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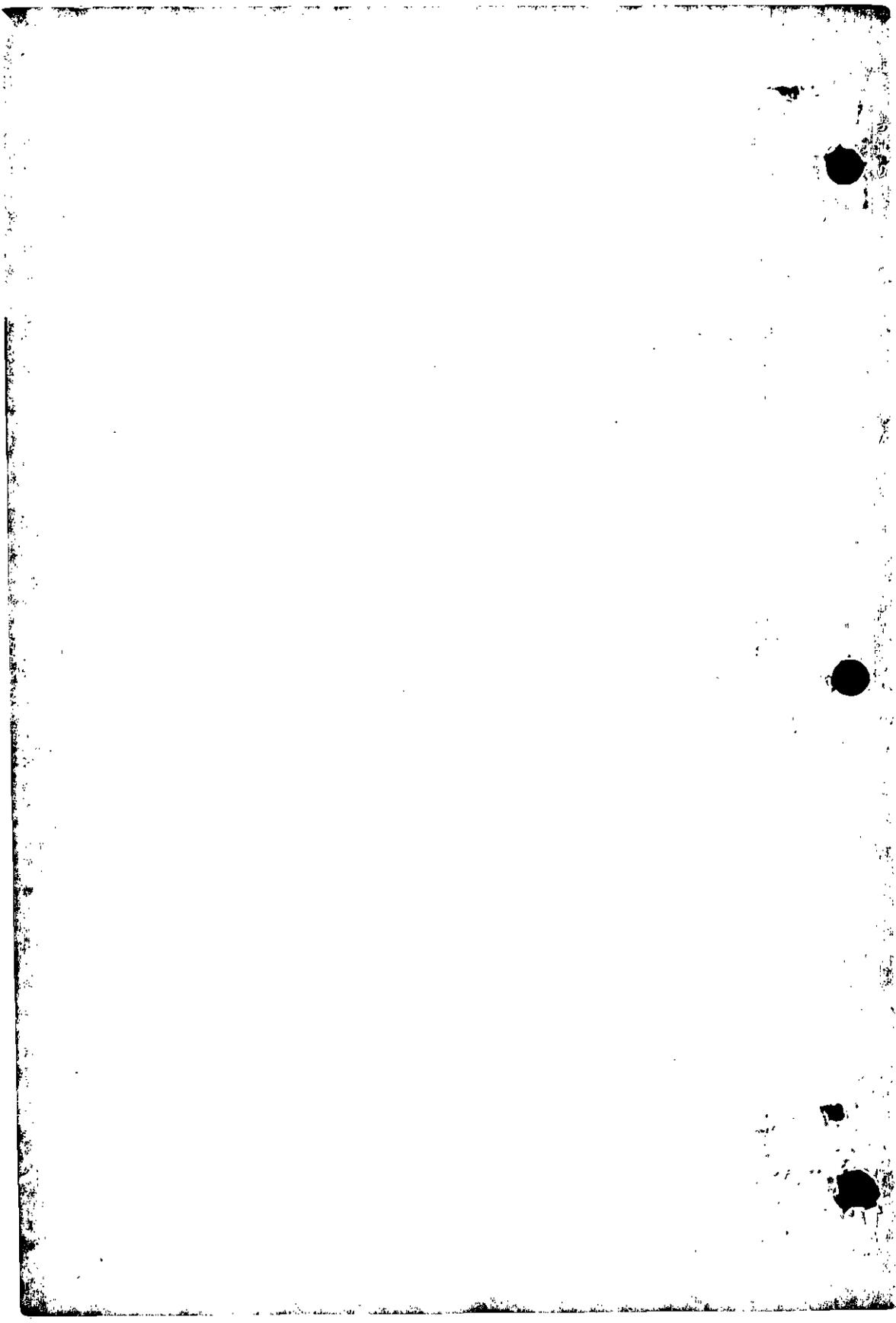


UNITED NATIONS

Regulations of the

United Nations Joint Staff Pension Fund

1 January 1970



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The Regulations of the United Nations Joint Staff Pension Fund were adopted by the General Assembly by resolution 248 (III) effective 23 January 1949 and amended by resolution 680 (VII) effective 1 January 1953, resolution 772 (VIII) effective 1 January 1954 and 1 January 1955, resolution 874 (IX) effective 4 December 1954, resolution 955 (X) effective 3 November 1955, resolution 1073 (XI) effective 7 December 1956, resolution 1201 (XII) effective 1 January 1958, resolution 1309 (XIII) dated 10 December 1958, resolutions 1561 (XV) and 1614 (XV) effective 1 April 1961, resolution 1799 (XVII) effective 1 January 1963, resolution 2122 (XX) effective 1 March 1965, resolution 2191 (XXI) effective 1 January 1967, and resolution 2524 (XXIV) effective 1 January 1970.



REGULATIONS OF THE UNITED NATIONS JOINT STAFF PENSION FUND

SCOPE AND PURPOSE OF THE FUND

The United Nations Joint Staff Pension Fund is a fund established by the General Assembly of the United Nations to provide retirement, death, disability and related benefits for the staff of the United Nations and the other organizations admitted to membership in the Fund.

PART I. DEFINITIONS AND INTERPRETATION

Article 1

Definitions

In these Regulations, and in the Administrative Rules, unless the context otherwise requires:

(a) "Actuarial equivalent" and "equivalent actuarial value" shall mean the equivalent determined according to the actuarial tables adopted by the Board under article 11.

(b) "Administrative Rules" shall mean the rules made by the Board under article 4.

(c) "Benefit" shall include a withdrawal settlement under article 32, and a residual settlement under article 39.

(d) "Board" shall mean the United Nations Joint Staff Pension Board.

(e) "Child" shall mean a child existing on the date of separation or death in service of a participant and shall include the step-child or adopted child of a participant, and a child *in utero* upon its birth; in the event of uncertainty as to whether adoption has taken place, the matter shall be decided by the Board.

(f) "Commute" shall mean cause to be converted and paid in a lump sum part or the whole of a benefit otherwise payable at periodic intervals, according to the actuarial tables of the Fund.

(g) "Dollars" shall mean dollars of the United States of America.

(h) "Final average remuneration" shall mean the average annual pensionable remuneration of a participant during the last five years of his contributory service, or during the actual period of such service if shorter; it shall nevertheless, where contributory service commenced before 3 November 1955, mean the average during the last ten years thereof if such average is higher.

(i) "Fund" shall mean the United Nations Joint Staff Pension Fund.

(j) "General Assembly" shall mean the General Assembly of the United Nations.

(k) "In pay status" shall mean that a participant is entitled to remuneration from a member organization under the terms of his appointment.

(l) "Interest" shall mean interest compounded annually at the rates specified in article 11 (c)

(m) "Member organization" shall mean the United Nations and any specialized agency or other organization admitted to membership in the Fund in accordance with article 3.

(n) "Own contributions" shall mean the contributions, not exceeding 7 per cent of his pensionable remuneration, made to the Fund by or on behalf of a participant in respect of contributory service under article 22, with interest, provided that, in respect of service in a member organization prior to its admission to membership in the Fund, which has been recognized as contributory, it shall mean:

(i) The amount transferred on the account of the participant from the Provident Fund of such member organization at the time of its admission, without interest,

or

(ii) The amount, not exceeding 12 per cent of his pensionable remuneration, received by the participant from the Provident Fund of such member organization on separation prior to its admission and repaid to that organization, upon re-employment, for the purpose of recognition of such service as contributory, without interest.

(o) "Participant" shall include a former participant.

(p) "Pensionable remuneration" shall mean the remuneration, at its equivalent in dollars, of a participant which is pensionable under the terms of his appointment.

(q) "Restoration" shall mean the inclusion in contributory service of the prior contributory service of a former participant who again becomes a participant.

(r) "Secondary dependant" shall mean the mother or father, or an unmarried brother or sister under the age of twenty-one, who was dependent on the participant at the date of his death if he died in service, or from the date of his separation to the date of his death if he died after separation. The Board shall prescribe in the Administrative Rules the meaning of "dependent" for the purpose of this definition.

(s) "Secretary-General" shall mean the Secretary-General of the United Nations.

(t) "Separation" shall mean ceasing to be in the service of a member organization otherwise than by death.

(u) "Service" shall mean employment as a full-time member of the staff of a member organization.

(v) "Validation" shall mean the inclusion in contributory service of a period of non-contributory service which occurred prior to the commencement of participation.

Article 2

Interpretation

(a) The Board shall, to the extent required to give effect thereto, interpret these Regulations and the Administrative Rules.

(b) References to participants in the masculine gender shall apply equally to men and to women, except where it is apparent from the context that the provision is intended to apply only to men.

PART II. MEMBERSHIP AND ADMINISTRATION

Article 3

Membership

(a) The member organizations of the Fund, on the date of entry into effect of these Regulations, are the United Nations and the following:

Food and Agriculture Organization of the United Nations;
Inter-Governmental Maritime Consultative Organization;
Interim Commission for the International Trade Organization;
International Atomic Energy Agency;
International Civil Aviation Organization;
International Labour Organisation;
International Telecommunication Union;
United Nations Educational, Scientific and Cultural Organization;
World Health Organization;
World Meteorological Organization.

(b) Membership in the Fund shall be open to the specialized agencies referred to in article 57, paragraph 2, of the Charter of the United Nations and to any other international, intergovernmental organization which participates in the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies.

(c) 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.

Article 4

Administration of the Fund

(a) The Fund shall be administered by the United Nations Joint Staff Pension Board, a staff pension committee for each member organization, and a secretariat to the Board and to each such committee.

(b) The administration of the Fund shall be in accordance with these Regulations and with Administrative Rules consistent therewith which shall be made by the Board and reported to the General Assembly and the member organizations.

(c) The Board may appoint a Standing Committee which shall have the power to act on behalf of the Board when it is not in session and may, subject to article 7, delegate its powers under these Regulations to the staff pension committees of the member organizations.

(d) The assets of the Fund shall be used solely for the purposes of, and in accordance with, these Regulations.

Article 5

United Nations Joint Staff Pension Board

(a) The United Nations Joint Staff Pension Board shall consist of:

(i) Six members appointed by the United Nations Staff Pension Committee, two of whom shall be from the members and alternate members elected by the General Assembly, two from those appointed by the Secretary-General, and two from those elected by the participants in service in the United Nations; and

(ii) Fifteen members appointed by the staff pension committees of the other member organizations in accordance with a table fixed by the Administrative Rules, five of whom shall be from the members and alternate members chosen by the bodies of the member organizations corresponding to the General Assembly, five from those appointed by the chief administrative officers of the member organizations, and five from those chosen by the participants in service.

(b) Alternate members may be appointed by each staff pension committee.

Article 6

Staff pension committees

(a) The United Nations Staff Pension Committee shall consist of three members and three alternate members elected by the General Assembly, three members and three alternate members appointed by the Secretary-General, and three members and three alternate members, who shall be participants in the Fund and on the staff of the United Nations, elected by the participants in service in the United Nations by secret ballot.

(b) The elected members and alternate members of the Committee shall hold office for three years or until the election of their successors, and shall be eligible for re-election; in the event that such a member or alternate member ceases, during his term of office, to be a member of the Committee, another member or alternate member may be elected to hold office during the remainder of his term.

(c) The staff pension committees of the other member organizations shall consist of members and alternate members chosen by the body of the organization corresponding to the General Assembly, its chief administrative officer, and its participants in service, in such a manner that the number representing each shall be equal and in the case of the participants that the members and alternate members shall themselves be participants in the service of the organization. Each member organization shall make rules for the election or appointment of the members and alternate members of its committee.

Article 7

Secretariat of the United Nations Joint Staff Pension Board

(a) A Secretary to the Board, and a Deputy Secretary or other officer empowered to act in the absence of the Secretary, shall be appointed by the Secretary-General on the recommendation of the Board.

(b) The Secretary-General shall appoint such further staff as may be required from time to time by the Board in order to give effect to these Regulations.

(c) The Secretary shall be the chief executive officer of the Fund and shall perform his functions under the authority of the Board; he, or the officer empowered to act in his absence, shall certify for payment all benefits properly payable under these Regulations.

Article 8

Secretariats of staff pension committees

(a) The secretariat of the Board shall serve as the secretariat of the United Nations Staff Pension Committee.

(b) A secretary to the staff pension committee shall be appointed by the chief administrative officer of each other member organization on the recommendation of the committee.

Article 9

Committee of Actuaries

(a) A committee consisting of three independent actuaries shall be appointed by the Secretary-General upon the recommendation of the Board.

(b) The function of the committee shall be to advise the Board on actuarial questions arising out of the operation of these Regulations.

Article 10

Consulting Actuary

A consulting actuary to the Board shall be appointed by the Secretary-General upon the recommendation of the Board for the purpose of providing actuarial services to the Fund.

Article 11

Adoption of actuarial bases

(a) The Board shall, on the advice of the Committee of Actuaries, adopt, and revise when appropriate, service, mortality and other tables and shall decide upon the rates of interest to be used in the periodic actuarial valuation of the Fund.

(b) At least once in every three years the Board shall have an actuarial investigation made into the service, mortality and benefit experience of the participants and beneficiaries of the Fund and shall determine whether the actuarial bases of the Fund should be modified.

(c) The rates of interest which, without prejudice to the power of the Board to establish rates under (a) above for the purpose of actuarial valuation, shall be used in all calculations required in connexion with these Regulations, shall be 2.5 per cent per annum to 31 December 1957, 3 per cent per annum from 1 January 1958 to 31 March 1961 and 3.25 per cent per annum thereafter until changed by the Board.

Article 12

Actuarial valuation of the Fund

(a) The Board shall have an actuarial valuation made of the Fund at least once every three years by the consulting actuary.

(b) The actuarial report shall state the assumptions on which the calculations are based, it shall describe the method of valuation used, and it shall state the results, as well as the recommendations if any, for appropriate action.

(c) The Board shall, in the light of the report, recommend such action to the member organizations as it deems desirable; the recommendations to the General Assembly shall be transmitted through the United Nations Advisory Committee on Administrative and Budgetary Questions, which shall also be provided with a copy of the actuarial report.

Article 13

Transfer of pension rights

The Board may, subject to the concurrence of the General Assembly, approve agreements with member Governments of a member organization, and with intergovernmental organizations with a view to securing continuity of pension rights between such Governments or organizations and the Fund.

Article 14

Annual report and audit

(a) The Board shall present annually to the General Assembly and to the member organizations a report, including a balance-sheet, on the operation of the Fund, and shall inform each member organization of any action taken by the General Assembly upon the report.

(b) An audit of the accounts of the Fund shall be made annually by the United Nations Board of Auditors, in a manner agreed between the Board of Auditors and the Board; a copy of the audit report shall be included in the report under (a) above.

Article 15

Administrative expenses

(a) Expenses incurred by the Board in the administration of these Regulations shall be met by the Fund.

(b) Estimates of the expenses to be incurred under (a) above shall be submitted annually to the General Assembly, during the preceding year, for approval.

(c) Expenses incurred in the administration of these Regulations by a member organization shall be met by that organization.

Article 16

Termination of membership

(a) Membership in the Fund may be terminated by decision of the General Assembly, upon the affirmative recommendation of the Board, following application for termination by a member organization or continued default by a member organization in its obligations under these Regulations.

(b) In the event of such termination, a proportionate share of the total assets of the Fund at the date of termination shall be paid to the former member organization for the exclusive benefit of its staff who were participants in the Fund on such date, pursuant to an arrangement mutually agreed between such organization and the Board.

(c) The amount of the proportionate share shall be determined by the Board after an actuarial valuation of the assets and liabilities of the Fund on the date of termination, provided that no part of the assets which are in excess of the liabilities shall be included in such share.

PART III. ASSETS AND INVESTMENT

Article 17

Assets of the Fund

The assets of the Fund shall be derived from:

- (a) The contributions of the participants;
- (b) The contributions of the member organizations;
- (c) The yield from the investments of the Fund;
- (d) Deficiency payments, if any, under article 27; and
- (e) Receipts from any other source.

Article 18

Property in the assets

The assets shall be the property of the Fund and shall be acquired, deposited and held in the name of the United Nations, separately from the assets of the United Nations, on behalf of the participants and beneficiaries of the Fund.

Article 19

Investment of the assets

(a) The investment of the assets of the Fund shall be decided upon by the Secretary-General after consultation with an Investments Committee and in the light of observations and suggestions made from time to time by the Board on the investments policy.

(b) The Secretary-General shall arrange for the maintenance of detailed accounts of all investments and other transactions relating to the Fund, which shall be open to examination by the Board.

Article 20

Investments Committee

The Investments Committee shall consist of six members appointed by the Secretary-General after consultation with the Board and the Advisory Committee on Administrative and Budgetary Questions, subject to confirmation by the General Assembly.

PART IV. PARTICIPATION, CONTRIBUTORY SERVICE AND CONTRIBUTIONS

Article 21

Participation

(a) Every full-time member of the staff of each member organization shall, subject to article 52, become a participant in the Fund:

- (i) Upon commencing employment under an appointment for one year or longer, or upon accepting such an appointment while in employment, or
- (ii) Upon completing, in the same or more than one member organization, one year of service without an interruption of more than thirty days,

whichever is earlier, provided that he is then under sixty years of age and that participation is not expressly excluded by the terms of his appointment.

(b) Participation shall cease when a benefit becomes payable to the participant or on his account, or when the organization by which he is employed ceases to be a member organization.

Article 22

Contributory service

(a) Contributory service shall accrue to a participant in pay status from the date of commencement to the date of cessation of his participation.

(b) Contributory service may accrue during leave without pay if contributions are received by the Fund in accordance with article 25 (b).

(c) Additional contributory service may accrue to a participant if prior service is validated or restored in accordance with article 23 or 24, or if service in a member organization prior to its admission to membership has been recognized as contributory.

Article 23

Validation of non-contributory service

(a) A participant may elect, within one year of the commencement of his participation, to validate prior service during which he was not eligible under these Regulations for participation, provided that (i) participation succeeded the ending of such service within two years, (ii) the service was the most recent prior to his participation and had not been interrupted by a break of more than one year, (iii) participation had not, during such service, been expressly excluded by the terms of his appointment, and (iv) the totality of the period open to validation is elected.

(b) A beneficiary of the participant under these Regulations, other than the recipient of a residual settlement, may, if the participant has died before the expiry of the period within which the election may be made under (a) above, make the election on his behalf within such period.

(c) Validation shall be subject to receipt by the Fund of contributions in accordance with article 25 (c).

Article 24

Restoration of prior contributory service

(a) A former participant to whom a benefit under these Regulations, other than a disability benefit, has been or is being paid and who again becomes a participant after 1 January 1970, may, within one year of the re-commencement of his participation, elect to restore his prior contributory service in the Fund; the election may apply only to the totality of such service.

(b) The prior contributory service in the Fund of a former participant to whom a benefit under these Regulations is due but has not been paid, or to whom a disability benefit has been or is being paid, and who again becomes a participant, shall be restored.

(c) A beneficiary of the participant may make the election under (a) above, under the same conditions as a beneficiary under article 23 (b).

(d) Restoration under (a) above shall be subject to receipt by the Fund of contributions in accordance with article 25 (d).

Article 25

Contributions

(a) Contributions at the rate of 7 per cent of his pensionable remuneration by the participant and at the rate of 14 per cent of his pensionable remuneration by the employing member organization shall be payable to the Fund concurrently with the accrual of contributory service under article 22 (a).

(b) Contributions for the purpose of article 22 (b) in respect of a period of leave without pay may be made if such leave was granted for a purpose other than the performance of military service and shall be at the rate of 21 per cent of the pensionable remuneration of the participant, payable by the participant in full or by the organization in full, or in part by the participant and in part by the organization, either (i) concurrently with the leave without pay as in (a) above or, (ii) with interest, within twelve months of the resumption of participation in pay status.

(c) Contributions for the purpose of validation under article 23 shall be payable, with interest, by the participant and the organization in the amounts which would have been payable respectively by each had service during the

period been contributory, except that in respect of a period of associate participation the amount payable by the organization shall be calculated on the basis of a contribution rate of 9.5 per cent.

(d) Contributions for the purpose of restoration under article 24 shall consist of the benefit, other than a disability benefit, received by the participant in respect of his previous participation, together with the refund, if any, received and repayable by the organization or organizations in respect of such participation under article 26, with interest from the date of payment of the benefit or refund.

(e) In any case in which a period of contributory service accrues, or is deemed to accrue, to a participant otherwise than in accordance with article 22, contributions shall be payable, with interest, by the participant in the amount which would have been payable had service during such period been contributory, and by the organization in an amount sufficient to meet any additional obligations to be borne by the Fund resulting therefrom.

Article 26

Refund of contributions to member organizations

The Fund shall, in the event that a participant entering the Fund on or after 1 January 1967 has, on separation, less than five years of contributory service and becomes entitled to a withdrawal settlement under article 32 (b) (i), refund to the employing member organization half of the contributions paid by it under article 25 in respect of contributory service subsequent to 31 December 1966.

Article 27

Deficiency payments

(a) In the event that an actuarial valuation of the Fund shows that its assets may not be sufficient to meet its liabilities under these Regulations, there shall be paid into the Fund by each member organization the sum necessary to make good the deficiency.

(b) Each member organization shall, subject to (c) below, contribute to this sum an amount proportionate to the total contributions which each paid under article 25 during the three years preceding the valuation date, less the refunds to which it is entitled under article 26.

(c) The contribution of an organization admitted to membership less than three years prior to the valuation date shall be determined by the Board.

PART V. BENEFITS

Article 28

Entitlement to benefits

(a) A participant who is not eligible for a retirement benefit under article 29 or a disability benefit under article 34 may elect on separation to receive an early retirement benefit or a deferred retirement benefit or a withdrawal settlement if he satisfies the conditions of article 30, 31 or 32 respectively.

(b) Retirement, early retirement and deferred retirement benefits shall be payable at periodic intervals for life.

Article 29

Retirement benefit

(a) A retirement benefit shall be payable to a participant whose age on separation is sixty years or more and whose contributory service was five years or longer.

(b) The benefit shall be payable either:

- (i) At the standard annual rate which is obtained by multiplying the years of the participant's contributory service, not exceeding thirty, by $1/50$ of his final average remuneration, or
- (ii) At the minimum annual rate which is obtained by multiplying the years of the participant's contributory service, not exceeding ten, by the smaller of 180 dollars or $1/30$ of his final average remuneration, if the benefit so calculated would be greater than the amount under (i) above.

(c) A benefit payable at the standard annual rate may be commuted by the participant into a lump sum:

- (i) If the rate is 300 dollars or more, to the extent of one third of its actuarial equivalent or the amount of his own contributions, whichever is greater, or
- (ii) If the rate is less than 300 dollars, to the extent of its full actuarial equivalent; if a male participant is married, the prospective benefit payable to his spouse may also be commuted at the standard annual rate of such benefit.

(d) A benefit payable at the minimum annual rate may be commuted into a lump sum as in (c) above, if the participant elects to receive it instead at the standard annual rate.

Article 30

Early retirement benefit

(a) An early retirement benefit shall be payable to a participant whose age on separation is at least fifty-five but less than sixty and whose contributory service was five years or longer.

(b) The benefit shall be payable at a rate equal in actuarial value, at the age of the participant on separation, to a retirement benefit at age sixty payable at the standard annual rate.

(c) The benefit may be commuted by the participant into a lump sum to the extent specified in article 29 (c) for a retirement benefit.

Article 31

Deferred retirement benefit

(a) A deferred retirement benefit shall be payable to a participant whose age on separation is less than sixty and whose contributory service was five years or longer.

(b) The benefit shall be payable at the standard annual rate for a retirement benefit and shall commence at age sixty or, if the participant so elects, at any age not less than fifty-five, provided that in such event it shall be reduced so as to be equivalent in actuarial value, at the age at which the participant has elected to receive it, to a benefit commencing at age sixty.

(c) The benefit may be commuted by the participant into a lump sum:

- (i) If the rate of the benefit at age sixty is 300 dollars or more, equivalent to his own contributions, or
- (ii) If such rate is less than 300 dollars, equivalent to the full actuarial value of the benefit.

Article 32

Withdrawal settlement

(a) A withdrawal settlement shall be payable to a participant whose age on separation is less than sixty, or if he is sixty or more on separation but is not entitled to a retirement benefit.

(b) The settlement shall consist of:

- (i) His own contributions, if the contributory service of the participant was less than five years, or
- (ii) His own contributions increased by 10 per cent for each year in excess of five up to a maximum of 100 per cent, if the contributory service of the participant was five years or longer, subject to (c) below.

(c) The settlement shall nevertheless, if the contributory service of the participant was five years or longer and commenced prior to 1 April 1961, consist of the aggregate of the following amounts if such aggregate is greater than the amount yielded by (b) (ii) above:

- (i) The withdrawal settlement which the participant would have received had separation been on 31 December 1966 and had the Regulations, actuarial bases and other provisions in force on 31 March 1961 remained in force; and
- (ii) The excess of the contributions which he actually made from 1 April 1961 to 31 December 1966 over the contributions which he would have made in respect of the same period had the Regulations, actuarial bases and other provisions in force on 31 March 1961 remained in force, with interest; and
- (iii) His own contributions from 1 January 1967 increased by 10 per cent for each year of contributory service in excess of five, whether before or after 1 January 1967, up to a maximum of 100 per cent.

Article 33

Deferment of payment or choice of benefit

(a) The payment to a participant of a withdrawal settlement, or the exercise by a participant of a choice available to him between one benefit and another, or between a form of benefit involving payment in a lump sum and another form, may be deferred at his request at the time of separation for a period of six months.

(b) A participant who has deferred a choice under (a) above shall, if his choice is not made within the period, be deemed to have chosen a deferred retirement benefit if his age on separation was less than sixty, and in any event a form of benefit payable otherwise than in a lump sum.

Article 34

Disability benefit

(a) A disability benefit shall, subject to article 42, be payable to a participant who is found by the Board to be incapacitated for further service in a member organization reasonably compatible with his abilities, due to injury or illness constituting an impairment to health which is likely to be permanent or of long duration.

(b) The benefit shall commence on separation or, if earlier, on the expiration of the paid leave due to the participant and shall continue for as long as the participant remains incapacitated, provided that after age fifty-five incapacity shall be deemed to be permanent.

(c) The benefit shall, if the age of the participant on entitlement is sixty years or more, be payable at the standard or the minimum annual rate for a

retirement benefit as the case may be; if the age of the participant is less than sixty, the benefit shall be payable at the standard annual rate for a retirement benefit, provided that the rate shall not be less than the smaller of:

- (i) One third of the final average remuneration of the participant,
- (ii) The rate of the retirement benefit which would have been payable had the participant remained in service until age sixty and had his final average remuneration remained unchanged.

(d) A benefit which is discontinued shall, if a participant who has been separated does not upon such discontinuance again become a participant, be converted at his option to a deferred retirement benefit or a withdrawal settlement, calculated as at the date of commencement of the disability benefit.

(e) The Board may prescribe the extent to which and the circumstances in which a disability benefit may be reduced when the beneficiary, although remaining incapacitated within the meaning of this article, is nevertheless in paid employment.

Article 35

Widow's benefit

(a) A widow's benefit shall, subject to article 42 and to (b) below, be payable to the surviving female spouse of a participant who was entitled to a retirement, early retirement, deferred retirement or disability benefit at the date of his death, or who died in service, if she was married to him at the date of his death in service or, if he was separated prior to his death, she was married to him at the date of separation and remained married to him until his death.

(b) A benefit shall nevertheless not be payable if the participant had commuted his widow's prospective benefit under article 29 or 30, or had commuted a deferred retirement benefit under article 31 (c).

(c) The benefit shall, if the participant died in service or during entitlement to a retirement, early retirement or disability benefit, be payable at the standard annual rate of half the retirement or disability benefit which would have been payable to the participant had he become entitled thereto at the date of his death, or of half of his retirement, early retirement or disability benefit including such part thereof as may have been commuted, as the case may be, provided that the rate shall not be less than the smaller of:

- (i) 750 dollars; or
- (ii) Twice the standard annual rate above.

(d) The benefit shall, if the participant died after the commencement of a deferred retirement benefit which had not been commuted under article 31 (c), be payable at half the annual rate of such benefit and, if he died before its commencement, at the rate of half the actuarial equivalent at the date of his death of the annual rate of the benefit at age sixty.

(e) The benefit shall be payable at periodic intervals for life or until remarriage, provided that a benefit payable at an annual rate of less than 200 dollars may be commuted by the widow into a lump sum which is the actuarial equivalent of the benefit at the standard annual rate under (c) above, or the annual rate under (d) above, as the case may be.

(f) The benefit shall, where there is more than one surviving spouse, be divided equally between the spouses, and upon the death or remarriage of each such spouse shall be equally divided among the remainder.

(g) A lump sum in the amount of twice the annual rate of the benefit shall, unless (f) above applies, be payable to a surviving spouse upon remarriage.

Article 36

Widower's benefit

A widower's benefit, at the rates and under the conditions applicable in article 35 to a widow's benefit save that it shall not cease upon remarriage, shall be payable to a surviving male spouse who satisfies the Board that he is without means to support himself and is unable, by reason of age or infirmity, to engage in substantial gainful employment.

Article 37

Child's benefit

(a) A child's benefit shall, subject to (b) and (c) below, be payable to each child of a participant who is entitled to a retirement, early retirement or disability benefit or who has died in service, while the child remains unmarried and under the age of twenty-one.

(b) A benefit shall be payable to a child who is over the age of twenty-one if the child is found by the Board to have been incapacitated by illness or injury for substantial gainful employment:

- (i) On reaching the age of twenty-one, if immediately prior thereto a child's benefit was payable, or
- (ii) At the time of the death in service or entitlement to a benefit of the participant.

A benefit payable as above shall continue for as long as the child remains incapacitated.

(c) A benefit shall, notwithstanding (a) and (b) above, not become payable, if the participant has chosen an early retirement benefit, until he dies or reaches the age of sixty.

(d) The benefit shall, during the continuance of any periodic benefit resulting from retirement, early retirement, disability or death in service, but subject to (e) and (f) below, be payable at the annual rate of one third of the

benefit payable to the participant or, if the participant died in service, one third of the retirement or disability benefit which would have been payable to him had he become entitled thereto at the date of his death, subject to a minimum of 300 and a maximum of 600 dollars per annum.

(e) The benefit, if no other periodic benefit is payable and there is no surviving male parent able, in the opinion of the Board, to support the child, or if the other periodic benefit payable is to a surviving spouse who is not a natural or adoptive parent and does not have custody of the child, and further subject to (f) below, shall be payable at the rate in (d) above increased by whichever is the greater of:

- (i) 300 dollars or one quarter of the retirement, early retirement or disability benefit from which it is derived, if one child's benefit is payable; and
- (ii) 600 dollars or half the retirement, early retirement or disability benefit from which it is derived, and divided by the number of eligible children, if more such benefits than one are payable.

(f) The total benefits payable under (d) above shall nevertheless not exceed an annual rate of 1,800 dollars, nor shall the total benefits under (d) or (e) above, added to any retirement benefit payable under article 29 (b), early retirement benefit under article 30 (b), disability or widow's benefit exceed the final average remuneration of the participant added to the total annual children's allowances payable to him by the member organization at the time he was separated.

(g) Benefits payable under this article shall be recalculated as may be required to achieve the purposes of (e) and (f) above.

Article 38

Secondary dependant's benefit

(a) A secondary dependant's benefit shall, subject to article 42 and to (b) below, be payable to not more than one surviving secondary dependant of a participant who was entitled to a retirement, early retirement, deferred retirement or disability benefit at the date of his death, or who died in service.

(b) A secondary dependant's benefit shall nevertheless not be payable:

- (i) Where a benefit is or was payable to a child or to the surviving spouse of the participant, and
- (ii) In the case of a brother or sister, where the benefit payable to the participant was a deferred retirement benefit.

(c) The benefit shall be payable at the following rates:

- (i) In the case of a mother or father, at the rates and under the conditions applicable in article 35 (b), (c), (d), (e) and (g) to a

widow's benefit, save that the Board may, in the event of remarriage, decide in its discretion to continue the benefit;

- (ii) In the case of a brother or sister, at the rate applicable in article 37 (d) to a child's benefit and shall be payable or shall continue to be payable beyond the age of twenty-one under the conditions of article 37 (b).

(d) In the event that more than one person is eligible under this article, the benefit shall be payable to the person designated by the participant prior to his death or, failing such designation or person, to the person designated by the Board.

Article 39

Residual settlement

(a) A residual settlement shall be payable, in accordance with (b) and (c) below, on the death of a participant or on the exhaustion of any entitlement under these Regulations in favour of his surviving spouse, child or secondary dependant. The settlement shall be paid to a beneficiary designated by the participant and alive when the payment is due; failing such beneficiary, the settlement shall be paid to the estate of the participant.

(b) The settlement shall be payable if:

- (i) On the death of a participant in service or during entitlement to a disability benefit, the total payments made to him and thereafter to a spouse, child or secondary dependant on his account are less than his own contributions; or
- (ii) On the death of a participant prior to the commencement of a deferred retirement benefit to which he is entitled under article 31 (b), no benefit is payable to a surviving spouse or secondary dependant; or
- (iii) On the death of a female participant entitled to a retirement or early retirement benefit, the total payments made to her and thereafter to a spouse, child or secondary dependant on her account are less than her own contributions.

(c) A residual settlement shall also be payable if a male participant elects on separation to receive a reduced retirement or early retirement benefit, and on his death the total payments made to him and thereafter to a spouse, child or secondary dependant on his account are less than his own contributions. The amount of the reduction shall, in the case of a participant who is married at the date of separation, be half of 1 per cent of his own and his surviving spouse's benefits, and in the case of an unmarried participant, 1 1/2 per cent of his own benefit.

(d) The settlement shall consist of the participant's own contributions at the date of his separation or death in service, reduced by the total amount of the benefits paid to him and on his account.

Article 40

Limitation of entitlements during leave without pay

(a) Entitlement to a disability benefit or to a benefit payable in case of death, during a period of leave without pay in respect of which contributions have not been made in accordance with article 25 (b) (i), shall instead be to a withdrawal settlement calculated as of the day immediately preceding the commencement of such leave in accordance with article 32, unless the entitlement accrues within two months of the commencement of such leave, in which case the full entitlement under these Regulations shall be maintained. These benefits shall be limited in like manner, regardless of the date on which the entitlement accrues, if the leave was granted for the performance of military service.

(b) In the event that a participant becomes entitled to a retirement, early retirement or deferred retirement benefit on separation during a period of leave without pay in respect of which contributions have not been made in accordance with article 25 (b) (i), a widow's, widower's, child's or secondary dependant's benefit shall not be payable unless entitlement thereto would have existed had the participant died on the day immediately preceding the commencement of such leave.

Article 41

Effect of re-entry into participation

(a) If a former participant who is entitled to a benefit under these Regulations again becomes a participant, he shall forfeit such entitlement upon restoration of his prior contributory service; if the prior contributory service of the participant is not restored, entitlement to the benefit, or to a benefit derived therefrom, shall be deferred until he dies or is again separated, provided that in this event the total benefits payable to him or on his account shall not exceed the benefits which would have been payable had his participation in the Fund been continuous.

(b) A participant whose benefit is deferred upon re-entry into participation and who does not elect to restore his prior contributory service shall be credited with a lump sum having the actuarial value which his benefit had at the date of re-entry into participation; on subsequent separation the participant shall receive an annuity equal in value to the sum with which his account had been credited at the date of re-entry, including interest. In the event of the death of the participant there shall be paid in respect of the benefit which was deferred such benefits as would have been payable if the participant had died on the day before he re-entered participation.

PART VI. GENERAL PROVISIONS

Article 42

Medical examination

(a) Every participant in the Fund shall be required to undergo a medical examination in accordance with the standards prescribed by the Board, unless the Board accepts the findings of an earlier medical examination.

(b) A participant who refuses to undergo such medical examination, and for whom the findings of an earlier examination are not accepted, shall not, until he has completed five years of contributory service, be entitled to a disability benefit under these Regulations, nor shall a widow's, widower's or secondary dependant's benefit be payable in the event of his death in service unless such period has been completed.

Article 43

Information from participants and beneficiaries

(a) A participant or beneficiary may be required to supply information, and to furnish documentary or other proof thereof, in respect of any matter on which information or proof is deemed desirable by the Board for the purposes of these Regulations.

(b) Failure to supply such information or proof, or the omission or misrepresentation of any material fact therein, shall enable the Board to redetermine the entitlements of the participant or beneficiary under these Regulations, provided that entitlement to participation or to a benefit shall not be less favourable than if the information or proof had been supplied or truly represented.

Article 44

Recovery of indebtedness to the Fund

The Board may deduct from any benefit payable under these Regulations to a participant, or on his account, the amount of any indebtedness to the Fund by the participant or by any beneficiary or third person to whom payment has been made otherwise than in accordance with these Regulations.

Article 45

Interest on unpaid benefits

The Fund shall not be liable for interest on any due but unpaid benefit.

Article 46

Non-assignability of rights

A participant or beneficiary may not assign his rights under these Regulations.

Article 47

Forfeiture of benefits

(a) The right to a withdrawal settlement or residual settlement shall be forfeit if for two years after payment has been due the beneficiary has failed to submit payment instructions or has failed or refused to accept payment.

(b) The right to a retirement; early retirement, deferred retirement or disability benefit shall be forfeit if for five years after the first payment has been due the beneficiary has failed to submit payment instructions or has failed or refused to accept payment.

(c) The right to continued periodic payments of a retirement, early retirement, deferred retirement or disability benefit shall be forfeit if for two years after a periodic payment has been due the beneficiary has failed to submit payment instructions or has failed or refused to accept payment.

(d) The right to a benefit shall nevertheless not be forfeit under (a), (b), or (c) above if its exercise has been prevented by circumstances beyond the control of the beneficiary.

(e) The Board may, if in its opinion there are circumstances which so warrant, restore the right to any benefit which has been forfeited.

Article 48

Currency

(a) Contributions under these Regulations shall be calculated and remitted to the Fund in dollars.

(b) Benefits shall be calculated in dollars and shall be payable in any currency selected by the recipient, at the rate of exchange for dollars obtained by the Fund on the date of payment.

Article 49

Jurisdiction of the United Nations Administrative Tribunal

(a) Applications alleging non-observance of these Regulations arising out of a decision of the Board may be submitted directly to the United Nations Administrative 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 employment has ceased, and any person who has succeeded to such staff member's rights upon his death;

(ii) Any other person who can show that he 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.

(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.

PART VII. AMENDMENT AND ENTRY INTO FORCE

Article 50

Amendment

(a) The Board may recommend amendments to these Regulations to the General Assembly, which may amend these Regulations after consultation with the Board.

(b) The Regulations so amended shall enter into force as from the date specified by the General Assembly but without prejudice to rights to benefits acquired through contributory service prior to that date.

Article 51

Entry into force

(a) These Regulations shall enter into force and supersede all previous Regulations with effect from 1 January 1970.

(b) No provision shall be construed as applying retroactively to participants in the Fund prior to 1 January 1970 unless expressly stated therein or specifically amended to such effect by the General Assembly with due regard to the provisions of article 50.

PART VIII. TRANSITIONAL PROVISIONS

Article 52

Limitation on participation

An associate participant in the Fund on 31 December 1966 shall, if he remains in continuous service, continue to be an associate participant in accordance with article II *bis* of the Regulations in force on that date and

shall only become a participant if during such associate participation he receives:

(a) A permanent appointment or an appointment certified by a member organization to lead normally to a permanent appointment; or

(b) An appointment which will extend the total continuous period of his service to or beyond five years.

For the purpose of (b) above, service before 1 January 1967 shall be deemed to have been continuous if a break or breaks therein do not total more than one year.

Article 53

Preservation of entitlement to retirement benefits

A participant in the Fund on 31 December 1966 whose service has been continuous since that date shall be entitled to a retirement benefit under article 29 of these Regulations notwithstanding that his contributory service was less than five years.

Article 54

Preservation of rights to voluntary deposits

A participant who, prior to the entry into force of these Regulations, had been authorized by the Board to deposit an amount in the Fund in accordance with article XVIII of the Regulations then in force shall be entitled, in respect of such authorization, to the benefit of that article as though it were still in force.

Note on the position of associate participants

1. The status of "associate participant" was introduced into the Regulations by the General Assembly on 1 January 1958 and, because of the serious drain it was found to have had on the finances of the Fund, discontinued on 1 January 1967. The purpose of the scheme was to provide death and disability coverage for staff not expected to remain in the service of the Organization for longer than five years, and thus normally not to qualify for retirement benefits.

2. The associate participant made no contribution himself to the Fund, and the cost of the death and disability coverage provided to him was met by payments from the employing organizations of 4.5 per cent of his pensionable remuneration. An initial appointment of one year, or continuous service for at least one year on shorter appointments, was required for eligibility (although an organization, by special contractual provision, might in certain circumstances exclude an official altogether from participation). If,

however, an associate participant before he reached the age of sixty (at which time both death and disability coverage and any contingent right to future full participation otherwise ceased) received a permanent appointment from his organization, or an appointment extending his total anticipated service up to or beyond five years, or if his organization certified that his appointment would lead normally to a permanent appointment, he became from that date a full participant, and contributions of 7 and 14 per cent respectively became due from him and the organization. Additionally, he obtained the right – in many instances of great importance to the participant – on application within one year of reaching full participation status, to “validate” or convert the period of his associate participation (as well as any prior period not excluded from participation, subject to certain maximum interruptions) into service creditable for retirement and other purposes, by paying to the Fund with interest the contributions which he would have been required to pay had he entered initially as a full participant.

3. The General Assembly, in discontinuing the scheme on the recommendation of the Board in 1967 for new entrants, none the less maintained the position and the contingent full participation and validation rights of all those associate participants who were in service on 31 December 1966 and have since remained in continuous service. Their eligibility for full participation is now governed by article 52 and their rights to validation by articles 23 and 25 (c). Associate participants on 31 December 1966, who left and subsequently rejoined the service on appointments of one year or longer, if still under sixty years of age, re-entered the Fund as full participants.

4. Precise details of their position, if required, may be obtained by present associate participants from the Secretaries of Staff Pension Committees.

Note on the system of cost-of-living adjustments applicable to benefits in payment

1. The General Assembly approved, by resolution 2122 (XX) effective 1 March 1965, the introduction of a system of cost-of-living adjustments to benefits in payment and benefits which would come into payment in the future, designed to protect these against depreciation from the increases in living costs occurring in varying degrees in different parts of the world. The system is financed entirely from the Fund's own resources and, because of its relatively high cost, was made dependent on specific extension from time to time by the General Assembly, subject to periodic examination of the Fund's capacity to continue to meet the costs. The most recent extension was by General Assembly resolution 2524 (XXIV) of 5 December 1969, which authorized its further operation until 31 December 1972.

2. The system – which is applicable to all pensioners, regardless of their grade or category during service – is based on an index reflecting, as of the 1 January of each succeeding year, the average increase during the immediately preceding five years of the cost-of-living or post adjustment element in the pensionable remuneration of serving staff in the Professional and higher

categories. Movements in the index take place (a) when the weighted average of the post adjustments payable at the main organization duty stations increases by 5 per cent (and thus causes a notional 5 per cent to be added to the pensionable remuneration of serving Professional and higher category staff under the Staff Regulations and Rules of the organizations), and/or (b) when, on the occasion of increases in the base salaries of these staff, a certain number of post adjustments is incorporated into the new scales.

3. Application of the system is by reference to the date of separation of the participant from service with a member organization of the Fund, and the level of the index on the 1 January immediately succeeding that date – the index values, however, being taken into account only from 1 January 1960 onwards. A participant, thus, who retired on 30 June 1966 – when the index for the year stood at 110 – would receive his initial adjustment on 1 January 1967 in the amount of the percentage rise therein between 1966 and 1967. The index having moved upward as of 1 January 1967 to 115, the percentage rise would be obtained by the multiplication $115/110 \times 100 = 105$ (rounded to the nearest integer) or 5 per cent. In 1968, the index then standing at 118, the multiplication would be $118/110 \times 100 = 107$, or an adjustment of 7 per cent, and so on. For pensioners who retired before 1960, when the index is considered to have been 100, the adjustment computation is somewhat simpler, being the straight index values from 1 March 1965 (the operative date of the system) onwards. A pensioner who retired in 1958, therefore, would have begun receiving an adjustment on 1 March 1965 of 8 per cent (index value 108) and would in 1970 be receiving 26 per cent (index value 126).

4. The system, it should be noted at the same time, excludes for the most part from adjustment, benefits based on or derived from the fixed amounts of \$180 contained in the minimum retirement provisions of article 29 (b) (ii), the \$300, \$600 and \$1800 minimum and maxima provided for children's benefits under article 37, and the \$750 minimum widow's benefit under article 35 – on the grounds that these benefits either already represent upward adjustments from the levels at which they would otherwise be payable, or are intended to be limited to specific ceilings. The enabling General Assembly resolution does, however, permit a benefit which as a minimum would not attract an adjustment, nevertheless to be adjusted beyond the minimum rate if and when the standard rate together with the adjustment would yield a higher amount.

5. The table which follows illustrates the movement of the index and the rates of adjustment applied to date.

Pension adjustment index

<i>Percentage* adjustment commencing</i>	<i>Year of separation and level of pension adjustment index</i>											
	<i>Before 1960</i>	<i>1960</i>	<i>1961</i>	<i>1962</i>	<i>1963</i>	<i>1964</i>	<i>1965</i>	<i>1966</i>	<i>1967</i>	<i>1968</i>	<i>1969</i>	<i>1970</i>
	<i>100</i>	<i>101</i>	<i>102</i>	<i>103</i>	<i>105</i>	<i>107</i>	<i>108</i>	<i>110</i>	<i>115</i>	<i>118</i>	<i>121</i>	<i>126</i>
1 March 1965	8	7	6	5	3	1	-	-	-	-	-	-
1 January 1966	10	9	8	7	5	3	2	-	-	-	-	-
1 January 1967	15	14	13	12	10	7	6	5	-	-	-	-
1 January 1968	18	17	16	15	12	10	9	7	3	-	-	-
1 January 1969	21	20	19	17	15	13	12	10	5	3	-	-
1 January 1970	26	25	24	22	20	18	17	15	10	7	4	-

*Rounded to nearest integer.