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COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING OPERATIONS IN ALL THEIR ASPECTS

ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF UNITED NATIONS PEACE-KEEPING OPERATIONS

Use of civilian personnel in peace-keeping operations

Report of the Secretary-General

I. INTRODUCTION

1. The present report has been prepared in pursuance of paragraph 4 of General Assembly resolution 44/49 of 8 December 1989, in which the Assembly requested the Secretary-General to undertake a study to identify those tasks and services which could be performed by civilian personnel in peace-keeping operations and to inform the Special Committee on Peace-keeping Operations of the conclusions of that study as soon as possible, taking into account the study requested by the Assembly in its resolution 43/230 of 21 December 1988. (For that study, see A/44/605, sect. IV.) The present report also addresses some of the administrative procedures and the terms and conditions that will cover participation of civilian personnel in United Nations peace-keeping operations, as requested in paragraphs 3 and 8 of General Assembly resolution 44/192 A of 21 December 1989.

2. It should be stressed at the outset that certain civilian functions, tasks and services in a peace-keeping operation can only be performed by United Nations staff members. When peace-keeping operations are set up, the Security Council and the General Assembly entrust to the Secretary-General overall responsibility and authority in all operations¹ and administrative areas. This overall responsibility

* A/45/150 and Corr.1.

and authority cannot be delegated to non-United Nations personnel. As a result the core civilian functions of a peace-keeping operation, including the political direction and the administration of an operation in the field in all its facets, must be performed by United Nations staff members. The United Nations approach to peace-keeping has evolved over the years as a result of experience gained in dealing with a broad range of conditions; this approach also reflects those internal rules, regulations, instructions, procedures and precedents of the Organisation which can best be applied or administered by experienced United Nations staff. The extent to which civilian personnel provided by Governments can be asked to perform core political or administrative functions within a peace-keeping operation is thus severely limited. In exceptional cases Governments may nevertheless be asked to make available, e.g. through secondment, individuals for short-term recruitment to posts in the political, legal and information staff, where they serve as United Nations staff members. In general, however, these posts are usually better filled by existing staff who are familiar with the practices and procedures of the United Nations.

3. The main question addressed in the present report is how far functions that have traditionally been performed by United Nations staff or by military personnel could instead be performed by civilian personnel who would not be staff members but would be provided by Governments to the Secretary-General, at his request, for that purpose. In addition the report discusses briefly,

(a) Other groups of civilian personnel that can be provided by Governments to the Secretary-General, at his request, to perform certain functions for which military personnel would not be appropriate

(b) Civilian employees of commercial contractors who can be engaged by the Secretary-General, in certain circumstances, to perform functions that it would be less cost-effective to entrust to military personnel or United Nations staff members.

II. TASKS AND SERVICES THAT COULD BE PERFORMED BY CIVILIAN PERSONNEL IN SUBSTITUTION FOR MILITARY PERSONNEL

4. In his earlier report (A/44/605, sect. IV) the Secretary-General outlined a number of tasks and services that could be performed by civilian personnel provided by Governments. In fact, almost any of the normal logistics, technical and supply-support functions required in peace-keeping operations could be performed by civilian personnel, whether provided by Governments or through commercial contractual arrangements, if the Secretary-General, taking into account the operational and political circumstances of the mission and the relative costs of civilian and military personnel, judges that this is the most cost-effective way of meeting the mission's requirements. Such civilian personnel would substitute for the military personnel or for United Nations staff who have previously performed the functions involved.

5. The tasks and services that could be performed by either military or civilian personnel (see also A/44/605, pars. 29) include the following:

- (a) **Medical services, including hospitals end clinics;**
- (b) **Operation and maintenance of fixed-wing aircraft and helicopters;**
- (c) **Operation and maintenance of truck and bus transport;**
- (d) **Catering and mess services,**
- (e) **Construction of major camp infrastructure;**
- (f) **Camp operation and maintenancel**
- (g) **Installation and support of communications systemsr**
- (h) **Plant engineering and construction services for projects.. such as:**
 - (i) **Water supply and storage systems;**
 - (ii) **Sewage treatment plants;**
 - (iii) **Electric power generation plant and reticulation systems;**
 - (iv) **Airfields and heliportsl**
 - (v) **Roads and tracks;**
 - (vi) **Bard-surf acing;**
- (i) **Professional consulting services in civil engineering, electrical engineering, architecture etc.;**
- (j) **Services of highly qualified technicians, such as radio technicians, radio operators, riggers, electricians, generator mechanics, vehicle mechanics and heating and air conditioning technicians.**

III. OTHER CIVILIAN PERSONNEL FUNCTIONS

A . United Nations civilian police

6. The designation "civilian personnel", in United Nations parlance, includes uniformed police. While it may be argued that police are technically uniformed personnel and not civilians, it has been considered useful to preserve the distinction between police serving in a non-military capacity and the more usual Military Police units found in United Nations peace-keeping operations. Both in Cyprus and in Namibia, police officers serving the United Nations in such a capacity have been considered civilians, as reflected in the use of the term "UNCIVPOL" for "United Nations civilian police".

7. Depending on the tasks to be performed, the United Nations may have need for civilian police personnel in the future, as operations become less exclusively military than has been usual in the past and assume a joint civilian-military character, as was the case in Namibia. It may be also that some of the tasks that have traditionally been carried out by military personnel could be performed by United Nations civilian police.

B. Election staff

8. The role of civilian personnel provided by Governments in the observation or supervision of elections assumed great importance in the work of the United Nations Transition Assistance Group (UNTAG) in Namibia as well as in Nicaragua, where the United Nations mounted a civilian operation, the United Nations Observer Mission to verify the electoral process in Nicaragua (ONWEN). These election functions can be performed by United Nations staff members temporarily reassigned from their existing duties. However, in both Namibia and Nicaragua, it was not possible in practice to obtain all the necessary personnel from existing staff resources, and the Secretary-General accordingly asked Governments to provide the additional personnel required, drawing especially on officials who had had experience of running elections in their own countries.

C. Civilian contractors

9. Almost all the tasks and services discussed in this report, as well as other logistics functions required by a peace-keeping operation, could also be undertaken by civilian contractors. Indeed, the United Nations has in recent years made increasing use of civilian contractors. For instance, they provide or have recently provided fixed-wing air services to the United Nations Military Observer Group in India and Pakistan (UNMOGIP), the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP), the United Nations Iran-Iraq Military Observer Group (UNIIMOG) and UNTAG, helicopter air services to the United Nations Observer Group in Central America (ONUCA), vehicle maintenance to UNTAG and ONUCA and catering and bus transportation services to UNTAG. The United Nations experience to date has established that, provided the operational conditions are suitable, the use of civilian contractors can be a satisfactory and cost-effective way of providing certain types of services to peace-keeping operations. In the past a number of these types of services would have been provided almost exclusively by military personnel.

10. In its report on the financing of ONUCA (A/44/246/Add.2), the Advisory Committee on Administrative and Budgetary Questions noted that the procedure of obtaining certain logistics and supply-support elements from Governments (e.g. fast patrol boats, fixed-wing aircraft, helicopters) constituted exceptions to the normal procurement practice of the United Nations, although this was in response to special circumstances. The Advisory Committee suggested that in obtaining supplies and services from Member States on a reimbursable basis, the Secretary-General should give priority to offers made under conditions that are clearly advantageous to the United Nations. Advisory Committee stated further that "in this

connection, the Secretary-General should also satisfy himself that the related valuation is advantageous to the United Nations** (*ibid.*, para. 23). The Secretary-General will proceed accordingly.

IV, TERMS AND CONDITIONS COVERING CIVILIAN PERSONNEL PROVIDED BY GOVERNMENTS

11. The procedures and basis for participation in a United Nations peace-keeping operation of persons provided by Governments, on terms corresponding to those by which military personnel (i.e. military observers, or troops in formed military units) are made available, are well established:

(a) In the case of military observers, the United Nations pays for all travel costs and provides a mission subsistence allowance (MSA) to meet the officer's living expenses while in the mission area. The officer is personally responsible for arranging his or her own accommodation and food. The officer's salary and allowances are paid by the contributing Government, which is not reimbursed by the United Nations. These and related conditions of service are normally spelled out for each mission in a document entitled "Notes for the guidance of military observers on appointment" ;

(b) In the case of troops (i.e. members of formed military units), contributing Governments are reimbursed at standard rates for troop costs, with a differential for specialists, and for usage of uniforms, personal weapons and ammunition. The United Nations bears the costs of deployment, rotation and redeployment of the troops and equipment. Troops constituting a formed military unit are normally provided with accommodation and rations by the United Nations, although occasionally, in the case of small or isolated units, it is more practical or more economical for the Organisation to pay a mission subsistence allowance to each individual rather than try to provide full accommodation, food and facilities,

12. Civilian personnel provided by Governments would have no contractual relationship with the United Nations. They would be placed at the disposal of, and under the authority of, the Secretary-General, following a formal request to their Government. The latter would provide the personnel either as a voluntary contribution or on the terms described in paragraph 14 below. Unless they were subject to special arrangements under a separate status agreement for a particular operation, such civilian personnel would assume the status of Experts on Mission for the United Nations in terms of article VI of the Convention on the Privileges and Immunities of the United Nations (General Assembly resolution 22 A (I)). They would be issued a United Nations Certificate as formal documentation of their status.

13. Civilian personnel provided by Governments would be assimilated into the command and control structure of the peace-keeping operation and would be shown in its organisation chart in the same manner as the military personnel or United Nations staff members who would otherwise be performing the functions in question.

14. It is proposed that, as a general rule, civilian personnel (including civilian police) provided by Governments should be treated in the same manner as military personnel, i.e. along the lines described in paragraph 11 above. Individuals or small groups of civilians would thus receive their travel costs and a daily subsistence allowance (DSA) from the United Nations; their basic salary and any allowances paid by the contributing Government would not be reimbursed by the United Nations. For Larger groups of civilian personnel provided as formed units (e.g. medical units, maintenance units etc.), contributing Governments would be reimbursed at the standard rates for troop costs, with a differential for specialists as appropriate.

15. It is expected that the standard social security benefits to which civilian personnel provided by Governments would be entitled in their home countries, such as sickness/medical insurance or pension/benevolent fund accruals, would continue to be met by the Government during any period of United Nations service. The United Nations would meet in-area medical expenses, the cost of routine dental treatment or accidental dental damage. Civilian personnel provided by Governments would be entitled to take United Nations leave while in the mission area, with payment of full MSA (where appropriate) at the rate of one and one half days for each completed month of service.

16. Although the civilian personnel concerned would have no contractual relationship with the United Nations, the Organisation would recognize claims for compensation for death, disability and illness attributable to service with the United Nations. It is proposed that the arrangements governing the payment of such compensation should be the same as those applying to military observers. The maximum entitlement to compensation for death, injury or illness, determined by the Secretary-General to be attributable to the performance of official duties on behalf of the United Nations, would be the amount of \$US 20,000, or twice the civilian's basic annual salary, less allowances, whichever is the greater. The maximum compensation would be awarded by the Secretary-General in the event of death or total disability. A proportionate amount would be awarded in cases of partial disability. No compensation would be awarded when such death, injury or illness has been occasioned by (a) wilful misconduct or (b) wilful intent to bring about the death, injury or illness of the person or some other. The compensation payable under these provisions would be the sole compensation payable by the United Nations in respect of death, injury or illness. Payment would be made to the Government in all instances.

17. The contributing Government would be expected to furnish each person with appropriate travel documents. For its part the United Nations would arrange travel to and from the mission area and pay for accompanied and unaccompanied shipment of personal luggage in accordance with the normal entitlements for equivalent tours of duty at the particular mission.

V. CONCLUSION

18. It will be evident from the present report that civilian personnel have an important role to play in United Nations peace-keeping operations. Any such operation must include civilian staff members of the Secretariat to perform essential political, legal, information and administrative functions. There are many other tasks and services that can be performed by civilian personnel, some of which can also be performed by military personnel. In each case a decision has to be made by the Secretary-General as to whether civilian or military personnel are more appropriate and, if civilian, whether they should come from staff members of the Secretariat, from civilian personnel whom he would request from Governments, from civilian contractors or from a mixture of two or more of these sources. It is not possible to lay down hard and fast rules for such decisions; each has to be taken by the Secretary-General in the light of a variety of operational, political, security and cost factors.
