

## **Assembly of States Parties**

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### **Background paper prepared by the Registrar**

#### **Establishment of an ICC staff pension committee**

1. The Assembly may recall that in its decision ICC-ASP/1/Decision 3 adopted at the 3rd plenary meeting on 9 September 2002, it requested the Registrar to take the necessary steps in order for the International Criminal Court to apply for membership in the United Nations Joint Staff Pension Fund (UNJSPF) and to conclude with the United Nations Joint Staff Pension Board an agreement as referred to in article 3(c) of the Regulations of the Fund.

2. The Assembly may also recall that the United Nations General Assembly, by its resolution 58/262 of 23 December 2003, decided to admit the ICC to membership in the United Nations Joint Staff Pension Fund, effective 1 January 2004. The Court has since concluded an agreement with the Joint Staff Pension Board in accordance with article 3(c) of the UNJSPF Regulations.

3. The attention of the Assembly is drawn to the following provisions of the UNJSPF Regulations:

- (a) Article 4(a) of the UNJSPF Regulations, which provides that 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) Article 6(c) of the UNJSPF Regulations, which provides that the staff pension committees of 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,<sup>1</sup> 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 staff pension committee.

4. The staff pension committees of the member organizations are important administrative organs of the Fund within their respective organizations. The Joint Staff Pension Board has delegated to them authority to deal with UNJSPF matters arising in respect of the staff members of their organization, and the everyday handling of such matters is normally entrusted by the committee to its secretary. The secretary is appointed by the chief administrative officer of the organization, on the recommendation of

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<sup>1</sup> For the ICC, the corresponding bodies are the Assembly of States Parties, the Registrar and the staff.

the committee. In addition, the staff pension committees appoint, as provided for in the Regulations and Rules of the UNJSPF, the members of the Joint Staff Pension Board.

5. The responsibilities of the staff pension committees include:

- (a) Participating – through the representatives designated by them for this purpose – in the regular and special sessions of the Joint Staff Pension Board and in the meetings of its subsidiary organs;
- (b) Formulating proposed amendments to the Regulations and Rules of the Fund for consideration by the Joint Staff Pension Board and subsequent submission to the General Assembly of the United Nations, which is the sole legislating body on pension matters;
- (c) Applying and where necessary interpreting the Pension Fund Regulations and Administrative Rules in respect of the staff and beneficiaries;
- (d) Granting benefits under the Pension Fund Regulations to the participants and beneficiaries.

6. Further to the admission of the International Criminal Court to the United Nations Joint Staff Pension Fund, it has become necessary for the ICC to establish a staff pension committee. In accordance with the practice of other international organizations, the staff pension committee is established by the governing body (i.e. the ASP). It is therefore recommended that the ASP establishes an ICC staff pension committee, constituted as follows:

- (a) Two members and two alternate members elected by the Assembly of States Parties for a term of office of two years.<sup>2</sup> Given the importance of maintaining continuity on the ICC staff pension committee and on the United Nations Joint Staff Pension Board, as well as the complexity of the issues reviewed by the Pension Board, the Assembly may wish to follow the practice of a number of other organizations by designating representatives by name from States Parties. This will make it possible, should the Assembly so decide, to reappoint members and alternate members by name for a further term of office. Alternatively, the Assembly may choose to elect States Parties.
- (b) Two members and two alternate members appointed by the Registrar for a term of office of two years. Under article 6(c) of the UNJSPF Regulations, the appointments by the chief administrative officer are not restricted to participants in the Fund. It would seem desirable that in making the appointments, the Registrar should ensure that he appoints members of high moral integrity who possess the necessary expertise and knowledge in pension matters. This need is of particular significance given the complexity of an international pension system which has to contend with worldwide economic, financial and monetary problems that affect the United Nations system as a whole.
- (c) Two members and two alternate members, who shall be participants in the Fund and staff members of the ICC, elected by the staff members of the ICC who are participants in the Pension Fund for a term of office of two years, in accordance with the procedure to be established by the Registrar in consultation with the staff representative body.

7. The committee shall be served by a secretary who shall be appointed by the Registrar in accordance with article 8 of the UNJSPF Regulations. The committee shall elect its own chairman at its first regular session of each year, in accordance with rule C.3 of the Rules of Procedure of the Fund. The office of chairman shall be rotated among the three groups represented on the committee.

8. The committee shall establish its own rules of procedure subject to the provisions of the Regulations and Rules of the United Nations Joint Staff Pension Fund.

9. The Assembly is requested to consider and adopt the attached draft decision (annex I).

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<sup>2</sup> In the practice of other organizations the terms of office vary from two to four years.

## Annex I

### DRAFT ASSEMBLY DECISION

#### Establishment of a staff pension committee

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Taking note of the information contained in the background paper prepared by the Registrar concerning a staff pension committee of the International Criminal Court;

1. Decides to establish a Staff Pension Committee of the International Criminal Court;
2. Decides also that the Staff Pension Committee of the International Criminal Court shall be composed of two members and two alternate members to be elected by the Assembly of States Parties for a term of two years; two members and two alternate members to be appointed by the Registrar for a term of two years; and two members and two alternate members who shall themselves be staff members of the International Criminal Court and participants in the United Nations Joint Staff Pension Fund to be elected by secret ballot by the staff who are participants in the United Nations Joint Staff Pension Fund;
3. Decides further to hold elections for two members and two alternate members of States Parties to the ICC Staff Pension Committee to hold office for two years from 2004 to 2006.

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