



New Zealand Permanent Mission to the United Nations

Te Māngai o Aotearoa

UNGA 72: Sixth Committee Criminal Accountability of United Nations Officials and Experts on Mission (Agenda Item 78)

Statement on behalf of Canada, Australia and New Zealand (CANZ)

Delivered by Kate Neilson, Legal Adviser

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I have the honour today of speaking on behalf of Canada, Australia and New Zealand.

United Nations officials and experts on mission play an important role in creating the conditions for lasting peace. Every day tens of thousands of individuals from countries across the globe are engaged in protecting civilians, supporting development, delivering humanitarian assistance and helping to rebuild societies, all in the name of the United Nations. These people are trusted to use their positions of relative power to assist thousands of the most vulnerable people in the world. CANZ commends this admirable work.

However, the deplorable acts of a few, and the failure to hold them accountable, intensifies and proliferates the suffering of the people they are charged to protect. It undermines the reputation, credibility and integrity of UN Missions and the United Nations as a whole.

Despite discussing this issue for eleven years now, we have yet to see significant change. Sexual exploitation and abuse, corruption, fraud and other financial crimes remain far too common. We note that this year, 35 allegations have been referred to Member States for investigation – the greatest number of referrals per annum so far. We would be interested in advice as to whether this increase is due to a greater number of alleged crimes, or reflects improvements in the referral processes. Regardless, we are conscious of the fact that a number of UN officials and experts on mission have benefitted from near total immunity because of the failure of both Member States and the Secretariat to develop adequate accountability processes.

CANZ thanks the Secretary-General for the reports provided this year. We commend the compilation of relevant policies and procedures of the United Nations system. We think it would be useful for further analysis to be undertaken to assess how these policies and the interaction between them can be improved. It is also useful to have the updated table of national provisions regarding the extraterritorial jurisdiction of Member States over their nationals for relevant criminal offences. We would encourage all Member States to contribute to this table so that we have a clearer idea of where gaps remain.

Although we find these reports useful, we stress that we need to make better use of these resources. To get the best value out of these reports we must give the Secretary-General a greater mandate to take action on the basis of the information collected.

While we recognise that the territorial State and the State of the nationality of any victims may have jurisdiction, it is the State of nationality of the perpetrator that has the primary responsibility to investigate and prosecute credible allegations of criminal misconduct by UN officials and experts on mission. We urge Member States that have not yet done so to consider establishing jurisdiction over serious crimes committed by their nationals while serving as UN officials or experts on mission. We stress that all Member States should investigate allegations of criminal conduct by their nationals, cooperate with other Member States in these criminal matters, hold perpetrators to account and take preventative steps, including pre-deployment training and screening. We also

encourage States to provide advice on any obstacles to effective prosecution they may encounter, whether jurisdictional, evidentiary or otherwise.

If our commitment to the rule of law is to be more than rhetoric, the UN and its Member States must lead by example. We encourage the international community to hold individuals to account for the deplorable criminal conduct that undermines the work of the United Nations. We therefore support, in principle, the proposal for a convention that would require Member States to exercise criminal jurisdiction over their nationals participating in UN operations abroad. We would welcome further discussions on the feasibility of such a convention.

In closing the impunity gap, it is important that Member States and the UN develop a culture in which individuals are encouraged and supported to report alleged crimes, and appropriate safeguards against retaliation are established.

Finally, CANZ reiterates the call for the continued implementation of the zero-tolerance policy. No one, including UN officials and experts on mission, who are the "face" of the United Nations to the world, should be above or outside the law.

Thank you.