


CANADA



EXCHANGE OF NOTES BETWEEN CANADA AND THE UNITED NATIONS CONCERNING THIRD PARTY CLAIMS ARISING OUT OF ACTS COMMITTED BY MEMBERS OF THE CANADIAN CONTINGENT WITH UNFICYP

I

The Secretary-General of the United Nations to the Permanent Representative of Canada

25 March 1970

SIR,

I have the honour to refer to the exchange of letters dated 21 February 1966⁽¹⁾ between the United Nations and the Government of Canada constituting an agreement concerning the participation of a Canadian contingent in UNFICYP and in particular to paragraph 12(b), providing for the conclusion of Supplementary Agreements relating to the settlement of claims arising out of acts committed by members of the contingent within or outside the scope of their official functions.

I am pleased to inform Your Excellency that the United Nations is prepared to conclude an Agreement with respect to this matter as follows:

Principles

1. (a) The Government of Canada shall reimburse the United Nations for all expenses incurred by the United Nations in meeting claims by third parties settled in accordance with the procedures outlined below and which are in respect of tortious acts of members of the Canadian contingent when such acts occur on duty periods either in the course of the performance of their official functions or outside the course thereof, or during off duty periods.
- (b) Notwithstanding the provisions of sub-paragraph (a), the Government's responsibility for reimbursement shall not extend to claims—
 - (i) arising directly out of specific operational orders of the UNFICYP Commander; or
 - (ii) involving members of the Canadian contingent assigned to United Nations Forces Headquarters except that the Government will, pursuant to the undertaking given under Paragraph 12(a) of the agreement of February 21, 1966, use its best efforts to secure the settlement of claims against the said members arising out of tortious acts committed outside the scope of their official functions or during off duty periods.
2. Nothing in this supplementary agreement is intended to imply in any way:
 - (a) the liability of the Canadian Government regarding claims for damages resulting from acts undertaken by members of its contingent except for the responsibility to reimburse the United Nations in respect of those claims described in Article 1;

⁽¹⁾ Treaty Series 1966 No. 4.