



REPUBLIC OF ZAMBIA



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STATEMENT

ON BEHALF OF THE AFRICAN GROUP

BY

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PERMANENT REPRESENTATIVE OF THE REPUBLIC OF ZAMBIA
TO THE UNITED NATIONS

BEFORE THE SIXTH COMMITTEE

DURING THE

74TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

UNDER AGENDA ITEM 76:
"CRIMINAL ACCOUNTABILITY OF THE UNITED NATIONS OFFICIALS
AND EXPERTS ON MISSION"

New York
10th October 2019

Chairperson,

My delegation has the honor once again to deliver this statement on behalf of the African Group. The African Group associates itself with the Statement delivered by the distinguished representative of the Islamic Republic of Iran, speaking on behalf of the Non-Aligned Movement (NAM).

I would like to begin by thanking the Secretary-General for his report as contained in document **A/74/142**. As always, the important information contained in this annual report including those received from the Member States regarding the establishment of jurisdiction over their nationals serving as United Nations officials or experts on mission, serve as the basis of our annual debate in this Committee.

Chairperson,

With the increasing number of the United Nations Officials and Experts on Mission, especially, considering the large physical presence of UN peacekeeping missions in Africa, there is no question that this is a matter of great importance to Africa.

The Committee is reminded that during its sixty-first session in 2006, the General Assembly decided that the agenda item entitled “**Comprehensive review of the whole question of peacekeeping operations in all their aspects**”, be removed from the Special Political and Decolonization Committee (Fourth Committee) and be assigned to the Sixth Committee with a view to having a continued legal discussion on the annual report of this item, and to ensure accountability of the United Nations staff and experts on mission with a particular emphasis on criminal acts committed in peacekeeping operations.

Chairperson,

The African Group fully supports the ‘zero-tolerance policy’ of the United Nations towards crimes committed by United Nations officials or experts while on mission—particularly conduct involving sexual exploitation and abuse. The African Group supports a system-wide approach to combat sexual exploitation and abuse within the United Nations System, that includes, but it is not limited to the United Nations peacekeeping forces. In this regard, the African Group reiterates the importance of the General Assembly resolutions A/71/278, A/72/312 and A/73/302 adopted by consensus in 2017, 2018 and 2019 consecutively, and reaffirms Africa’s collective commitment to the zero-tolerance policy on sexual exploitation and abuse through the United Nations System, including agencies, funds and programmes in addition to non-United Nations forces mandated by the Security Council. Moreover, the African

Group is in favour of maintaining SEA as an annual item on the agenda of the General Assembly to keep the momentum in combating this scourge.

The African Group has adopted a 'no compromise' approach when it comes to criminal accountability and is resolved never to condone any attempts to downplay its determination to stamp out such heinous crimes. We are of the view that criminal accountability is a fundamental pillar of the rule of law, and it is crucial for safeguarding the integrity as well as protecting the trust we have in our respected Organization.

Criminal conduct within any organization charged with the responsibility to shield the most vulnerable in society from the ravages of war, leaves indelible stains on the integrity of the entire establishment, including the United Nations.

We take note, as always, of the apparent suggestions in the Secretary-General's reports that some Member States do have the legislative advantage and capacity to exercise jurisdiction, while others have some provisions for at least some limited jurisdiction. The African Group encourages Member States to exercise jurisdiction in applicable cases in order to amplify the call for zero tolerance against impunity.

Chairperson,

It will be recalled that, in the deliberations of our past meetings, several delegations expressed the view, which the African Group fully embraces, that the existence of jurisdictional gaps in ensuring accountability leads to the repetitive commission of crimes.

We are of the view that the remedial measures adopted under several General Assembly Resolutions on this matter if properly implemented, could address the issue of jurisdictional gaps. While a preference is expressed by some Member States for a predominant role to be played by the host State, the African Group and other Member States believe that the responsibility of ensuring criminal accountability of United Nations officials or experts on mission lies with the state of nationality. We commend the Organization for its efforts to refer cases of possible crimes of a serious nature to the State of nationality.

Chairperson,

The African Group also welcomes the measures implemented by the United Nations regarding existing training on UN standards of conduct, including through pre-deployment and in-mission induction training and awareness raising programmes. We

further welcome the technical assistance offered by the UN to Member States requesting support in developing their domestic criminal law to combat and deter such serious, degrading and demeaning offences.

The expertise that the UN offers goes a long way to developing and strengthening national capacities to investigate and prosecute serious crimes, especially in the context of mutual legal assistance and extradition. In the same vein, the Group continues to encourage States to cooperate with each other in criminal investigations and/or extradition proceedings where crimes of a serious nature are committed by UN officials and experts on mission.

In conclusion, **Chairperson**, the African Group welcomes the opportunity this dialogue avails us in the Sixth Committee, by providing the enabling environment for the exchange of views with other regional groups and delegations on this pertinent topic. We hope that the continued deliberation of this Agenda item in this Committee is not just a mere talk, but one that is aimed towards reaching concrete measures.

I thank you.