TECHNICAL AND EDITORIAL CHANGES TO THE CONTINGENT-OWNED EQUIPMENT MANUAL

Secretariat Issue Paper 26 for the 2017 COE Working Group

PROBLEM STATEMENT
The Contingent-Owned Equipment Manual (COE Manual) includes some references which need to be either technically corrected or updated to reflect other legislative decisions. These changes are required to eliminate inconsistencies, address issues of confusion, and ensure that the COE Manual is in line with other decisions of legislative bodies.

PROPOSAL
The proposed changes to the COE Manual are as follows:

CHAPTER 1
Manuals: The introduction to the COE Manual currently includes references to obsolete documents. As such, paragraph 16 is proposed to be amended as follows:

16 alt. The COE Manual should be read in conjunction with other related documents such as the Operation Support Manual, the Infantry Battalion Manual, Military Unit Manuals, the Medical Support Manual and, the guidelines to troop- and police-contributing countries (both missionspecific and those issued before the deployment of contingent personnel), as well as the Standby Arrangements in the Service of Peace and the tables of Organization and Equipment (2009).

CHAPTER 2
Mission factors are referenced in Chapter 2, paragraphs 25-27, but covered in greater detail in Chapter 7. Moreover, the text in Chapter 2 (para 26) is missing the reference to periodic reviews in the corresponding paragraph in Chapter 7 (para 2). This is a new element approved by the General Assembly based on the recommendation of the 2014 Contingent-Owned Equipment Working Group (COE Working Group), in paragraph 108 (a) (iii) of its report. Instead of duplicating the text, it is proposed to replace paragraph 26 of Chapter 2 with the following:

26 alt. Further information on the mission factors are covered in chapter 7.¹

¹ Paragraph 25 (a) will also have to be amended if the Secretariat issue paper on mission factors is approved, as it would affect the maximum level of the factor.
CHAPTER 2, ANNEX A

Definitions: Chapter 2, annex A contains definitions of all of the main concepts in the COE system. The definitions of the three mission factors is proposed to be amended to reflect changes to mission factors approved upon recommendation of the 2014 COE Working Group. The definition of special case equipment is also proposed to be included, drawn from the corresponding text in Chapter 5, paragraph 3.

5 alt. The environmental conditions factor means a is the mission factor applicable to the reimbursement rates for major equipment and for self-sustainment to take into account the increased costs borne by the troop/police contributor for extreme mountainous, climatic and terrain conditions. This factor is only applicable under conditions of significant anticipated additional costs to the troop/police contributor [Secretariat correction] The factor is determined at the outset of the mission by the technical survey team and is applied universally within the mission. The factor is not to exceed 5 per cent of the rates.

15 alt. The hostile action/forced abandonment factor means a is the mission factor applied to each category of self-sustainment rates and to the spares element (or half of the estimated maintenance rate) of the wet lease rate to compensate the troop/police contributor for loss and damage. The factor is determined at the outset of the mission by the technical survey team and is applied universally within the mission. The factor is not to exceed 5 per cent of the rates.

18 alt The intensified operational conditions factor means a is the mission factor applicable to the reimbursement rates for major equipment and for self-sustainment rates to compensate the troop/police contributor for increased costs resulting from the scope of the task assigned, the length of logistics chains, non-availability of commercial repair and support facilities, and other operational hazards and conditions. The factor is determined at the outset of the mission by the technical survey team, and is applied universally within the mission. The factor is not to exceed 5 per cent of the rates.

34 bis. Special case equipment is major equipment for which, because of the uniqueness of the item, its high value or the lack of a generic group, a standard rate of reimbursement has not been defined in the tables of reimbursement.

CHAPTER 3

Paragraph 20 on dispute resolution is superfluous, as an entire section of Chapter 2 (paragraphs 37-38) is devoted to dispute resolution.

20. (delete paragraph)

CHAPTER 3, ANNEX A, B, AND ANNEX A AND B

Issues related to medical standards are split between annex A (paragraphs 17-23), annex B (paragraph 43-61) and the appendices (1-12) to annex A and B in Chapter 3. In addition, much of the text in these three locations is inconsistent internally and/or with the corresponding sections of the 3rd (2015) edition of the Medical Support Manual (MSM). The following actions are proposed:

• Establish a dedicated chapter in the COE Manual to cover medical issues.

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2 This definition will need to be further amended if the Secretariat issue paper on mission factors is approved, as it would affect the maximum level of the factor.
• Remove sections of the text that are duplicative or inconsistent.\(^3\)

• Limit the coverage of medical issues currently captured in annexes A and B of Chapter 3 to general principles of verification. Definitions and performance standards are addressed in much greater detail and more appropriately in the MSM; the COE Manual will reference the appropriate sections of the MSM instead of duplicating text from the MSM to ensure clarity on policy and reduce the likelihood of differences between the two documents.

• The format of personnel and equipment lists currently contained in appendices 1-10 of annexes A and B will be standardized. Equipment tables will include information on GFMV and whether reimbursement for individual line items will be provided under major equipment or self-sustainment.

CHAPTER 3, ANNEX B

The reference to the additional diagnostic imaging module under Level 2+ medical facilities reports on the deliberations of the 2011 COE Working Group instead of specifying policy. As such, it is proposed that paragraph 60(e)(IV) be deleted.

CHAPTER 7, ANNEXES A AND B, APPENDIX 12

Paragraph 1 of the immunization policy section is proposed to be amended as follows to bring the COE Manual in line with General Assembly resolutions 67/261 and 68/281 which reflected pre-deployment vaccination costs as an element to be taken into account in setting a single standard rate of reimbursement for contingent personnel:

1 (a) alt **Mandatory.** Vaccinations required to meet international health regulations or national requirements stipulated by the host country for travel into the mission area are considered mandatory. In case of yellow fever, vaccination is required for people travelling from countries with risk of yellow fever transmission and for people travelling to mission areas with risk of yellow fever transmission. In view of its high cost, reimbursement for yellow fever vaccination could be sought through submission of claims before the vaccinated contingent members depart from the mission areas. Since all claims submitted to United Nations Headquarters will be verified by the mission before reimbursement is made, it is important that the WHO International Certificate of Vaccination or equivalent document containing the immunization details for each peacekeeper be made available to the Mission Medical Service on arrival in the mission.

1 (b) alt **Recommended.** Vaccinations recommended by WHO or by the Department of Peacekeeping Operations for travel to a region with certain diseases (e.g., hepatitis A, Japanese encephalitis, meningitis). While most Recommended vaccines are covered under reimbursement for troop/police cost contingent personnel, in view of its high cost, reimbursement for Japanese encephalitis could be sought through submission of claims before the vaccinated contingent members depart from the mission areas. Since all claims submitted to United Nations Headquarters will be verified by the mission before reimbursement is made, it is important that the WHO International Certificate of Vaccination or equivalent document containing the immunization details for each peacekeeper be made available to the Mission Medical Service on arrival in the mission.

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\(^3\) Paragraph 45 will also have to be amended if the Secretariat issue paper on accommodation is approved.
CHAPTER 9

The following paragraph on investigations in the model MOU is proposed to be updated to reflect the fact that matters of conduct and discipline in United Nations field missions are the responsibility of the Department of Field Support and not the Department of Peacekeeping Operations:

Article 7 quarter Investigations

7.21 Upon the request of the Government, the United Nations shall provide administrative and logistic support to the National Investigations Officers while they are in the mission area or host country. The Secretary-General will provide, in accordance with his authority, financial support as appropriate for the deployment of National Investigations Officers in situations where their presence is requested by the United Nations, normally the Department of Peacekeeping Operations Field Support, and where financial support is requested by the Government. The United Nations will request the Government to deploy National Investigations Officers in high-risk, complex matters and in cases of serious misconduct. This paragraph is without prejudice to the sovereign right of the Government to investigate any misconduct of its contingent members.

The following paragraph on exercise of jurisdiction is proposed to be amended to reflect the fact that, for some troop-contributing countries, there are no, or no longer, military laws applicable to military members and civilian members deployed as part of military contingents. While military members and civilian members deployed as part of military contingents may not be subject to national military laws, they are nonetheless subject to the national laws of the troop-contributing country. A similar provision in the model Memorandum of Understanding between the United Nations and police-contributing countries (article 7.19) is phrased differently.

Article 7 quinquens Exercise of jurisdiction by the Government

7.22 Military members and any civilian members subject to national military laws of the national contingent provided by the Government are subject to the Government’s exclusive jurisdiction in respect of any crimes or offences that might be committed by them while they are assigned to the military component of [United Nations peacekeeping mission]. The Government assures the United Nations that it shall exercise such jurisdiction with respect to such crimes or offences.

CHAPTER 10

In its resolution 69/308 of 16 July 2015, the General Assembly approved the establishment of a Reimbursement Policy and Liaison Section (RPLS) in the Field Budget and Finance Division (FBFD) of the Department of Field Support to strengthen policy-level efforts and communications with regard to T/PCC reimbursement. Many of the responsibilities of the existing Memorandum of Understanding and Claims Management Section (MCMS) were transferred to RPLS as part of the restructuring of the Division, and therefore the FBFD/MCMS section of the COE Manual should be amended to reflect the current division of responsibilities.

Field Budget and Finance Division/Memorandum of Understanding and Claims Management Section

21. Based on the recommendations and comments provided by the Office of Military Affairs, the Police Division, the Logistics Support Division, the Information and Communications Technology Division, the United Nations Mine Action Service and other services as appropriate, prepare draft MOU for negotiation with the troop/police contributors.
22. **Initiate and lead the MOU negotiations with the troop/police contributors for deployment of troops and equipment in peacekeeping operations by coordinating the inputs from the Force Generation Service, the Police Division, the Logistics Support Division and other offices, as appropriate, for the drafting of the MOU. Act as a focal point for communications between the Permanent Missions of troop/police contributors and the Secretariat for any questions/clarifications regarding the MOU and subsequent amendments, where applicable.**

23. **Where the negotiation process leads to requests for changes in the text of the model MOU, consult the Office of Legal Affairs where the changes requested appear substantial to obtain a formal opinion to submit to the Under-Secretary-General for Field Support.**

24. **Act as the focal point for clarification of General Assembly resolutions, in consultation with expert advice where required, on the policies and procedures concerning reimbursement and control of contingent-owned equipment of the troop/police contributors participating in peacekeeping missions.**

25. **Act as the Secretariat focal point for the Contingent-Owned Equipment Working Groups, preparing related reports to the legislative bodies and, in consultation with other offices as appropriate, updating the COE Manual.**

26. **Prepare estimated costs for major equipment and self-sustainment for inclusion in budget proposals. Revise costs and budget proposals where changes are required as a result of negotiation with the troop/police contributors or as a result of position changes from the United Nations.**

27. **Calculate and process the certification of the reimbursement for major equipment and self-sustainment to the troop/police contributors.**

27bis. **Calculate shortfalls because of absent or unserviceable equipment based on verification reports for application of proportional deductions to personnel reimbursement.**

28. **Review the troop/police contributors’ submissions for special case for major equipment. Calculate the wet, dry and maintenance rates in accordance with the guidelines in the COE Manual. Forward special case submissions to relevant offices at Headquarters for review and comments on reasonability of submissions and for negotiation with the troop/police contributors.**

29. **Participate in pre-deployment visits to Member States and conduct briefings to Permanent Missions and visiting delegations on COE/MOU processes.**

Add the below new section:

**Field Budget and Finance Division/Reimbursement Policy and Liaison Section**

29bis. **Act as the focal point for clarification of General Assembly resolutions, in consultation with other experts where required, on the policies and procedures concerning reimbursement and control of contingent-owned equipment of troop and police contributors participating in peacekeeping missions.**
29ter. Develops significant new policies, procedures and initiatives to give effect to General Assembly resolutions and other action to improve reimbursement frameworks.

29quater. Acts as the Secretariat focal point for meetings of the Contingent-Owned Equipment Working Group, preparing related reports to the legislative bodies and, in consultation with other offices as appropriate, updating the COE Manual.

29quinquies. Analyses and assesses trends and issues in reimbursement rates and payments, and their impact on troop and police contributors.

29sexies. Undertakes a quadrennial survey of personnel costs for troop and police contributors and prepares reports on the results for the consideration of the General Assembly.

29septies Coordinates and supports the meetings and other work of the Headquarters COE and MOU Management Review Board.

FINANCIAL IMPLICATIONS
No financial implications are to be expected.

PREVIOUS HISTORY
These specific edits have not previously been submitted to the Contingent-Owned Equipment Working Group for its consideration.