

KINGDOM OF MOROCCO

LOSS AND DAMAGE OF CONTINGENT OWNED EQUIPMENT DURING TRANSIT

1. ISSUE PAPER THEME: Major Equipment

2. SUMMARY

During the first deployment into the mission area or while repatriation of Contingent Owned Equipment, liability for loss or damage during the process of transportation is to be assumed by the party arranging the transportation. Loss or damage incurred during transportation is reimbursable only when significant damage occurs to contingent owned equipment during transportation arranged by the United Nations. Significant damage is defined as damage in which the repairs amount to 10 per cent or more of the GFMV of the item of equipment.

3. BACKGROUND

During the repatriation of equipment belonging to the Moroccan contingent which was deployed within MONUSCO in Democratic Republic Congo, Major Equipment of engineering categories have incurred many damages especially for Generators, but the compensation didn't cover all the damages except those representing loss and damages that amount to 10 per cent of the generic fair market value of the concerned equipment; whereas all other damaged generators have not been indemnified for, and it's the responsibility of the P/TCC.

4. DETAILED PROPOSAL

Given that only significant damages amounting to 10 per cent of the "GFMV" which are indemnified for and considering the costs incurred by the P/TCC. It is proposed to amend Chapter 6, Paragraph 5 (p. 145/271) and chapter 9, paragraph 23 (p. 214/271) of the 2020 COE Manual as follows:

5. Loss or damage incurred during transportation is reimbursable only when significant damage occurs to contingent-owned equipment during transportation arranged by the United Nations. Significant damage is defined as damage in which the repairs amount to ~~10 per cent or more~~ **5 per cent or more** of the generic fair market value of the item of equipment, **and on a cumulative basis of all the damaged equipment and not separately.**

23. Liability for loss or damage during transportation will be assumed by the party making the arrangements. Liability for damage only applies to significant damage. Significant damage means damage where the repairs amount to ~~10 per cent~~ **5 per cent** or more of the generic fair market value of the item of equipment.