



Eighteenth session
Agenda item 58

BUDGET ESTIMATES FOR THE FINANCIAL YEAR 1964

Amendments to the Pension Scheme Regulations
for members of the International Court of
Justice

Report of the Fifth Committee

Rapporteur: Mr. Raouf BOUDJAKDJI (Algeria)

1. At its 1043rd meeting, held on 18 November 1963, the Fifth Committee considered a report of the Secretary-General (A/C.5/973) suggesting that consideration should be given to amending the Pension Scheme Regulations for members of the International Court of Justice. The Committee also had before it a related report of the Advisory Committee on Administrative and Budgetary Questions (A/5440).
2. In paragraphs 1 to 7 of his report the Secretary-General recited the reasons prompting his suggestion, the object of which was twofold:
 - (a) To reconcile the benefits under the pension scheme with the revised salaries approved for the members of the Court in General Assembly resolution 1738 (XVI) of 20 December 1961; and
 - (b) To express those benefits as percentages of salary, and not as fixed amounts.
3. The amendments which the Secretary-General proposed to the Regulations at present in force (annex to General Assembly resolution 1562 (XV) of 18 December 1960) were contained in paragraphs 9 to 12 of document A/C.5/973. It was indicated that they would affect only those members retiring in 1963, or later, and their dependents.

4. Approving generally the amendments proposed by the Secretary-General, the Advisory Committee recommended (A/5440, para. 3) the following changes:

To provide that the revised Regulations should take effect from 1 January 1964 (instead of the date of 1 January 1962 proposed by the Secretary-General), on the understanding that if a member of the Court left office before that date, he would be brought within the scope of the amended Regulations.

The Advisory Committee considered it undesirable, for reasons of general principle, that the General Assembly should adopt regulations of that nature having a retroactive effect.

FINANCIAL IMPLICATIONS

5. The financial implications of the proposed amendments, as given in paragraph 9 of the Secretary-General's report (A/C.5/973) were estimated in May 1963 on the assumption that the five present members of the Court whose term of office will expire on 5 February 1964 would not serve a further term. In fact, however, one of these members has been re-elected. The estimated cost for 1964 is therefore \$5,800 in lieu of \$9,180. Concurrently, the figure of \$47,500 appearing in paragraph 1 (b) (v) of the draft resolution relating to unforeseen and extraordinary expenses for 1964 will need to be increased by \$5,800 to \$53,300.

DECISION OF THE COMMITTEE

6. The Committee approved without objection the recommendations of the Advisory Committee for the revision of the Pension Scheme Regulations for members of the International Court of Justice, as set forth in paragraphs 9 to 16 of the report of the Secretary-General (A/C.5/973), subject to the substitution of 1 January 1964 as the date of the entry into force of the revised Regulations.

RECOMMENDATION OF THE FIFTH COMMITTEE

7. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

Amendments to the Pension Scheme Regulations for
members of the International Court of Justice

The General Assembly,

Having considered the reports of the Secretary-General^{1/} and the
Advisory Committee on Administrative and Budgetary Questions,^{2/}

Resolves that the Pension Scheme Regulations for members of the
International Court of Justice, contained in the annex to General Assembly
resolution 1562 (XV) of 18 December 1960, shall be amended as follows:

ARTICLE I

(Retirement pension)

Replace the present text of paragraph 2 by the following:

"2. The amount of the retirement pension shall be determined as
follows:

"(a) If the member has served a full term of nine years, the
amount of the annual pension shall be one half of the annual salary;

"(b) If he has served for more than nine years, the amount of the
pension shall be increased by one three-hundredth of the amount payable
under paragraph 2 (a) for each month of service in excess of nine years,
provided that the maximum retirement pension shall not exceed two-thirds
of his annual salary;

"(c) If he has served for less than a full term of nine years,
the amount of the retirement pension shall be that proportion of one
half of the annual salary which the number of months of his actual
service bears to 108."

ARTICLE II

(Disability pension)

Replace the present text of paragraph 2 by the following:

"2. The amount of the disability pension shall be determined as in
article 1, paragraph 2, provided that it shall not be less than one
quarter of the annual salary."

^{1/} A/C.5/973.

^{2/} A/5440.

ARTICLE VIII

(Application and effective date)

Replace the present text by the following:

"1. The present Regulations shall be applicable as from 1 January 1964 to all who are members on or after that date and to their eligible beneficiaries.

"2. Former members who left office prior to 1 January 1964, and their eligible beneficiaries, shall continue to have their entitlements governed by the Regulations approved in General Assembly resolution 1562 (XV)."
