



Secretariat

ST/SGB/230
8 March 1989

SECRETARY-GENERAL'S BULLETIN

To: Members of the staff

Subject: RESOLUTION OF TORT CLAIMS

Submission of claims

1. Any accident or other occurrence in the Headquarters district that is likely to result in a tort action or claim by any person, other than a staff member or a member of a commission, committee or similar body listed in annex A to ST/SGB/107/Rev.4 and Amend.1, must be reported to the United Nations Security and Safety Service immediately in order to permit a timely investigation.

2. All tort actions or claims shall be addressed to the Legal Counsel, Office of Legal Affairs, Room S-3427, United Nations, New York, N. Y. 10017.

Preliminary review of claims

3. If, upon its preliminary review of all the facts and circumstances, the Office of Legal Affairs is of the view that a claim is justified and can be settled by payment of a sum not in excess of \$5,000, it shall so report to the Controller and, subject to his approval, negotiate an appropriate settlement. Any claim not so settled shall be reported to the Tort Claims Board referred to below.

Tort Claims Board

4. There is hereby established at Headquarters a Tort Claims Board to review the relevant facts and circumstances and to make recommendations on appropriate terms of settlement of tort claims against the United Nations arising from acts occurring in the United States of America in respect of which the Organization is not insured, and which are not brought by a staff member or by a person covered by bulletin ST/SGB/103/Rev.1 (members of United Nations commissions, committees or similar bodies in respect of whom the United Nations pays a daily subsistence allowance or annual remuneration) or settled in accordance with paragraph 3 above.

If, after having conducted such a review, the Board concludes that the Organization may be held liable for the personal injury, death or property damage which occurred, it shall recommend to the Controller a maximum amount of compensation that may be offered to the claimant. If the Controller agrees, such offers shall be made and the negotiations shall be conducted by the Office of Legal Affairs, under the guidance of the Board.

5. (a) The Tort Claims Board shall be composed of five members, as follows:
- (i) Two members from the Office of Programme Planning, Budget and Finance;
 - (ii) One member from the Office of Legal Affairs;
 - (iii) One member from the Office of General Services;
 - (iv) One member to be appointed by the Secretary-General on the recommendation of the members in subparagraphs (i), (ii) and (iii) above.
- (b) A secretary of the Board shall be designated from the Office of Legal Affairs.

Arbitration

6. In the event that negotiations with a claimant do not result in an amicable settlement of the claim, the claimant shall be offered the option to submit the claim to arbitration. Such arbitration shall be held under the auspices of the American Arbitration Association, in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law in force, and taking into account, as appropriate, Headquarters Regulation No. 4 on limitation of damages in respect of acts occurring within the Headquarters district (General Assembly resolution 41/210 of 11 December 1986). The place of arbitration shall be New York City. Any award pursuant to such arbitration shall be binding on the parties as the final adjudication of the claim.

Javier PEREZ DE CUELLAR
Secretary-General
