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***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***

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CONTENTS

<i>Article</i>	<i>Page</i>
1. Applicability	1
2. Principles of award	1
3. Claims against third parties	2
4. Non-assignment	3
5. Death	3
6. Survivor's benefits	4
7. Injury or illness	4
8. Conditions governing continuance of daily subsistence allowance for commission members entitled to compensation under these rules	5
9. Place and time for entering claims	6
10. Type and degree of disability	6
11. Medical evidence	6
12. Documentary evidence	6
13. Advisory Board on Compensation Claims	6
14. Reporting of death, injury or illness of a commission member at Headquarters	7
15. Reporting of death, injury or illness of a commission member at established offices away from Headquarters	7
16. Reporting of death, injury or illness of a commission member at a mission or conference	8
17. Official travel and other cases	8
18. Alternate to principal secretary of commission or committee ...	9

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

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.¹

(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.

¹ In accordance with the provisions of General Assembly resolution 34/233, section VI, these rules shall apply to members of all commissions, committees and similar bodies listed in annex A of ST/SGB/107/Rev.4 in respect of which the United Nations pays daily subsistence allowance or annual remuneration and any such bodies as may be in future certified by the Secretary-General as falling into such category.

(b) Without restricting the generality of paragraph (a), death, injury or illness of a commission member shall be deemed to be attributable to service as a member of the commission in the absence of any wilful misconduct or wilful intent when:

- (i) The death, injury or illness resulted as a natural incident of performing official functions as a member of the commission; or
- (ii) The death, injury or illness resulted from any accident at the commission member's place of work if his presence there was connected with his official functions as a member of the commission; or
- (iii) The death, injury or illness resulted from an accident sustained by a commission member while on the direct route to or from his residence while serving as a member of the commission and the place where his presence was required in order to perform official functions as a member; or
- (iv) The death, injury or illness was directly due to the presence of the commission member in an area involving special hazards to the member's health or security, and occurred as the result of such hazards, and his presence there was required for the performance of his official functions as a member; or
- (v) The death, injury or illness occurred as a direct result of travelling by means of transportation furnished by or at the expense or direction of the United Nations in connexion with the performance of official functions;

(c) All payments made under these rules shall be made to and for the benefit of the person entitled to such an award by virtue of these rules. The Secretary-General may require the appointment of a guardian where the person entitled to payment is a minor;

(d) The compensation payable under these rules shall be the sole compensation to which any commission member or spouse or dependants of a commission member shall be entitled from the United Nations in respect of any claim falling within the provisions of these rules;

(e) Except as otherwise specified, the principles applied in the implementation of appendix D to the Staff Rules governing compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the United Nations shall be used in the implementation of these rules, as appropriate.

Article 3. Claims against third parties

(a) If a death, injury or illness for which compensation may be awarded under these rules is caused in circumstances which, in the opinion of the Secretary-General, create a legal liability in a third person to pay damages therefor, either to the commission member or to another person who is entitled to compensation under these rules in respect of the death, injury or illness, the Secretary-General may, as a condition to granting such compensa-

tion, require the member of the commission or such person to assign to the United Nations any right of action to enforce such liability, or to participate with the United Nations in prosecuting such action;

(b) The commission member or such person shall furnish the United Nations with such data and evidence as may be available to him for prosecuting such action and render the United Nations all other assistance which may be required for prosecuting such action. The commission member or such person shall not settle any claim or action against such third person without the consent of the United Nations, but the United Nations shall be entitled to settle or require the commission member or such person to settle any claim or action against such third person upon such terms as seem reasonable to the United Nations;

(c) If the commission member or such person, or the commission member or such person and the United Nations prosecute to judgement or settle any claim against such third person or make any settlement of such claim, the proceeds derived therefrom shall be used (i) to defray the costs of the suit or settlement, including reasonable attorney fees, and (ii) to reimburse the United Nations for any compensation including expenses of medical services provided under these rules with respect to the death, injury or illness. The balance, if any, shall be paid over to the commission member or such person and the United Nations liability under these rules shall to that extent be reduced.

Article 4. Non-assignment

A person who may be entitled to compensation under these rules may not assign his rights under these rules to another person.

Section III. Compensation payments

Article 5. Death

In the event of the death of a commission member, or of a former commission member, which is attributable to service as a member of the commission, the United Nations shall pay:

(a) A reasonable amount for the preparation of the remains and funeral expenses;

(b) The expenses of return transportation of the deceased commission member either:

- (i) To the place where the Organization would have had an obligation to return the commission member upon completion of his service as a member of the commission; or
- (ii) To another place provided that the maximum expense borne by the United Nations shall not exceed the amount under subparagraph (i);

(c) All reasonable medical, hospital and directly related expenses incurred by the commission member, and which are not reimbursable from insurance or other sources.

Article 6. Survivor's benefits

In the event of the death of a commission member, or of a former commission member, which is attributable to service as a member of the commission, benefits shall be payable in accordance with the following guidelines:

(a) Compensation in the amount of \$100,000 shall be paid as hereinafter provided:

- (i) If the commission member leaves surviving a spouse and/or dependent children;
- (ii) If the commission member does not leave a spouse or dependent children and leaves surviving a dependent parent or a dependent parent and a dependent brother or sister.

(b) Compensation in the amount of \$50,000 shall be paid if the commission member does not leave a spouse or dependent child or dependent parent and leaves surviving a dependent brother or sister;

(c) If the deceased commission member leaves more than one spouse surviving, then the amount payable to this category of persons shall be divided equally among the spouses;

(d) A dependent child shall mean an unmarried child under the age of 21 years;

(e) A dependent parent shall mean a parent who had been dependent upon the commission member for at least one half of his or her financial support at the time of the member's death;

(f) A dependent brother or sister shall mean an unmarried brother or sister under the age of 21 years who had been dependent upon the commission member for at least one half of his or her financial support at the time of the member's death;

(g) In the interest of fairness and equity, normally any amount payable under this article shall be divided equally among those persons of the same degree of relationship to the deceased; where the degree of relationship is different, or whenever the Secretary-General deems it appropriate, he may, in his discretion, make a different apportionment of the amount payable.

Article 7. Injury or illness

In the event of an injury or illness of a commission member, or of a former commission member, which is attributable to the performance of official functions as a member of the commission, the following provisions shall apply:

(a) The United Nations shall pay all reasonable medical, hospital and directly related expenses incurred by the commission member, and which are not reimbursable from insurance or other sources;

(b) In the case of injury or illness resulting in permanent disfigurement or loss of function, there shall be paid to the commission member a lump sum, the amount of which shall be determined by the Secretary-General on the basis of the schedule set out in paragraph (d) below, and applying, where necessary, proportionate and corresponding amounts in those cases of permanent disfigurement or loss of function not specifically referred to in the schedule;

(c) The payment of lump-sum compensation under paragraph (b) shall be made in addition to any other compensation payable under this article, whether or not the permanent disfigurement or loss of function affects the commission member's earning capacity;

(d) SCHEDULE FOR PERMANENT DISFIGUREMENT
OR LOSS OF FUNCTION

Loss or total loss of use of		Amount
(i)	Both arms or both hands, or both legs or both feet, or sight of both eyes	\$100,000
(ii)	Arm (at shoulder)	60% of (i)
	(at or below elbow)	57% of (i)
(iii)	Hand (at or below wrist)	54% of (i)
(iv)	Thumb	22% of (i)
(v)	Fingers	First (index) 14% of (i)
	Second (middle)	11% of (i)
	Third (ring)	5% of (i)
	Fourth	3% of (i)
(vi)	Leg (with short thigh stump)	40% of (i)
	(at or below knee)	36% of (i)
(vii)	Foot (at or below ankle)	28% of (i)
	Great toe	5% of (i)
	Any other toe	1% of (i)
(viii)	Loss of sight One eye (presuming other is normal)	24% of (i)
(ix)	Loss of hearing	35% of (i)

(e) The total compensation may not in any case exceed that under (d) (i) above.

Article 8. Conditions governing continuance of daily subsistence allowance for commission members entitled to compensation under these rules

The following rules shall govern the payment of daily subsistence allowance to such commission members:

(a) Payment of daily subsistence allowance shall be continued only during such period as the commission member necessarily remains at a location other than his normal place of residence, provided that, subject to subparagraph (c) below, the Secretary-General may, in exceptional circum-

stances, authorize the continuance of daily subsistence payments for such period as he may determine;

(b) In the case of injury or illness involving hospitalization, the commission member will be paid one third of the regular daily subsistence allowance. Where hospitalization is not involved, the normal daily subsistence allowance will be paid in full;

(c) The maximum period during which daily subsistence allowance payments may be continued shall be 52 weeks.

Section IV. Administration and procedures

Article 9. Place and time for entering claims

Claims for compensation under these rules shall be filed with the Secretary of the Advisory Board on Compensation Claims within four months of the death of the commission member or the injury or onset of the illness; provided, however, that in exceptional circumstances the Secretary-General may accept for consideration a claim made at a later date.

Article 10. Type and degree of disability

The determination of the injury or illness and of the type and degree of disability shall be made on the basis of reports obtained from a qualified medical practitioner or practitioners.

Article 11. Medical evidence

(a) The Secretary-General may require appropriate medical evidence, including a medical examination in connexion with a claim under these rules. In case of refusal or failure to submit such evidence the Secretary-General may bar payment of compensation in full or in part.

(b) Whenever the Secretary-General and the commission member or other person claiming under these rules so requests, arrangements shall be made for a medical board to be consulted on the medical aspects of a claim.

Article 12. Documentary evidence

Such documentary evidence as may be required by the Secretary-General for the purpose of determination of entitlements under these rules shall be furnished by the commission member or by others claiming on his behalf.

Article 13. Advisory Board on Compensation Claims

(a) The Advisory Board on Compensation Claims established under appendix D to the United Nations Staff Rules shall make recommendations to the Secretary-General concerning claims for compensation under these rules.

(b) The Advisory Board may be consulted by the Secretary-General on any matter connected with the implementation and administration of these rules.

(c) The Advisory Board may decide on such procedures as it may consider necessary for the purpose of discharging its responsibilities under the provisions of this article.

Article 14. Reporting of death, injury or illness of a commission member at Headquarters.

(a) Deaths which appear to be attributable to service as a member of the commission shall be reported forthwith to the principal secretary of the commission or committee concerned, who shall notify the United Nations Medical Service and the secretary of the Advisory Board on Compensation Claims.

(b) Injuries or illnesses which appear to be attributable to service as a member of the commission shall be immediately reported to the principal secretary and to the United Nations Medical Service. If the commission member is unable to report his injury or illness to the United Nations Medical Service, a report shall be prepared as soon as possible after the occurrence of the injury or illness by the principal secretary of the commission or committee concerned, and forwarded to the United Nations Medical Service.

Article 15. Reporting of death, injury or illness of a commission member at established offices away from Headquarters

(a) In the case of fatal or other serious accidents or illnesses, the principal secretary of the commission or committee concerned shall advise the secretary of the Advisory Board on Compensation Claims by cable of the essential facts of the occurrence. The cable shall be followed by an airmail letter setting out the details.

(b) In addition, in the case of all fatal and other serious accidents, the principal secretary of the commission or committee concerned shall arrange for a board of inquiry, which shall meet as soon as practicable following the accident, and shall investigate and report upon the accident, giving in particular:

- (i) Date, time and place of the accident,
- (ii) Names of all persons present,
- (iii) Details of actual duties being performed at the time of the accident,
- (iv) Reports of witnesses,
- (v) Fullest obtainable medical reports or information,
- (vi) Names of all persons injured, distinguishing between the commission member or members and others,
- (vii) Report of any pending proceedings or actual findings of local courts.

The report of the board of inquiry shall be forwarded to the Secretary-General through the principal secretary of the commission or committee

concerned. Such report shall be accompanied by the comments thereon of the principal secretary. Copies shall be sent to the secretary of the Advisory Board on Compensation Claims.

(c) At the United Nations Office at Geneva, all injuries or illnesses shall be reported to the principal secretary and to the Medical Service which, after rendering first aid and referring the commission member to a medical practitioner if necessary, will report on the injury or illness in accordance with such procedures as may be from time to time prescribed.

(d) At other established offices away from Headquarters where medical services have been arranged, injured commission members will be referred to such services. Where no such arrangements exist, the commission member will be referred to an approved medical practitioner.

(e) In any such case, the commission member shall obtain from the institution or attending medical practitioner detailed billings for services rendered, and a medical report showing diagnosis, treatment and prognosis.

(f) Reports in respect of all such injuries or illnesses which appear to be attributable to service with the United Nations shall be forwarded to Headquarters (attention: Secretary, Advisory Board on Compensation Claims) in such form as may be from time to time prescribed.

Article 16. Reporting of death, injury or illness of a commission member at a mission or conference

In the case of death, injury or illness of a commission member which appears to be attributable to service as a member of the commission which occurs at the location of a mission, session of a commission or committee, the principal secretary of the commission or committee shall follow the procedures prescribed under article 15 above.

Article 17. Official travel and other cases

(a) In all cases possible, the procedures prescribed under article 15 above shall be followed.

(b) In all other serious cases, the commission member or other appropriate person shall communicate with the principal secretary of the commission or committee concerned, the United Nations Office at Geneva, or with the United Nations Headquarters, for instructions.

(c) In all cases of injury or illness, the commission member shall obtain from the institution or attending medical practitioner detailed billings for services rendered, and a medical report showing diagnosis, treatment and prognosis, which shall be transmitted by the commission member through the principal secretary of the commission or committee in making any claim under these rules.

*Article 18. Alternate to principal secretary of
commission or committee*

In any case where the principal secretary of a commission or committee is absent, the administrative officer or other appropriate officer shall perform the duties assigned to the principal secretary under paragraphs 14, 15, 16 and 17 above.

*Article 18. Alternate to principal secretary of
commission or committee*

In any case where the principal secretary of a commission or committee is absent, the administrative officer or other appropriate officer shall perform the duties assigned to the principal secretary under paragraphs 14, 15, 16 and 17 above.

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