

- (b) the liability of the United Nations regarding claims for damages for acts undertaken by members of UNFICYP as a result of operational necessity.

3. The Government of Canada shall reimburse the United Nations for expenses or such agreed portions thereof, incurred by the United Nations in meeting claims in respect of damage (ordinary wear and tear excepted) arising out of occupation by members of the Canadian contingent of property provided by the Government of Cyprus under Article 19 of the Status of Forces Agreement of March 31, 1964. In the event that the damage giving rise to the claim occurred while the premises were occupied jointly by members of the Canadian contingent and members of one or more other contingents of UNFICYP, and the responsibility for causing such damage cannot be determined as amongst those contingents, the liability of the Government of Canada to reimburse the United Nations under this paragraph shall be limited to that proportion of the total amount of the damage that the number of members of the Canadian contingent bears to the total number of members of UNFICYP occupying the premises with regard being had also to the length of occupancy of the various contingents. The responsibility of the Government of Canada set out in this paragraph does not extend to claims against the Canadian contingent arising out of operational orders of the United Nations Commander or to claims against Canadian personnel assigned to the United Nations Force Headquarters in Nicosia.

4. (a) Although payment thereof shall be subject to the availability of funds in the UNFICYP Special Account, the United Nations shall reimburse the Government of Canada for all indemnities paid and expenses incurred by the Government of Canada, based on its national laws and regulations, as a result of the death or injury of a member of the Canadian contingent of UNFICYP, whether he is serving with his contingent or assigned to the United Nations Forces Headquarters, where such death or injury was caused by tortious acts or omission of—

- (i) a member of another participating contingent
- (ii) a person (other than a member of the Canadian contingent) assigned to the United Nations Forces Headquarters, or
- (iii) a third party.

- (b) The United Nations shall not be liable to reimburse the Government of Canada with respect of deaths of or injuries to members of the Canadian contingent caused as a direct result of specific operational orders of the UNFICYP Commander.

Procedures

5. Upon receipt of claims against members of the Canadian contingent, UNFICYP Claims Office shall investigate the facts relating thereto with the co-operation of the Commander of the Canadian contingent. The UNFICYP Claims Office shall consider the claim and assess the compensation to be paid to the claimant and shall submit all data and recommendations thereon regarding liability and amount of compensation to the Commander of the Canadian contingent. The UNFICYP Claims Office and the Commander of the Canadian contingent shall then agree on whether the claimant is entitled to payment and the quantum of compensation. Where the agreed sum of compensation does not exceed £500 Sterling, UNFICYP, after obtaining a general release from the claimant, shall make the necessary payment and debit the Govern-