eligible for a pension under regulation 9 or 10 above, there may be paid, by a decision of the Court, for such period as it may determine, a dependent's pension to each dependent child of the deceased, provided that the total amount of pensions so payable shall not exceed the amount which would have been payable to the widow under regulation 9 or 10 above. No payment shall be made to a child over the age of twenty-one, or after the date of marriage, whichever is earlier.

12. All pensions provided for above shall be regarded as expenses of the Court, within the meaning of Article 33 of the Statute of the Court.

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