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UNITED STATES MISSION TO THE UNITED NATIONS

Statement by the United States
72nd General Assembly Sixth Committee
Agenda Item 78: Criminal Accountability of United Nations Officials and
Experts on Mission
Emily Pierce, Counsellor
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Thank you, Chair.

The critical issue of criminal accountability for UN officials and experts on mission goes to the heart of the credibility of the United Nations in carrying out its essential work around the world, as well as to the public's confidence in its ability to protect and serve. The United States reiterates its firmly held belief that UN officials and experts on mission should be held accountable for the crimes they commit.

The history of this agenda item is well known in this chamber. Years ago, in the wake of shocking allegations of sexual exploitation and abuse by UN peacekeepers, the General Assembly issued a call for a zero tolerance policy and began a discussion of criminal accountability. In his first 9-plus months in office, the Secretary-General has demonstrated strong leadership in addressing the scourge of sexual exploitation and abuse within the Organization, prioritizing the dignity of victims and promoting transparency, accountability, and prevention efforts. We appreciate the Secretary-General's February 2017 report, which outlined a new approach to accomplishing these protection endeavors, as well as the efforts of Member States, the Security Council and the General Assembly to maintain prioritization of this issue. We look forward to continuing to engage with the all facets of the UN on implementing reforms.

While this agenda item originated in those allegations of sexual exploitation and abuse committed by peacekeeping troops, our work necessarily takes a broader view both in scope of criminal activity and across the whole of the United Nations. It is noteworthy that of the 20 referrals made to the UN in 2017, as outlined in Annex I of the Secretary-General's report A/72/205, only two of them related to allegations of crimes involving sexual exploitation and abuse. Similarly, of the 27 referrals made in 2016 identified in the same annex, only two of those involved allegations of crimes involving sexual exploitation and abuse. We must not lose sight of the need to promote accountability for all crimes committed by UN officials and experts on mission, including financial and other crimes, like fraud, corruption, and theft.

The United States thanks the Secretariat, in particular the Office of Legal Affairs, for its three reports on this important topic. We appreciate in particular the demonstrated efforts OLA has made to implement the General Assembly's request for more follow up with member states to which referrals of criminal allegations have been made when no response has been received. In several recent cases identified in Annex 1 to A/72/205, such additional efforts appear to have made a difference, prompting states to respond. In addition, we consider Annex II, which contains information on notifications received from states with respect to investigations or prosecutions of crimes allegedly committed by UN officials or experts on mission, a positive step towards enhanced transparency on the scope of the issues that this Committee is studying.

The Secretary-General's report A/72/121, compiling information from across the UN system relating to policies and procedures regarding credible allegations that reveal that a crime may have been committed by UN officials or experts on mission, paints a complex picture that even a well-trained lawyer may find challenging to navigate, let alone the person in a remote village who is trying to report and follow up on allegations of fraud or corruption. We look forward to discussing with delegations possibilities for promoting the enhanced clarity and coherence of these policies and procedures across the United Nations to improve efficiency, transparency and reduce redundancies, if any.

In his latest report on special measures for sexual exploitation and abuse, the Secretary-General again encouraged member states to discuss creation of an international convention to address any jurisdictional gaps that might prevent member states from seeking criminal accountability for actions by their nationals while serving the UN. The United States remains open to consideration by this Committee of whether a convention could play a useful role in closing legal gaps, particularly jurisdictional gaps that may prevent accountability for serious crimes by UN officials and experts on mission. In this regard, we recognize the continued efforts of the Secretariat in compiling the jurisdictional information submitted by Member States. We believe this information should aid this Committee in its consideration of an international convention, although we note that more information is still needed from Member States in order to have a well-informed discussion, in particular about the domestic laws of those Member States who have said they face legal challenges to holding their nationals to account for criminal acts committed while serving with the UN abroad.

As we look toward the further consideration by this Committee of the report of the Group of Legal Experts next year in the 73rd session, it is important that this Committee have a full picture of obstacles in the domestic legal landscape so that we may more deeply consider the possible impact and form of a potentially legally-binding instrument. Having a better understanding of the scope and nature of the issue would also help the Committee to examine other approaches or solutions that may be more effective in addressing obstacles to accountability in UN missions.

Thank you.