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Agenda item 80:

Criminal Accountability

Statement by Denmark, Finland, Iceland, Norway and Sweden

Delivered by H.E. Ms. May-Elin Stener
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Mr. Chair,

I have the honour to speak on behalf of the five Nordic countries: Finland, Iceland, Sweden, Denmark, and my own country, Norway.

The vast majority of UN experts and officials on mission take risks in order to serve a better cause, and make personal sacrifices in order to further the common interest of the Member States of the UN.

However, a very few among them, as will be the case with a few individuals in all groups, commit serious crimes while on mission. While in some cases, allegations of such crimes have received broad media coverage, this has not always been the case.

(Check against delivery)

Whether these cases are made known to the public or not, the impression of an impunity gap remains a serious problem in the relationship between the UN and local communities, and for the overall credibility of the organization.

Mr. Chair,

We would like to thank the Secretary-General for his informative report under this agenda item (A/70/208), which provides information on the number of cases brought to the attention of the States of nationality of the alleged perpetrators. However, as last year, we note with concern that the UN has received few responses from States indicating how allegations have been followed up in their domestic jurisdictions.

In the 12-month period covered by the report, the cases of 22 officials and experts on mission for the UN have been brought to the attention of sending States for investigation and possible prosecution. Two of these are related to very serious allegations concerning the sexual abuse of minors. In only 10 of the 22 cases have States provided information on the follow-up of the cases. Even this is an improvement from last year, when no information from sending States was reported at all.

Still, it is an issue of grave concern that an overview of the reports since 2007 shows that as many as 84 cases of criminal conduct by UN experts on mission have been brought to the attention of sending States, while feedback from States on their follow-up has been provided in only 15 of the cases.

In the light of these numbers, we draw attention to the clear language of the recent report of the High-Level Independent Panel on United Nations Peace Operations, delivered on 16 June this year. The Panel pointed to the fact that even ten years after the UN began systematically

to address the issue of sexual exploitation and abuse in peacekeeping operations, serious deficiencies persist.

Furthermore, the current system for how the Secretariat is to follow up Member States regarding disciplinary or legal action taken in such cases was described as 'weak'. As a consequence of this, the Panel recommended that 'Member States must report to the Secretariat, on a proactive, timely and systematic basis, on the status of investigations, including prosecution and disciplinary actions taken', adding that '[t]he Secretariat should include this information, by contributing country, in the Secretary-General's report, noting any failure to report' (paragraph 265).

Based on the clear language of the High-Level Panel and the lack of information provided in recent years, the Nordic States find that the time is ripe for strengthening the language of the resolution on this matter, in line with the recommendations of the Panel's report.

The resolution should request that Member States provide information to the Secretariat on the follow-up of referred cases in their national jurisdictions. Preferably, such information should relate not only to cases referred in the year of the report, but also to those referred in previous years.

In order to introduce a much-needed incentive for giving priority to cases of this kind within national jurisdictions, it is now also time for the Secretary-General's report to identify those States that do not provide information on steps taken within their national jurisdictions in reported cases of alleged misconduct.

We look forward to further deliberations on this matter in the context of the Working Group.

Mr. Chair,

This year, the continued consideration of the 2006 report of the Group of Legal Experts, in particular its legal aspects, has been put on our agenda. The report considered a number of measures, and included a proposal on a draft convention on criminal accountability for UN experts on mission.

The Nordic States are, in general, positive to the development of an international, legally-binding convention to ensure that criminal conduct is addressed. At the same time, we are mindful of the many normative issues that would have to be considered in this respect, including those addressed by the Group of Legal Experts. If a convention on this matter is realistically to be developed, it would be important to ensure openness and inclusiveness in all relevant aspects.

In principle, we would therefore support the establishment of an inter-session ad hoc committee or similar through this year's resolution, which could consider the specific content of a convention of this kind, and report back to the 71st session of the General Assembly. However, we are open to any input from other delegations on this matter.

Mr. Chair,

The final, but important points to highlight on behalf of the five Nordic countries, relate, first, to the protection of UN officials and experts from retaliation in cases where they report allegations of crimes of a serious nature committed by colleagues.

We thank the Secretary-General for highlighting this issue in his report, which emphasizes the existing framework for protection against retaliation under the staff regulations, rules and relevant administrative issuances of the UN.

Second, we would like to stress that investigations of allegations of crimes committed by UN officials and experts on mission should be made by experienced and professional investigators, in accordance with human rights and other relevant standards.

We also take this opportunity to urge all States to cooperate with each other and with the UN whenever allegations of serious crimes are revealed.

Thank you.