

Statement on behalf of the African Group

“Criminal accountability of the United Nations officials and experts on mission”

Agenda item 74

6 October 2022

Mr. Chair

I have the honor 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 on behalf of the Non-Aligned Movement (NAM).

At the outset, I would like to thank the Secretary-General for his report as contained in document **A/77/237**. As in previous years, the report includes relevant information on measures undertaken by some specialized agencies and related organizations during the reporting period in insuring the criminal accountability of their officials and staff members.

Mr. Chair

The topic under discussion is of significant importance to the African Group specifically, given the large physical presence of UN Peace Operations and UN Country Teams on our continent.

Criminal accountability is a fundamental pillar of the rule of law, hence the African Group maintains a ‘no compromise’ approach towards criminal accountability. Furthermore, Africa is resolved to continue calling out crimes committed by UN officials and experts on mission, which tarnish the positive image of the UN and overshadow the vital role performed on a daily basis by thousands of UN officials and experts on mission. Our group believes it is crucial to preserve the integrity of the UN and to safeguard the trust placed in it.

We take note of the apparent suggestions in previous 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.

Mr. Chair

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 in particular conduct involving sexual exploitation and abuse.

The African Group supports a system-wide approach to combat sexual exploitation and abuse within the United Nations. In this regard, the African Group reiterates the importance of the General Assembly resolution A/71/278 adopted by consensus in 2017, as well as its subsequent resolutions, including the most recent A/76/303, adopted in 2022, 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. Furthermore, the African Group supports maintaining SEA as an annual item on the agenda of the General Assembly to keep the momentum achieved thus far in combating this scourge.

Mr. Chair

The African Group shares the views that the existence of jurisdictional gaps can often lead to the inability to establish accountability, thus leading 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 often expressed by some Member States for a larger role to be played by the host State, the African Group and other Member States strongly 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.

Mr. Chair

The African Group 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 criminal offences committed by UN officials and experts on mission.

The expertise that the UN offers can contribute 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.

Mr. Chair

To conclude, the African Group would like to reassure you of its continued commitment to engage actively in the discussions on the current agenda item, with the view of enhancing accountability of UN officials and experts on mission and preventing impunity.

I thank you for your kind attention.