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ADVISORY COMMITTEE ON ADMINISTRATIVE
AND BUDGETARY QUESTIONS

COMPENSATION TO MEMBERS OF COMMISSIONS, COMMITTEES OR
SIMILAR BODIES IN CASE OF INJURY OR DEATH

Report of the Secretary-General

1. A system of reparation for death or injury affecting staff members and auxiliary personnel (military observers, radio operators etc.) was offered by the Committee of Experts on Salary, Allowance and Leave Systems (document A/C.5/331, pages 93-102). The Secretary-General, in his report on the proposals of the Expert Committee (A/C.5/331/Add.1, page 7) stated that he would follow the plan suggested, as a guide in dealing with compensation cases of staff members and auxiliary personnel.
2. However, the application of this or any other scheme to members of commissions, committees and similar bodies has not yet been decided upon, since the Secretary-General wished to have prior consultation with the Advisory Committee on the question.
3. The lines followed so far by the United Nations were developed individually and some inconsistency necessarily came about. A survey of the various bodies at present in existence show the following situation:

I. Political missions in the field

(a) United Nations Conciliation Commission for Palestine. The three members of this Commission are insured commercially against death and dismemberment for \$50,000 each. It is an accident policy and covers risks arising from service-incurred as well as non-service-incurred accidents.

(b) United Nations Commission for India and Pakistan, United Nations Commission for Korea, United Nations Commission for Indonesia, and United Nations Special Committee on the Balkans. No commercial insurance (except for air travel insurance) is taken for commission members and at present no express responsibility has been assumed by the United Nations in case of injury or death of members of these commissions.

/(c) United Nations
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(c) United Nations Commission for Libya and United Nations Commission on Eritrea. Members of these bodies have been informed that the United Nations would assume liability for service-incurred injury, illness or death, using as a guide in the settlement of claims the plan prepared by the Committee of Experts on Salary, Allowance and Leave Systems. (The question has not yet been raised in connexion with the Advisory Council on Somaliland.)

II. Economic and Social Council, commissions and committees thereof

(a) Statutory meetings. No provision is made for accident insurance of representatives attending meetings of the Economic and Social Council. Members of commissions, sub-commissions and committees, however, are covered during air travel for \$15,000.

(b) Technical assistance missions, Missions of inquiry. Technical assistance missions are assumed to be composed of Secretariat staff only (consultants and regular staff). Missions of inquiry are, however, in some instances composed of individuals elected by the Council, who have the status of commission members (e.g., the Commission of Enquiry on the Coca Leaf). In this case the United Nations has assumed responsibility for the payment of reparation in case of service-incurred sickness or accident during the mission, though the Organization has not purchased commercial insurance to cover such liability.

III. Trusteeship Council; Trusteeship visiting missions

(a) Statutory meetings. No provision is made at present for accident insurance of members attending meetings of the Trusteeship Council and its ad hoc committees.

(b) Visiting missions. Taking into account that members of the visiting missions are expected to act in their individual capacity, the United Nations has expressly assumed liability for service-incurred sickness or accident, as in the case of the Coca Leaf Mission.

IV. General Assembly committees and commissions

(a) Advisory Committee on Administrative and Budgetary Questions; Committee on Contributions; International Law Commission. No provision is made at present for accident insurance for members attending meetings of these Committees and Commissions. They are, however, covered when traveling by air, under the United Nations blanket air-policy, in the amount of \$15,000.

V. Administrative committees

(a) Investments Committee; United Nations Staff Pensions Committee and International Civil Service Board. The members of these bodies are covered during air travel in the amount of \$15,000.

4. As will be seen from the above, no firm line has been established, since the practice has been to consider the question of United Nations responsibility for service-incurred injury or death only when it has been raised by members of commissions proceeding to areas which were considered dangerous. However, in view of the special character of the United Nations and the hazards to which certain categories of persons serving the Organization are exposed, it is suggested that the compensation plan be extended to all persons whose service to the Organization is recognized to the extent that they receive remuneration from the United Nations in the form of subsistence allowance. The mere payment of transportation expenses, however, would not be sufficient reason for inclusion in the United Nations compensation plan.

5. Under the suggested formula the compensation provisions proposed in paragraph 10 would be extended to the following categories of persons in accordance with policy laid down under General Assembly resolution 231 (III) with respect to the payment of travel and subsistence expense:

- (a) A rapporteur or chairman of a committee or sub-commission who is called upon to present in an expert capacity the report of a committee or sub-commission to a parent body;
- (b) One member of a commission acting as its representative on a second commission or committee of the United Nations;
- (c) One representative of any Member participating in a commission of inquiry or conciliation instituted by the General Assembly or by the Security Council (subject to the proviso that an exception to this rule may be permitted on the decision of the organ concerned that an alternate for each member is necessary), e.g., the Conciliation Commission for Palestine, the Special Committee on the Balkans, the Commission for India and Pakistan, the Commission for Korea, the Commission for Indonesia;
- (d) Visiting missions of the Trusteeship Council;
- (e) Other persons serving in a personal or expert capacity on bodies falling under the following categories established in Appendix A, paragraph 1 of General Assembly resolution 231 (III):

/(i) Advisory

- (i) Advisory Committee on Administrative and Budgetary Questions, Committee on Contributions, Board of Auditors;
- (ii) Sub-commissions of the Economic and Social Council on which the members serve in a personal capacity;
- (iii) Advisory committees of an expert character, e.g., the Staff Benefit (Pension) Committee, International Civil Service Advisory Board, Committee of Library Experts etc.

In addition to the categories covered by General Assembly resolution 231 (III), the members or representatives on the following bodies would be entitled to compensation coverage:

- (a) Members of the Council for Libya, one representative from each Government represented on the Advisory Council for Somaliland, and one representative and one alternate from each Government represented on the Commission for Eritrea (General Assembly resolution 289 D (IV));
- (b) Members of the International Law Commission;
- (c) Members of the United Nations Administrative Tribunal;
- (d) Members of the Investments Committee;
- (e) Any person serving in other United Nations bodies established or to be established, who is not a member of the United Nations staff or auxiliary personnel and who receives a subsistence allowance authorized by the General Assembly.

6. Once it is established that the members of commissions, committees and similar bodies should be protected against service-incurred injuries or death, there remains the problem of which indemnity system to apply.

7. Members of commissions, committees and similar bodies offer a singularly difficult group to be covered under a normal compensation scheme, such as the one to be applied to staff members and military observers. The main difficulty is that compensation schemes are normally based on the individual's salary at the time of accident or death and the membership of commissions covers individuals in various professional groups, many of them receiving salaries out of proportion to those of a salaried employee.

8. Keeping in mind these problems, two possible alternatives may be considered:

- (a) to accept the compensation scheme approved for staff members, at the same time establishing a ceiling for compensation, equivalent, say, to the salary of an Assistant Secretary-General; or (b) to follow the line that compensation to
/commission

commission members or their beneficiaries will be paid out by the United Nations in a lump sum, as a final settlement of the claim for service-incurred disability or death.

9. It appears that the second alternative is more practicable. The determination of actual salaries of individuals who do not work for the Organization may prove a difficult task, and administrative difficulties may so encumber the whole process of compensation that an undue delay in payment may occur. The payment of a lump-sum in case of death, and proportionately smaller amounts for dismemberment would present the great advantage of being a clear-cut procedure.

10. The Secretary-General thus proposes to adopt the following plan for dealing with service-incurred illness, injury or death of persons included in the categories specified in paragraph 5 above.

(a) Definition of "service-incurred disability". Eligibility for claims.

(i) Compensation in accordance with the provisions of this chapter shall be paid with regard to every commission member who suffers death, injury or other disability arising out of or in the course of performing official duties on behalf of the United Nations without regard to fault as a cause of such death, injury or other disability, except that no compensation shall be paid when such death, injury or other disability has been solely occasioned by the wilful intention of any such commission member to bring about the death, injury or other disability of any such member or of any other person.

(ii) Without restricting the generality of section (i), death, injury or other disability shall be deemed to have arisen out of or in the course of performing official duties on behalf of the United Nations in the absence of any wilful intent when:

(a) The death, injury or other disability resulted as a natural incident of performing official duties on behalf of the United Nations; or

(b) The death, injury or other disability occurred without reference to performing official duties on behalf of the United Nations in any area which the Secretary-General has declared to be a danger area as a direct result of any special hazards in any such danger area; or

(c) The death, injury or other disability occurred without reference to performing official duties on behalf of the United Nations while
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and as a direct result of traveling by means of transportation furnished by or at the expense of the United Nations.

(b) Per diem

In case of injury or sickness, involving hospitalization or not, the commission member will be paid normal per diem in full.

Alternative: Medical and hospital costs plus one-third of regular per diem (the system used for staff under similar circumstances).

(c) Medical assistance and hospitalization

All reasonable costs resulting from service-incurred sickness or accidents (such as medical, hospitalization and related expenses) shall be borne by the United Nations from the date of the accident or sickness until recovery or establishment of disability.

(d) Disability

(i) Determination. Disability (degree and duration) will be determined by a medical board appointed by the Secretary-General.

(ii) Benefits. Following the determination of disability, a lump-sum payment will be made to the commission member, in accordance with a scale to be worked out by the Secretary-General in consultation with the Advisory Committee on Administrative and Budgetary Questions.

(e) Death

(i) Funeral and related expenses. The United Nations will pay reasonable expenses in connexion with preparing the remains and, where necessary, expenses of transportation home.

(ii) Compensation to dependents. A lump-sum payment in the amount of \$25,000 will be paid to the heirs of a deceased commission member.

(f) Payment of indemnities

The payment of indemnities provided in this scheme will be made regardless of any payments due to the commission member by any insurance scheme to which the United Nations does not contribute.