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New UN secretary-general must commit to accountability

The candidates should not hesitate to commit to modelling the accountability the UN expects from its member states.

Lauren Carasik

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Recent accountability crises in United Nations peacekeeping missions have revealed a "culture of impunity", sullyng the organisation's reputation and undermining its raison d'etre.

In this climate, the incoming secretary-general, set to take office in January 2017, will face significant challenges to upholding the UN's mission of promoting human rights and the rule of law.

To ensure that accountability is a core component of the new leader's agenda, a coalition of 37 non-governmental organisations launched a campaign urging the current candidates for the secretary-general position to take an [accountability pledge](#), committing to implement stronger UN accountability mechanisms if selected.

The pledge is focused on high-profile instances where the UN peacekeeping has failed: [Sexual exploitation and abuse](#) and the ongoing [cholera epidemic in Haiti](#).

"By failing to accept full responsibility for Haiti's cholera epidemic and for sexual crimes committed by its own uniformed and non-uniformed peacekeepers, the UN has squandered its moral authority," Paula Donovan, codirector of AIDS-Free World and its Code Blue Campaign, [said](#). "The next secretary-general must prove to the world, through her actions, that the UN is more concerned about protecting civilians than its own reputation."

The UN's major failures

The UN has an official policy of "[zero tolerance](#)" for sexual exploitation and abuse of civilians by UN peacekeepers and staff, but it has not lived up to that standard, failing to prevent, investigate and punish perpetrators and bring relief to victims.

Sexual exploitation and abuse by peacekeepers is not new: It has been [reported since the 1990s](#) in Bosnia and Herzegovina, Cambodia, the Democratic Republic of Congo, East Timor, Haiti, Liberia, Sierra Leone, and South Sudan.

The UN's failure of accountability was most recently highlighted by sexual abuse perpetrated by peacekeepers in the Central African Republic.

In December 2015, a UN-appointed independent panel report found that "when peacekeepers exploit the vulnerability of the people they have been sent to protect, it is a fundamental betrayal of trust. When the international community fails to care for the victims or to hold the perpetrators to account, that betrayal is compounded." ([PDF](#))

In Haiti, a cholera epidemic has killed at least 10,000 people since 2010 and continues to ravage the impoverished country. Despite overwhelming evidence of the UN's culpability in bringing cholera to Haiti, none of the victims have received any compensation for their losses since the organisation has refused to consider claims, nor has there been any effective programme to eradicate the disease.

After exhaustive efforts to seek a remedy within the UN, who tersely responded that victims' claims were "not receivable", [advocates filed suit in federal court](#) in New York and are awaiting an appellate decision on whether the case can proceed to trial.

Since the UN refused to make an appearance in the case, the United States Department of Justice argued on its behalf that the international organisation is immune from suit, a result that would leave victims without any remedy.

Dodging responsibility

The UN claims it can escape all accountability for its actions under the 1946 Convention on Privileges and Immunities.

Plaintiffs argued that the 1946 convention only confers immunity when the UN has abided by the treaty's other provisions, including the implementation of a mechanism to manage and resolve complaints from victims, which it has failed to do.

As Beatrice Lindstrom, co-counsel for the victims from the Institute for Justice and Democracy in Haiti argues, "Immunity does not mean impunity." It would be far better for the UN to do the right thing on its own accord than to be forced to do so through litigation.

Meanwhile, as the UN continues to dodge responsibility, Haitians continue to fall sick and die, further destabilising already desperately poor and vulnerable families.

UN impunity is not limited to those cases. The UN's negligence [resulted in the lead poisoning](#) of Roma families in UN displacement camps in Kosovo.

Last month, an internal report by the Human Rights Advisory Panel reviewing the UN Interim Administration Mission in Kosovo (UNMIK) issued its withering assessment: "Now that the Panel has concluded its mandate, putting an end to an eight-year process of issuing admissibility decisions, opinions and recommendations, the Panel is forced to proclaim this process a total failure."

Expressing its dismay, the panel said it "can only wonder what might have been possible if UNMIK had undertaken to collaborate with the panel in good faith, instead of turning this process into a human rights minstrel show."

Dianne Post, a lawyer for former camp residents, told The New York Times: "It is most disheartening when the very agency that is to stand for the rule of law and bringing peace and justice to the world does not itself follow the rule of law or its own mandates on human rights." The UN has also recently come under fire for [its failure to protect](#) civilians in South Sudan.

No hesitation for commitment

As of August 5, four of the 11 candidates [have weighed in](#). Igor Luksic of Montenegro signed the accountability pledge. Danilo Turk of Slovenia and Srgjan Kerim of Macedonia indicated their support, though they declined to sign.

The office of Christina Figueres of Costa Rica said that "while she cannot sign any pledge on any topic, you have heard where she stands. Furthermore, she realises that she is positively influencing the [secretary-general's] race agenda, and she looks forward to further engagement on UN accountability issues."

At a time of global turmoil, the UN will continue to face daunting challenges to fulfilling its noble mission. To be effective, the UN must demonstrate its commitment to upholding the rule of law and reaffirming the importance of legal and moral accountability.

As he hands over the reins of power, [Ban Ki-moon's legacy is at stake](#). It's not too late for him to heed the exhortations of the organisation's own watchdogs to ensure an effective remedy for victims, starting with an acknowledgement of wrongdoing ([PDF](#)).

And since the incoming leadership will set a new tone, the candidates for secretary-general should not hesitate to commit to modelling the accountability the UN expects from its member states.

Lauren Carasik is a clinical professor of law and the Director of the International Human Rights Clinic at Western New England University School of Law.

Source: Lauren Carasik, *New UN Secretary-General Must Commit to Accountability*, ALJAZEERA (Aug. 28, 2016), <http://www.aljazeera.com/indepth/opinion/2016/08/secretary-general-commit-accountability-160827151419570.html>.