

Agenda item 167: Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

Statement by Mr. Narinder Singh, First Secretary on October 10, 2001

Mr. Chairman,

We thank the Secretary General for his analytical report contained in document A/55/637 and share his concern at the large number of violent attacks against United Nations personnel engaged in United Nations peacekeeping and other missions. India is a major troop contributor to the United Nations peacekeeping operations and has participated in some of the most difficult and complex peacekeeping missions. Over the years, India has contributed over 50,000 troops to United Nations peacekeeping missions, and about 100 Indians have died in the services of the United Nations. The agenda item under consideration is therefore one of particular interest to my delegation.

Under Article 1(c) (ii) of the Convention on the Safety of United Nations and Associated Personnel, application of the Convention to non-peacekeeping operations of the UN is dependent on a declaration by the General Assembly or the Security Council that, for the purposes of the Convention, there existed an exceptional risk to the safety of the personnel participating in the operations.

The Secretary General's report notes that a number of UN operations, though not peacekeeping operations, were deployed in a highly volatile and dangerous environment and in spite of attacks against UN personnel resulting in death or injury, no declaration extending the Convention to such operations has been made so far, either by the General Assembly or the Security Council. While the proposal for adoption of a procedure for initiating such a "declaration" either by the General Assembly or the Security Council needs to be discussed in greater detail, the scope of the Convention already covers all UN personnel and we would support proposals to ensure that this is translated into practice.

The proposal to designate the Secretary General as the certifying authority to certify both the existence of such a "declaration" or an "agreement" on the status of personnel of humanitarian non-governmental organisations, not belonging to the UN family, needs to be examined. It may be mentioned that one of the reasons why India is not a party to the Convention is owing to the wide definition given to the term "associated personnel". We would be unable to support a proposal that would only seek to perpetuate this inherent flaw in the Convention. We have consistently argued that there should be a clear distinction between peacekeeping and other humanitarian functions. Clear and precise mandates ensure that there is no blurring of this distinction. To include humanitarian NGOs within the scope of the Convention not only impairs their neutrality and independence, but also places an avoidable burden on UN peacekeepers. Even if non-UN personnel are associated with UN peacekeeping operations, any protection extended to them under the Convention should be governed by strict terms and conditions. This would require stringent methods and procedures for any contractual arrangement to be entered into between the UN and such personnel.

While we have no problem with the proposal to incorporate in the status-of-forces and status-of-mission agreements specific and practical measures to enhance personnel safety and security, based on the provisions of the Convention, it must be kept in mind that, in accordance with international law and international humanitarian law, all parties to a conflict where a UN operation is deployed, including non-State actors and/or bordering States, bear special responsibility for the safety and security of UN and associated personnel engaged in that operation.

The procedural measures recommended by the Secretary General and the proposal to elaborate a Protocol to extend the Convention's scope of application requires careful consideration and should be discussed in an open-ended ad-hoc committee set up expressly for this purpose before any action is taken by the General Assembly.