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Sixth Committee

Agenda item 75:  
**Criminal Accountability**

Statement by Denmark, Finland, Iceland, Norway and Sweden

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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.

It is now 10 years since the issue of criminal accountability of UN experts and officials was first put on the agenda of the Sixth Committee. The importance of the issue has not diminished during those 10 years. It is now paramount that both the UN and its Member States display a zero tolerance policy for crimes committed by UN staff and experts on mission.

(Check against delivery)

As an organisation, the UN has taken important and timely steps during the past two years. In particular, we would like to highlight the establishment this year of the Office of the Special Coordinator on improving the United Nations' response to sexual exploitation and abuse. We commend the UN for this development, which will support the ongoing efforts of the Secretary-General to strengthen the UN's response to sexual exploitation and abuse. But there is still a long way ahead before the UN has fully implemented a zero tolerance policy.

However, we must be clear about where the primary responsibility for addressing this issue lies: with the national jurisdictions of contributing countries. States must ensure or establish jurisdiction for serious crimes committed by their nationals serving as UN officials or experts on mission. In this respect, we encourage all Member States to submit relevant information to the Secretariat on the status of their domestic laws on this matter, in accordance with paragraphs 22 and 23 of resolution 70/114.

Mr Chair,

Cooperation between the UN and contributing countries is crucial for achieving improvements in this field. Training and awareness-raising are key to building and upholding a culture whereby impunity for crimes committed on mission for the UN is unacceptable, and where individuals are encouraged by the organisation to report alleged crimes. However, Member States must also have national legislation in place to enable them to investigate crimes and prosecute perpetrators. The General Assembly has urged Member States and relevant international organisations to provide technical and other appropriate assistance in developing legal measures to Member States requesting such support.

However, to provide an incentive for Member States to make the necessary legislative amendments, additional measures should be considered.

The Nordic countries would therefore like to suggest the development of a policy on minimal requirements for states that contribute officials and experts to UN missions. An essential requirement should be that all contributing countries have relevant jurisdiction in place in order to be able to investigate and prosecute potential crimes committed by their personnel when serving abroad. The Nordic countries also remain ready to consider a proposal for a comprehensive international legal framework to ensure that criminal conduct is addressed.

Mr Chair,

We thank the Secretary-General for the informative report that has been submitted under this agenda item (A/71/167). This year, the Secretary-General's report contained an overview of cases referred to Member States since 1 July 2007, including information received from Member States on their follow-up of cases.

The report shows that of the 89 cases referred to Member States, States have only provided information to the Secretary-General on their follow-up in their national jurisdictions in 16 instances. This illustrates a general tendency over the past nine years not to handle these cases adequately. However, the Nordic countries consider the lack of feedback during the most recent reporting period, 2015-2016, to be an even greater cause for concern. Of the 18 referred cases, including instances of alleged corruption or fraud, sexual abuse of adults, sexual exploitation and abuse of a minor, theft, entitlement fraud and physical assault, feedback from the State in question was only provided in one instance. This is wholly unacceptable.

Currently, the wording of the resolution precludes the inclusion in the report of information concerning which Members States have – and even more importantly, which Member States have not – provided any feedback to the Secretary-General on the follow-up of cases.

We therefore call for the wording of the resolution to be amended so that this information can be included. Ensuring accountability for those who commit crimes while serving as UN experts and officials is important. The very credibility of the UN is at stake. We cannot accept anything less than full transparency regarding Member States' willingness and ability to hold their own nationals accountable for crimes committed while in service for the UN.

Mr Chair,

Finally, the Nordic countries underline that all Member States must uphold the principles of due process and rule of law while investigating and prosecuting cases within this segment. It is equally important to ensure the effective protection of victims, witnesses and whistleblowers.

Thank you.