



# AUSTRALIA



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**UN GENERAL ASSEMBLY  
SIXTH COMMITTEE**  
16 October 2015

## **Agenda item 80: Criminal accountability of United Nations officials and experts on mission**

**Statement by Senator Barry O'Sullivan**

(Check against delivery)

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Mr/Madam Chair

I have the honour today of speaking on behalf of Canada, New Zealand and my own country, Australia, together known as 'CANZ'.

CANZ recognises the dedicated and courageous work of the tens of thousands of UN personnel in the field who every day protect civilians, deliver humanitarian assistance, assist societies to rebuild, and support development. We recognise that the UN officials and experts on mission who commit crimes in the course of their work are very small in number compared to the many who are striving to carry out the UN's work in

accordance with the highest possible standards – often at great risk to their personal safety.

We also recognise, however, that the deplorable acts of a few call the reputation, credibility, impartiality and integrity of the UN into question.

The failure, moreover, to hold those few to account for their crimes risks tarnishing relations between the UN and the local population in the host country. It risks failing those the UN is mandated to protect. And this in turn risks undermining both the success of the operation and the UN's wider efforts to promote the rule of law, security, development and human rights.

For these reasons, CANZ is deeply concerned by both reports in the last year of criminal conduct within UN missions, particularly allegations of sexual exploitation and abuse, and the ongoing failure to close the impunity gap.

Mr/Madam Chair

We welcome the Secretary-General's Report on this item and note that during the reporting period, the Office of Legal Affairs referred 22 cases to States of nationality for investigation and possible prosecution. We welcome the Secretary-General's advice as to the UN's readiness to cooperate with national law enforcement authorities. Separately, we commend the Secretary-General for taking a strong stance against sexual exploitation and abuse by peacekeepers.

We note the efforts of Member States to establish jurisdiction for serious crimes committed by their officials and experts on mission and commend those States which have acted to ensure that their nationals can be, and when necessary are, investigated and prosecuted.

Member States clearly have the primary responsibility for investigating and prosecuting crimes committed by UN officials and experts on mission. We call on States to report to the UN on the progress and outcome of efforts undertaken to investigate and prosecute such crimes in a timely manner. And we encourage Member States to help build the capacity of domestic jurisdictions to undertake such investigations and prosecutions.

Of course, prevention is better than a cure. Training is critical to prevention. CANZ States support the training and education of soldiers and police in our respective regions so they may contribute fully and effectively to peacekeeping operations.

Going forward, we encourage the Secretary-General to ensure that referrals to States of nationality are followed up by the UN on a regular basis, and at a senior level, to ensure that the UN is doing what it can to encourage States to meet their responsibilities.

We also urge the Secretariat to draw from lessons learned in relation to the allegations of sexual exploitation and abuse in the Central African Republic that surfaced this year and stress the need for full and appropriate reporting within the UN system. It was deeply regrettable that these allegations only

came to light as a result of external actors. A robust reporting system of course requires the implementation in full of the Secretary-General's Bulletin on Protection against retaliation for reporting misconduct, the importance of which we underline.

We must not forget that crimes committed by UN officials and experts on mission have victims, often the very people the UN is charged to protect. The needs of such victims must not be overlooked. Better information-sharing – on the part of both States and the UN – on actions taken to hold those responsible to account is a critical starting point.

Mr/Madam Chair

Finally, we note that, in principle, CANZ supports the proposal for a convention that requires Member States to exercise criminal jurisdiction over their nationals participating in UN operations abroad. We recognise this proposal has been dormant for some years, but it is CANZ's hope that the re-convened Working Group in the current session will reinvigorate these discussions. We hope this year's Working Group can have a substantive discussion about the key issues raised in the reports of Ad Hoc Committee and the Group of Legal Experts.

It would also be useful, both for this Committee and other parts of the General Assembly, to have greater clarity of the scope and scale of allegations against different types of UN personnel and what subsequent actions have been taken either by the UN or national authorities. We think a

clear and comprehensive picture of the problem would be beneficial and should be pursued alongside efforts in this Committee to address the substantive legal questions.

CANZ is ready to consider afresh how we can ensure that the deplorable acts of a few do not tarnish the vital work done by the balance of UN personnel.

Thank you.