



Fifth session
Agenda item 39 (c)

BUDGET ESTIMATES FOR THE FINANCIAL YEAR 1951

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

Report of the Fifth Committee

Rapporteur: Mr. B. G. FOURIE (Union of South Africa)

1. In connexion with its consideration of the budget estimates for 1951, the Fifth Committee, at its 263rd meeting on 9 November 1950, considered recommendations relating to compensation of members of commissions, committees or similar bodies in case of injury or death which the Advisory Committee on Administrative and Budgetary Questions had submitted in part 3 (General Administrative Questions) of its second report of 1950 (A/1312).^{*} The recommendations of the Advisory Committee were based on proposals submitted to it by the Secretary-General, which, in turn, had been formulated in the light of a system of reparation for death or injury affecting staff members and auxiliary personnel (military observers, radio operators, etc.) offered by the Committee of Experts on Salary, Allowance and Leave Systems (A/C.5/331, paragraphs 129 to 147).
2. The Chairman of the Fifth Committee, in inviting discussion of the Advisory Committee's proposals, called attention to the recommendation that, should the proposals be adopted by the General Assembly, the necessary expenditure for cases as they arise should be charged to the regular annual budget of the United Nations.

^{*} See Official Records of the General Assembly, Fifth Session, Supplement No. 7.

3. For convenience of reference, the main provisions of the compensation plan recommended by the Advisory Committee for members of commissions, committees or similar bodies, which were approved unanimously without discussion, are reproduced in the Annex to the present report.

4. Accordingly, the Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

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

The General Assembly,

Taking into account the report of the Advisory Committee on Administrative and Budgetary Questions on the problem of compensation to members of commissions, committees or similar bodies in case of injury or death attributable to service with the United Nations (A/1312, paragraphs 342-343),

1. Approves the following basic points of the compensation plan proposed by the Advisory Committee on Administrative and Budgetary Questions:

(a) That compensation be paid solely to those members of commissions, committees or similar bodies whose service to the Organization is recognized to the extent that they receive subsistence allowance from the Organization;

(b) That compensation be payable only in the event of service-connected injury or death, eligibility under this paragraph to be determined in accordance with the definition set out by the Advisory Committee on Administrative and Budgetary Questions in paragraph 342 (1) of document A/1312;

(c) That the maximum compensation to be paid to a claimant will be \$25,000, to be awarded in case of death or total disability;

2. Instructs the Secretary-General to follow, in the settlement of claims, the recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in document A/1312.

ANNEX

COMPENSATION TO MEMBERS OF COMMISSIONS, COMMITTEES OR
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Categories of persons with respect to whom compensation would be payable

The compensation provisions proposed hereunder would be extended to the following categories of persons who receive subsistence allowance from the United Nations in accordance with the policy laid down under General Assembly resolution 231 (III) of 8 October 1948:

- (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 on 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 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 Pension Committee, International Civil Service Advisory Board, Committee of Library Experts, etc.

/In addition to

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 Italian 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.

1. 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

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 and as a direct result of travelling by means of transportation furnished by or at the expense of the United Nations.

• Per diem

In case of injury or sickness involving hospitalization, the commission member will be paid one-third of the regular per diem. Where hospitalization is not involved, the normal per diem will be paid in full.

3. 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.

4. 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.

5. 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 dependants. A lump-sum payment in the amount of \$25,000 will be paid.

6. 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.
