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PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1980-1981

Rules governing compensation to members of commissions, committees
or similar bodies in the event of death, injury or illness
attributable to service with the United Nations

Ninth report of the Advisory Committee on Administrative
and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report by the Secretary-General on rules governing compensation to members of commissions, committees or similar bodies in the event of death, injury or illness attributable to service with the United Nations (A/C.5/34/9). This report arises from a request made by the Advisory Committee in its twentieth report to the General Assembly at its thirty-third session on the conditions of service and compensation for officials other than Secretariat officials serving the General Assembly. ^{1/} In that report the Advisory Committee noted that as regards coverage for service-incurred death, injury or illness the rules governing compensation to members of commissions, committees or similar bodies had not been revised since their issuance in March 1956 (ST/SGB/103). The Committee therefore requested the Secretary-General to submit to the Assembly at its thirty-fourth session "recommendations for the amendment of the rules and related scale of compensation, taking into account developments in the past 22 years". In adopting section VIII of resolution 33/116 B on 21 December 1978, the Assembly endorsed this request.

2. The annex to the Secretary-General's report contains a revised text of "Rules governing compensation to members of commissions, committees or similar bodies in the event of death, injury or illness attributable to service with the United Nations". The Secretary-General points out in paragraph 2 of his report that, unlike the present text, which consists mainly of extracts from General Assembly resolution 458 (V) of 16 November 1950 and from the second report of the Advisory Committee to the fifth session of the General Assembly (A/1312), the proposed revised rules are set out in a more detailed and systematic manner and are

^{1/} Official Records of the General Assembly, Thirty-third Session, Supplement No. 7 (A/33/7 and Add.1-39), document A/33/7/Add.19.

patterned along the lines of the rules currently in force for Secretariat officials (ST/SGB/Staff Rules/Appendix D/Rev.1 and Amend.1).

3. The Advisory Committee is in general agreement with the text submitted by the Secretary-General in the annex to his report, but recommends that in order to clarify certain points some changes should be made in the draft text:

Article I, dealing with applicability, should make it clear that the rules would cover also those who do not receive a daily subsistence allowance but are paid an annual remuneration.

Article I should specify that compensation under these rules would not be paid to staff members nor to anyone who is otherwise covered by the United Nations or by a specialized agency for death, injury or illness attributable to service on behalf of that organization.

The original draft of article II leaves it uncertain whether compensation would be payable to an innocent commission member who is injured through the misconduct of another member. Article II should therefore be clarified.

4. The affected portions of the text reflecting these changes, which have been drafted in consultation with representatives of the Secretary-General, would therefore read as follows:

Section I. Applicability

Article 1. Applicability

(a) These rules shall apply to all members of commissions, committees or similar bodies whose service to the Organization is recognized by payment of annual remuneration or daily subsistence allowance by the Organization.

(b) These rules shall also apply to individuals appointed by commissions, committees or similar bodies to undertake the performance of special studies or other ad hoc tasks on behalf of such bodies.

(c) These rules shall not apply to a member of a commission, committee or similar body who is otherwise covered by the United Nations, a specialized agency or the International Atomic Energy Agency for death, injury or illness attributable to service on behalf of that Organization.

(d) In these rules, unless the context otherwise requires, "commission member", "member of the commission", "member" shall mean any person to whom these rules are applicable.

Section II. Principles of award and general provisions

Article 2. Principles of award

The following principles and definitions shall govern the operation of these rules:

/...

(a) Compensation shall be awarded in the event of death, injury or illness of a commission member which is attributable to service as a member or on behalf of the commission, except that no compensation shall be awarded in respect of a commission member whose death, injury or illness has been occasioned by:

(i) His wilful misconduct; or

(ii) His wilful intent to bring about the death, injury or illness of himself or another.

5. The Advisory Committee recommends that the General Assembly should authorize the Secretary-General to promulgate the proposed rules governing compensation as amended above, with the following understandings:

(a) That the rules shall apply to members of all commissions, committees and similar bodies in respect of which the United Nations pays daily subsistence allowance or annual remuneration listed in annex A of ST/SGB/107/Rev.4 and any such bodies as may be in future certified by the Secretary-General as falling into such category;

(b) That the scale of compensation contained in the rules shall be reviewed by the Secretary-General at least once every four years, in the light of inflation and currency fluctuations since the previous review, and make appropriate recommendations in the context of his programme budget proposals for the appropriate biennium.

6. The Advisory Committee recommends further that the Secretary-General should examine the feasibility of providing insurance coverage for members of commissions, committees, or similar bodies to meet the cost of medical or dental treatment of an emergency nature which becomes necessary during a period of service to the organization but which would not be connected with a service-incurred injury (for which compensation would already be payable under the rules recommended above), on the understanding that coverage paid for by the United Nations would be provided only to the extent that the affected person is not otherwise covered by an insurance or compensation scheme.
