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COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision concerning the expedited payment of United Nations Compensation Commission claim number 4002126 taken by the Governing Council of the United Nations Compensation Commission at its 150th meeting, on 8 December 2005

The Governing Council,

Having considered the request made by the Government of the United Kingdom of Great Britain and Northern Ireland at the fifty-sixth session of the Governing Council in June 2005 concerning payment of claim number 4002126, filed by Syndicate No. 1131 at Lloyd's, in the light of the information provided by the claimant and the secretariat at the fifty-sixth and fifty-seventh sessions on the circumstances surrounding the filing of this claim,

Noting that the secretariat and representatives of the Government of the United Kingdom held discussions in December 1993 and January 1994 regarding the most administratively sound procedure for filing the claim in order to avoid the necessity of thousands of nearly identical claims being submitted by individual syndicate members and to reduce the administrative burden on the Commission, the secretariat conveyed its preference that losses in connection with insurance coverage provided to Kuwait Airways be consolidated and filed by Lloyd's as a single consolidated claim rather than as 67 managing agent and 15 insurance company claims,

Noting also that claim number 4002126 was thus filed as a consolidated claim in the name of Syndicate 1131 at Lloyd's,

Recalling that pursuant to articles 38 (a) and (b) of the Provisional Rules for Claims Procedure (S/AC.26/1992/10), the Governing Council encouraged the adoption of consolidation and other administrative procedures to facilitate the resolution of nearly 2.7 million claims filed with the Commission,

Recalling also that pursuant to decision 163 (S/AC.26/Dec.163 (2002)), the Governing Council approved an award of compensation for claim number 4002126 in the amount of US\$186,210,965,

Noting that claim number 4002126 has received \$55 million and has been in a holding pattern as regards the balance owing since the last payment was made in April 2003,

Noting also that at the time of filing, the secretariat and the claimants were not aware that the consolidation would have consequences regarding the payment of the claim and that had separate claims been filed rather than a consolidated claim, the claimants would have been paid in full by mid-2003,

Having concluded that this consolidated claim, in effect consists of 82 claims, comprising 67 managing agent and 15 insurance company claims,

Having concluded also that expediting payment of this claim will not significantly alter the timing of payments to other claimants being paid through the current temporary payment mechanism.

1. Decides that, for the purposes of computing payment only, this claim shall be considered as 82 separate claims of managing agents and insurance companies and that the unpaid amounts be paid in future rounds of payment with the other claim awards being paid in accordance with decision 197 (S/AC.26/Dec.197 (2003)), as extended by decision 227 (S/AC.26/Dec.227 (2004)), and decision 253 (S/AC.26/Dec.253 (2005)).

2. Reaffirms that when funds become available, payment shall be made in accordance with decision 256 (S/AC.26/Dec.256 (2005)) and that the provisions of decision 18 (S/AC.26/Dec.18 (1994)) regarding distribution of the payment, will continue to apply.
