

**Forum:** General Assembly 6

**Issue:** Criminal accountability of United Nations officials and experts on missions

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## Introduction

The United Nations is there to promote international cooperation. When founded they committed to maintain international peace and security, develop friendly relations among Nations, promote social progress and to promote better living standards and human rights. However, the problem is that the many UN officers have unfortunately not stuck to their promises. These officers consistently have many crimes reported every year and still till this day this issue hasn't been solved. The members of the United Nations play a vital role in our lives and many people rely on them to uphold the highest standards while conducting their missions. The current rules of the UN states that criminal misconduct which get reported against the UN members cannot be prosecuted hence the problem still continues- all disciplinary measures are as yet administrative and not criminal. Sadly, due to such behaviour conducted by the Officers, people have slowly started to lose trust in the United Nations. This has made it difficult for the UN to carry of their missions. Many attempts have been made by the UN to solve this issue but despite all that this issue still remains as it is because of many disagreements on the solutions that are being raised. This issue needs to be solved sooner or later or else it can permanently affect the UN in a negative way.

## Definition of Key Terms

### International cooperation

Common goals or interests pursued by the interactions of an individual or group of people that represent various Nations.

### International peace and security

Effective measures taken by the UN to prevent/remove threats to peace or suppression of acts of aggression or other breaches of peace.

### **Human rights**

rights (for eg: civil and political rights or economic, social and cultural rights) that are believed to belong to every single human in the world no matter who they are and where they live

### **Criminal misconduct**

Any type of improper behaviour (such as assault or fraud) which results in a violation of a law and falls under the category of misdemeanor or felony.

### **Disciplinary measures**

This is generally applied to employers and are measures taken against an employee which is more likely to commit a crime deliberately and can possibly be corrected.

### **Administrative measures**

This is also generally applied to employees and are measures taken upon the employee for their unwanted behaviour that are not voluntary or deliberate.

## **Background Information**

There has been a growth in the number of peacekeeping operations, meaning that there has been an increasing population of UN members. During their missions, there have been several accusations against many of the United Nations Officers for taking an active role in serious criminal offenses. Crimes committed include sexual abuse, sex-trafficking, forcing children into prostitution and etc. This discussion of the UN committing crime by the international communities is gradually increasing and hence many responses have been coming from the UN, which has escalated this issue.

There has been a resolution about the criminal accountability that was adopted by the General Assembly in December 2007 but many Nations had disagreed upon this resolution even after acknowledging the fact that this is a serious issue that needs to be solved. Research shows that only a fifth of all the allegations made against the UN have been investigated which is not much knowing that many UN officers continue to commit offenses without being punished. Every state has different approaches to combat this issue which has caused a problem because there isn't any unified response.

Hence this is one of the reason for why multiple resolution passed on this issue whilst rates of disciplinary action have remained low.

in 2016, UN Peacekeepers were sent to South Sudan to help with its political process. However, there was suddenly a conflict that had struck between the society which had left the Nation unstable for quite some time. This outbreak of fighting had left more than 300 civilians dead but where were the UN when their job was to ease the tension? They had left their all their posts without helping the Nation and worse of all they left their weapons and ammunition behind which helped the fight even worsen. Moreover, there have been many other accusations brought up by international communities, including areas such as South Sudan, Haiti, Central African Republic, and Liberia, about sexual exploitation and the abuse of civilians by the United Nation Peacekeepers whilst on their mission. This problem still continues till this day leaving many people to lose trust in the United Nations.

In addition, due to a growing number of UN officials being hired, it's quite difficult to train them properly hence the reason more laws are getting violated by these officers. This has led to International Communities slowly losing trusting in the UN and are now against countless actions taken by the United Nations. The two most common violations committed are sexual abuse of minors/adults or cases that involve corruption and fraud. These are the toughest violations to investigate because when there is an investigation on corruption then the opposition parties that are involved in this are less likely to confess. Additionally, if there is a violation of sexual abuse then the victim is usually traumatized after being abused hence finding it difficult to defend themselves. Most of the crimes committed are by the peacekeeping employees and this is because these officers are sent to locations that consist of great distress which makes it easier for them to commit crimes and not being noticed. 35 allegations have been made against the UN alone in 2017 and has far been the most compared to other years.

### **Difficulties in overcoming this issue and the problems created**

One of the main problem that has made it difficult to solve this issue is the fact that every state has different laws. The fact that these states have different laws is a big issue is because this means that every issue in each state will not be handled the same way as the other states. Since we know that the state of origin should be responsible for each members trial however this is not possible due to the fact each state has different laws.

Moreover, there have been disagreements between the states on if there should be a convention to establish a clear procedural guideline. Quite a few believe that a convention of such type should be entertained to eradicate this problem as quickly as possible. However, other states believe that it's not practical to have a convention run since this issue is still a premature one hence they believe that first some other issues that are more imports need to be addressed to help this specific issue to be solved effectively.

Member nation representatives have reported that the United Nations has had very few responses from indicated nations of how they prosecuted their missions and held their crime up for. The problem if the crime has not been identified properly which makes it harder for the United Nations to find solutions for the issue. The procedure was also left out without indications of how it was dealt with, adding to the mystery of the issue. It was made clear by the nations that the Secretary General's report shall include the the information that is relevant cases. The General Assembly has established a reporting technique instead of the annual reporting period. This will include vivid and specific information of the date and content at which a case has been taken to attention.

## Major Countries and Organizations Involved

### European Union

The EU (European Union) fully agrees that all member states should work collaboratively in order to maintain the UN's legitimacy. The EU supports the UN's zero tolerance policy and is also deeply concerned regarding all crimes committed by UN experts and officials on mission including abuse, sexual exploitation, fraud, corruption, financial crimes and more. The EU has also stated that they welcome attempts to support enhancing the area, notably pre-deployment and mission training of personnel, including on human rights, international humanitarian law, civilian protection, and sexual and gender-based violence as well as, dedicated essential e-learning programme on sexual exploitation and abuse launched at the end of 2016 and available through the United Nations System Staff College portal. The EU also recognizes the determination of the UN to improve the consistency and quality of investigations as well as the awareness raising effort of the Department of field support which is aiming to increase knowledge and understanding of conduct, discipline and clarity in the presentation of data.

### Community of Latin American and Caribbean States (CELAC)

CELAC has highlighted the fact that misconduct and any criminal behaviour that any of the UN personnel commit is unacceptable and must never go unpunished. The community, CELAC has also stated that it reaffirms the need to ensure that all personnel of the United Nations perform its duties in a manner that maintains the image, credibility, impartiality and integrity of the United Nations. The CELAC community believes that although measures have been taken to solve this issue, much more has to be done because of repeated incidents.

## Russian Federation

Russia believes measures of prevention of crimes committed by officials must be taken by the UN. The Russian Federation also thinks that all rules concerning the behaviour of the peacekeepers should be established by the international law with primary jurisdiction belonging to the state the person accused of is a citizen in. However, Russia also believes that the measures being used now are sufficient with the regard to the importance of this issue. The representative of Russia also said that they believe that it is more effective and important to prevent these types of crimes rather than to put all time and effort in prosecuting those who commit the crimes.

## United Nations (UN)

The United nations holds responsibility for their action and views this issue as important, mostly because it recognizes how it affects how the UN is viewed worldwide and this issue also questions their legitimacy and puts it at risk. In the early 2000's, the UN adopted a zero tolerance policy but has however, done very little to solve this issue in the past decade.

## United Nations (UNDP)

The UNDP takes this issue very seriously and does not tolerate criminal actions by any crimes committed by UN experts and officials on mission including corruption, abuse, sexual exploitation, fraud, financial crimes and more. Office of Audit and Investigation (OAI), gives UNDP effective oversight to improve efficient and the effectiveness of UNDP in order to achieve its objectives and development goals. OAI investigates misconduct such as corruption, bribery, fraud, theft, embezzlement and many more. The UNDP made an anti-fraud policy with OAI, this policy applies to all operations of UNDP. Furthermore, the OAI established many measures such as an investigations hotline to ensure that anyone willing to report to incidences such as fraud can do so.

## Timeline of Events

Date	Description of event
February 13 <sup>th</sup> , 1946	Convention on the privileges and immunities of the United Nations
October 31 <sup>st</sup> , 2000	The United Nations Security Council urged all member states to “include a gender perspective in their peacekeeping and peacebuilding measures” in efforts to minimize the scale of this issue

March 7 <sup>th</sup> , 2000	The United Nations Panel on Peace Operations got appointed by the Secretary General to examine the existing system and propose solutions
June 1 <sup>st</sup> , 2001	A report is published by the UN Panel on Peace Operations, the report proposed political, financial, and institutional changes
2008	The UN Department for Peacekeeping Operations publishes the Capstone Doctrine which outlines the “principles and guidelines for UN peacekeepers in the field”
December 28 <sup>th</sup> , 2016	follow up on accusations against UOCI official for reception of bribes
January 6 <sup>th</sup> , 2017	Creation of task force consisting of UN special coordinators and other officials to find strategies to tackle this issue
July 28 <sup>th</sup> , 2017	Report of Secretary General on the topic of criminal accountability of United Nations officials and experts on missions

## Relevant UN Treaties and Events

- Ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations **(A/RES/60/980)**
- United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel **(A/RES/62/214)**
- Criminal accountability of United Nations officials and experts on mission **(A/RES/71/134)**
- Report on a comprehensive strategy to eliminate future sexual exploitation and abuse in the United Nations Peacekeeping Operations **(A/RES/59/710)**
- Convention on the privileges and immunities of the United Nations, **February 1946**

## Previous Attempts to solve the Issue

Previous attempts to solve the issues are, draft entitled “Criminal accountability of United Nations officials and experts on mission”, discussed about how measures will be taken in different previous resolutions to ensure the criminal accountability of the United Nations official and experts on mission. Has implied assistance to sexual exploitation

victims and abuse by United Nations Staff. Organizations have been set to create and develop strategies to help support the issue with the help of civil society.

Strongly shows the importance of punishing suspects and officers that have provoked the accountability with certain measures. Asking and condemning of action done by the Secretary General, and continuing his zero tolerance act and implementing new resolutions that can benefit in the long term of the issue. Cooperation of states financially in capturing criminals, and in their investigation, and in extradition if needed. Included “Criminal accountability of United Nations officials and experts on mission” in its provisional agenda of its seventy-second session.

## Possible Solutions

Increase the monitoring of states on UN officers while on mission, as they can be suspected of crime. By doing that, UN officers will take less chances to be involved in a crime as they are being monitored. Especially those suspected, urgent measures of monitoring should be taken with no track left behind, to be able to redeem the suspect. The urging member states in providing needed measures in any type of assistance in cases that require advanced equipment or teams. Member nations should work hand in hand to catch crimes that can oppose a threat on nations, as the UN officers can hold valuable information pertaining to many different confidential topics.

The sharing of judicial information between member states as they can affect the movements and actions of UN officers crimes. Sharing information can lead to easier tracking of the suspect after a crime, as it may have occurred in a different state or maybe nearby. States should transfer information and give guidelines of what is happening and will be processed to be able to catch or monitor the suspect. Requesting the Secretary-General in taking all measures into consideration, as they might impose better and more efficient solutions.

Improvement and aid of advanced research teams, in the search of suspects on mission, and increasing the rate at which they produce and develop. Many nations can suffer from lack of equipment to chase down or find the suspect. Nations in threat should be able to support and send help to others if needed. This will strengthen the ties and make it easier for the countries to keep their suspects under supervision. The case of suspects should be under complete regulations and research, to not allow further development in crime and abuse.

## Bibliography

“Criminal Accountability of United Nations Officials and Experts on Mission - Sixty-Ninth Session - Sixth Committee (Legal) - UN General Assembly.” *United Nations*, United Nations, [www.un.org/en/ga/sixth/69/criminal\\_accountability.shtml](http://www.un.org/en/ga/sixth/69/criminal_accountability.shtml).

“Sixth Committee, Legal, United Nations, Main Body, Main Organs, General Assembly.” *United Nations*, United Nations, [www.un.org/en/ga/sixth/72/criminal\\_accountability.shtml](http://www.un.org/en/ga/sixth/72/criminal_accountability.shtml).

“Officials, Experts Must Be Held Accountable for Crimes Committed on Mission, Sixth Committee Speakers Stress, But Disagree over Need for Convention - World.” *ReliefWeb*, <https://reliefweb.int/report/world/officials-experts-must-be-held-accountable-crimes-committed-mission-sixth-committee> .

“EU Statement – United Nations 6th Committee: Criminal Accountability of UN Officials and Experts on Mission - EEAS - European External Action Service - European Commission.” *EEAS - European External Action Service*, [eeas.europa.eu/delegations/un-new-york\\_en/36773/EU%20Statement%20%E2%80%93%20United%20Nations%206th%20Committee:%20Criminal%20Accountability%20of%20UN%20Officials%20and%20Experts%20on%20Mission](http://eeas.europa.eu/delegations/un-new-york_en/36773/EU%20Statement%20%E2%80%93%20United%20Nations%206th%20Committee:%20Criminal%20Accountability%20of%20UN%20Officials%20and%20Experts%20on%20Mission)

“Sixth Committee, Legal, United Nations, Main Body, Main Organs, General Assembly.” *United Nations*, United Nations, [www.un.org/en/ga/sixth/72/criminal\\_accountability.shtml](http://www.un.org/en/ga/sixth/72/criminal_accountability.shtml).

“Statement by the Permanent Mission of the El Salvador to the United Nations on Behalf of the Community of Latin American and Caribbean States (CELAC).” *Criminal Accountability of United Nations Officials and Experts on Mission*, <https://celac.rree.gob.sv/wp-content/uploads/2018/10/Criminal-accountability-of-United-Nations-officials-and-experts-on-mission-Agreemnt-version.pdf>



