

AFRICAN UNION

الاتحاد الأفريقي



UNAMID



UNITED NATIONS

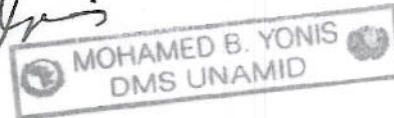
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**Administrative Instruction No. 2009/020**

18 June 2009

To: All UNAMID Personnel

From: Mohammed B. Yonis  
Director Mission Support



Subject: **UNAMID CODE OF CONDUCT ( COC)**

**1. Purpose**

1.1 The purpose of this instruction is to outline the standards of conduct expected of all UNAMID members including local and international staff, United Nations Volunteers (UNVs), contractors, military and police, while serving with the mission. It is by no means exhaustive. Rather, it highlights the main requirements and prohibitions, as derived from various UN documents and issuances and serves to inform UNAMID members of the duties and obligations placed on them in relation to their conduct. Personnel are encouraged to read the specific rules and regulations referred to in this CoC and keep abreast of standards promulgated by the UN Secretariat or UNAMID.

**2. Basic Principles on Standards of Conduct**

2.1 The United Nations Organization embodies the highest aspirations of the people of the world for peace, respect for fundamental rights, economic and social progress and international cooperation. In this context, UN personnel -- who represent the Organization while serving in the mission -- should exemplify these ideals by maintaining the highest standards of integrity, impartiality and conduct befitting their status as international civil servants and peacekeepers.

2.2 . Expectations of the world community and the local population are high and the actions, behaviour and speech of UNAMID members will be monitored closely. As a result UNAMID members must be prepared to accept special constraints in their public and private lives.

2.3 UNAMID members are under the command of the Joint Special Representative (JSR) and answerable to him in relation to their conduct and the performance of their duties.

2.4 In accordance with Paragraph 43 of the Status of Forces Agreement between the Government of Sudan and the African Union/United Nations Hybrid Operation in Darfur, referred to as the SOFA, the JSR shall take all appropriate measures to ensure the maintenance of discipline and good order among all UNAMID members.

2.5 UNAMID members are accorded certain privileges and immunities arranged through agreements negotiated between the UN and Troop Contributing Countries (TCC) and between the UN and the host country, solely for the purpose of discharging their duties. The privileges and immunities granted to UNAMID members are in the interest of the UN and not for the personal benefit of these individuals.

2.6 In the case of crimes or other such offences committed by staff members, other civilian personnel, UNPOLs, MILOBs and other Experts on Mission the UN Secretary-General (SG) may waive the immunity of any such member in any case where, in the SG's opinion, it is in the interest of the UN to do so and where maintaining such immunity would impede the course of justice. In such cases, the individual may then be tried and sentenced by the local courts for the commission of an offence under the local laws.

2.7 Military contingent members are subject to the exclusive jurisdiction of the respective TCC with respect to disciplinary or criminal action related to any offence committed while serving with UNAMID. The respective Contingent Commander and the JSR is authorised to repatriate any military contingent member accused of misconduct while serving in the mission for appropriate action by the TCC.

2.6 In general, UNAMID members are not to engage in any activity or conduct that is incompatible with the mandate of UNAMID or that will bring discredit upon the UN or the African Union. Further, any breach of this Code of Conduct may be treated as an act of misconduct and dealt with in accordance with existing rules and procedures.

### **3. Definition of Misconduct**

For the purpose of this CoC, misconduct is defined as failure by a UNAMID member to:

- Comply with his/her obligations under UN Charter, Rules & Regulations, or relevant mission administrative instructions.
- Observe the standards of conduct expected of an international civil servant/peacekeeper, no matter his/her contractual or mission assignment status.

### **4. Duty to address Misconduct**

4.1 UNAMID members have a duty to report misconduct by making good faith reports on incidents of suspected misconduct that they know or reasonably believe to be true. UNAMID members must cooperate fully with all UN investigations.

4.2 Retaliation against any person for reporting misconduct is prohibited. Retaliation is defined as the direct or indirect detrimental action recommended, threatened or taken against a person who reports misconduct.

4.3 Reports of misconduct, including retaliation, can be made to UNAMID officials such as the JSR, Deputy JSR, Force Commander (FC), Police Commissioner (PC), Director of Mission Support (DMS), Military or Civilian Chief of Staff (COS), Conduct and Discipline Unit (CDU), CMPO/CPPO/CCPO, supervisors, chain of command, other UN entities e.g. OIOS, OHRM, Ombudsman, Ethics Office or to other offices in special circumstances.

4.4 UNAMID members are reminded that "*The submission of information or reports with knowledge of their falsity or with willful disregard for their veracity would be inconsistent with the concept of integrity*" (adapted from ST/IC/2005/19), and may constitute misconduct.

## 5. *Examples of types of misconduct (not exhaustive)*

5.1 The UN Office of Internal Oversight Services (OIOS) in a report to the General Assembly (GA) (A/58/708) has categorized misconduct as Category I (High risk, complex matters and serious criminal cases), and Category II (lower risk cases). UNAMID considers these categories as serious and minor misconduct respectively. Examples are as follows:

### 5.1 (a) Category I (serious misconduct)

- Sexual Exploitation and Abuse (SEA)
- Serious or complex fraud
- Other criminal activities e.g. smuggling
- Abuse of authority or staff
- Conflict of Interest
- Gross mismanagement
- Waste of substantial resources
- All cases involving risk of loss of life to staff or to others, including witnesses
- Substantial violation of United Nations Regulations, rules or administrative issuances

### 5.1 (b) Category II (minor misconduct)

- Traffic related incidents e.g. drunk driving
- Simple theft or entitlement fraud
- Personnel matters
- Sexual or other Harassment
- Office management disputes
- Basic misuse of equipment or staff
- Infractions of UN Rules, regulations etc.

5.1 (c) Other types of prohibited conduct can be found in this Directive and in documents that apply to particular categories of mission personnel.

5.1 (d) Note that the UN Administrative Instruction (ST/AI) 371 on *“Revised Disciplinary Measures and Procedures”* which addresses misconduct by UN staff members (i.e., persons holding Letters of Appointment from the SG) makes no specific classification of offences. The disciplinary measures to be imposed for a breach by a staff member will be determined on a case-by-case basis according to the nature of the misconduct and circumstances of the case. Under Staff Rule 110.3 these measures can range from written censure to summary dismissal.

5.1 (e) Under the *“Directives for Disciplinary Matters Involving Military members of national Contingents”* (DPKO/MD/03/00993) and the *“Directives for Disciplinary Matters Involving UNPOLs and UNMOs”* (DPKO/CPD/DDCPO/2003/001) some types of misconduct when committed by military or police members are considered to be serious misconduct, e.g., sexual harassment, intoxication while on duty, and willful disobedience of a lawful order. These offences will be addressed in accordance with the procedures for serious misconduct as outlined in the Directives or other UN procedures.

## **6. General provisions on expected conduct**

UNAMID members shall:

- a. Act with impartiality, integrity and tact.
- b. Respect all other members regardless of status, ethnic or national origin, race, gender or creed.
- c. Comply with the Guidelines of the Declaration of Human Rights as the fundamental basis of their treatment of others.
- d. Be aware of existing currency regulations within the host country and ensure that they comply with those regulations. UNAMID officials are responsible for ensuring that new members are made aware of all such regulations.
- e. Properly use, care for and account for all UN property, including money, vehicles, equipment and other property assigned to them or placed in their charge as a UNAMID member.
- f. Support and encourage proper standards of conduct among other UNAMID members.
- g. Understand and support the mandate of the mission, and fully comply with its provisions.
- h. Exercise the utmost discretion in the handling of confidential information and matters of official business that can place lives in danger or impact negatively on the image of UNAMID and the UN generally.
- i. Respect the laws and regulations of the host country and as well as local customs and practices, traditions and religions. This includes those of the neighbouring states that they are likely to visit while on duty or leave.
- j. Treat the inhabitants of the host country with respect, courtesy and consideration, and show respect for and promote the environment, including the flora and fauna of the host country.

## **7. General forms of prohibited conduct**

UNAMID members shall not:

- a. Abuse or misuse their authority; participate in any illegal activities, corrupt, unethical or improper practices; attempt to use their position for personal advantage; make false claims or accept benefits to which they are not entitled.
- b. Carry out unauthorized communications to external agencies, including unauthorized press statements; improperly disclose or use any information known to them by reason of their service with the UN; or discuss with any person outside the UN or communicate any observations relating to military installations, troop movements or other matters affecting the security of the host country. For military/police members these obligations apply even after completion of service with UNAMID.
- c. Sell, barter or give away to the local population tax-free items or goods received through the UN; trade in such property for personal benefit;
- d. Solicit or accept any material reward, honour or gift not approved by the UN.
- e. Use, possess or traffic in illegal narcotics.
- f. Use or possess privately owned firearms.
- g. Hunt or shoot birds and animals in the Mission Area.
- h. Import or export any military equipment, weapons, ammunition, relics or other antiquities into or from the host country, except with an import or export licence issued by the appropriate authorities of the host country.
- i. Take any military equipment, weapons, ammunition or war relics found on the scene of former battle fields.

## **8. Specific forms of prohibited conduct**

### **8.1 Carriage of prohibited Merchandise/messages**

It is an offence for any member of UNAMID to carry any prohibited goods or messages whatsoever across Demarcation Lines or borders.

### **8.2 Alcoholic Beverages**

8.2 (a) Under the Criminal Act of Sudan it is an offence for a Muslim to drink possess or manufacture alcoholic beverage. It is an offence for any person including non-Muslims to drink alcoholic beverages in a manner that provokes the feelings of, or causes nuisance or annoyance to another person, or to drink or be drunk in a public place. It is also an offence to store, possess, transport, and advertise, etc., alcoholic beverages for commercial purposes.

8.2 (b) While UNAMID does not seek to interfere with the privacy of its members, appropriate action will be taken against any UNAMID member found to have been involved in any incident related to the above or is deemed harmful to the reputation of UNAMID.

### **8.3 Sexual Exploitation and Abuse**

8.3 (a) UNAMID members shall not engage in acts of sexual, physical or psychological abuse or exploitation especially of women and children as defined in ST/SGB/2003/13. In particular:

- a. Sexual activity with children (persons under the age of 18 years) is strictly prohibited regardless of the laws or practice in the host country or a UNAMID member's home country.
- b. Exchange of money, employment, goods, assistance or services for sex (e.g. sex with prostitutes) is prohibited.
- c. Under the SGB 2003/13, sexual relationships with beneficiaries of assistance are strongly discouraged. However, in order to respect the Criminal Law of Sudan, any sexual relationship between a UNAMID member and a national of Sudan outside of a lawful marriage is strictly prohibited.

8.3 (b) While it is not the intention of UNAMID to interfere with the privacy and personal lives of individuals, if an allegation of sexual exploitation or abuse or other related offence is made against a UNAMID member, the nature of any relationship between the member and the alleged victim may be investigated to determine if any offence has been committed.

### **8.4 Discrimination, harassment including sexual harassment, and abuse of authority**

UNAMID members have the right to be treated with dignity and respect, and to work in an environment free from discrimination, harassment, including sexual harassment and abuse of authority. The definitions of Discrimination, Harassment, Sexual Harassment and Abuse of Authority contained in ST/SGB/2008/5 shall apply in UNAMID. The definitions will be distributed for the information of all UNAMID members.

8.4 (a) UNAMID members are hereby required to:

- Act with tolerance, sensitivity, and respect for differences or diversity.
- Not engage in or condone behaviour that is discriminatory or that would constitute abuse of authority or harassment, including sexual harassment.
- Familiarize themselves with the UN's policy with respect to discrimination, harassment, including sexual harassment and abuse of authority. In this connection, all UN staff members only in

UNAMID are required to complete the mandatory online training program on prevention of harassment, sexual harassment and abuse of authority, promulgated under ST/SGB/2005/20.

8.4 (b) Managers, Commanders and supervisors have the additional duty to:

- Take all appropriate measures to promote a harmonious work environment, free of intimidation, hostility, offence, and any form of abuse of authority or harassment, including sexual harassment;
- Act as role models by upholding the highest standards of conduct;
- Ensure that complaints of abuse of authority, harassment, including sexual harassment are promptly addressed in a fair and impartial manner; and
- Maintain open channels of communication and ensure that UNAMID members who wish to raise their concerns in good faith can do so freely without fear of retaliation.

## **9. *UNAMID members engagement with local authorities and the host population***

9.1 In the event of any incident that leads to the involvement of local authorities, UNAMID members are required to treat all such officials with courtesy and respect. They should comply with all lawful instructions given to them and seek to contact the UNAMID MP/Security or other designated officials at the earliest opportunity.

9.2 UNAMID members travelling in a UN vehicle should declare, if requested by authorities of the host country, the contents of the vehicle and/or their personal belongings. If the authorities insist on a search of the vehicle, this should be permitted under polite protest. Any attempt to, or search of, a UN vehicle should be reported in writing through the reporting channels to the UNAMID leadership as soon as possible. UNAMID members shall not voluntarily permit the authorities to open or x-ray a pouch or to examine any official document not directly relevant to the operation of the vehicle or border crossing.

9.3 UNAMID members travelling in privately owned vehicles shall permit a search without protest and report in writing through the reporting channels to the UNAMID leadership if unreasonably dealt with or harassed.

## **10. *Role of the Conduct and Discipline Unit (CDU)***

10.1 The Conduct and Discipline Unit was created as a result of GA Resolution 59/296 and 59/300 dated 22 June 2005 and 30 June 2005, respectively. The UNAMID CDU is based in El Fasher and has sub-offices in each sector and in Khartoum.

10.2 In accordance with the SG's Report GA/A/60/862 dated 24 May 2006 the Terms of Reference of the mission CDU is as follows:

1. Act as the principal adviser to the JSR on addressing conduct and discipline issues relating to all categories of United Nations peacekeeping personnel in the mission.
2. Advise the JSR on establishing measures to prevent misconduct, enforce United Nations standards of conduct and ensure remedial action where misconduct has occurred.
3. Receive, assess and refer allegations of misconduct for appropriate action.
4. Provide technical advice to mission leadership on United Nations rules and procedures relating to conduct and discipline, and assist in capacity-building on such issues.
5. Maintain a comprehensive database to track and report on all cases of misconduct, and provide analyses and reports.
6. Liaise with all investigative entities on misconduct allegations and cases.

7. Provide content to public information components on conduct and discipline issues including on the status of allegations and cases.
8. Coordinate the mission's responses to victims.
9. Liaise with DFS on internal and external evaluations including audits on conduct and discipline issues.
10. Liaise with United Nations entities, governmental representatives, non-governmental organizations and other relevant actors in the mission area on policies, procedures and guidelines relating to conduct and discipline.

10.3 UNAMID members are obliged to cooperate with members of the CDU in the lawful and reasonable exercise of their duty.

## **11. Outcomes of misconduct: actions by UNAMID**

### **11.1 Civilian staff members**

Where an allegation of misconduct has been made against a UN staff member, the DMS, UNAMID may, under the authority of the JSR, pursue disciplinary action through the Assistant Secretary-General for Human Resources Management (ASG/OHRM) in accordance with ST/AI/371 or may institute administrative action if the circumstances of the case so require. Administrative action includes, but is not limited to, warning, withdrawal of UNAMID driving permits, Letter of Reprimand, and relevant notations in performance appraisal reports. Administrative action is not a disciplinary measure.

### **11.2 UNAMID contractors**

Disciplinary action against a UNAMID contractor for misconduct will be undertaken in accordance with the provisions of his/her contract. UNAMID may also institute administrative action with respect to certain breaches of discipline.

### **11.3 Uniformed personnel**

11.3 (a) Misconduct involving military members of national contingents will be dealt with in accordance with the relevant provisions of the "*Directives for Disciplinary Matters Involving Military members of national Contingents*" (DPKO/MD/03/00993), and the respective Memorandum of Understanding between the United Nations and the respective Troop Contributing Country (TCC) as appropriate.

11.3 (b) Serious misconduct by UNMOs, Military Liaison Officers, Staff Officers and UNPOLs will be dealt with in accordance with the "*Directives for Disciplinary Matters Involving UNPOLs and UNMOs*" (DPKO/CPD/DDCPO/2003/001). This means the appropriate authority in the mission, including the JSR and CDU, shall consult the documents and decide whether an allegation is serious or minor and shall address them in accordance with the required procedures.

#### **Minor misconduct by UNMOs, Military Liaison Officers, Staff Officers and UNPOLs**

11.3 (c) If it is determined that a military or UNPOL member has committed a minor offence; the following action is to be taken as required:

1. The Contingent Commander will normally be informed and his/her good offices may be used to assist in resolving minor disciplinary matters early, before they become more serious.

2. Administrative action by Section Chief or supervisor under the authority of the FC/PC. This may include verbal or written reprimand, suspension or removal of driving privileges, reimbursement for loss or damage, warning etc.
3. There is no specified format for administering a verbal reprimand; however it shall not be given in public. A record shall be kept of the fact that a verbal reprimand was administered.
4. When a written reprimand is administered to a military or UNPOL member through his/her Contingent Commander, he/she is required to sign as having received it. UNAMID may create a format in which the written reprimand is to be issued.

11.3 (d) Notwithstanding the above, if a military or UNPOL member commits a minor breach of discipline that, in the opinion of his/her Commander/Section Chief or supervisor should be directly reported to the FC/PC the following procedure shall be followed:

- i. The military/UNPOL member shall be advised of the decision of the Commander/Section Chief or supervisor, and provided with a copy of the allegation report. The military/UNPOL member shall be requested to submit a written response to the allegation within 72 hours of receiving the report. If the military/UNPOL member does not give a written response but makes a verbal statement about the allegation, any such statement should be summarised and included in the report. The report, together with any written response from the military/UNPOL member and other relevant document, shall be forwarded to the FC/PC as soon as possible.
- ii. The FC/PC, after reviewing all facts pertaining to the matter, will determine the action to be taken. Where national interests could be affected, the FC/PC may consult the Contingent Commander.
- iii. In any case of proven minor misconduct, the FC/PC will decide the penalty to be imposed upon the military member. Such penalties may include written or verbal reprimand.
- iv. In any case of proven minor misconduct the FC/PC may decide to submit a Special Report to the military/UNPOL member's home government advising that he/she has committed an act of misconduct. In this regard, the FC/PC will dispatch the report with his comments to UNHQ and request that the report be forwarded to the military member's home government. A copy of the report will be given to the military member concerned through his Contingent Commander.

**Procedures for misconduct warranting repatriation of UNMOs, Military Liaison Officers, Staff Officers and UNPOLs**

11.3 (e) Any decision by the FC/PC that repatriation is warranted due to the commission of an offence, the requirements of relevant Disciplinary Directives must be followed. The following represents the practical procedures to be implemented for the repatriation:

- i. Under the authority of the JSR a request for early repatriation will be made by the FC/PC to the appropriate office in UNHQ;
- ii. UNHQ will normally advise the military/UNPOL member's Permanent Mission of the request for early repatriation and the Permanent Mission is expected to relay the request to the National Government which may or may not accept the request.
- iii. Notwithstanding paragraph (ii) above, UNHQ can decide to accept the request by the FC/PC, and upon receipt by UNAMID of a positive response from UNHQ, the military/UNPOL member will be repatriated following the usual administrative procedures.



**Request for repatriation of UNMOs, Military Liaison Officers, Staff Officers and UNPOLs by Contingent Commander**

11.3 (f) Any request by the Contingent Commander for early repatriation of any military/UNPOL member listed above on disciplinary grounds that bypasses established UN or UNAMID procedures will not be accepted. If a Contingent Commander wishes to take such action, the following procedures will be adhered to:

1. A report of the incident shall be made to the FC/PC by the Contingent Commander.
2. The Contingent Commander may also advise his/her National Government at his/her own discretion or in accordance with national directives.
3. The FC/PC may order an investigation in accordance with UN procedures.
4. If the investigation establishes that misconduct has occurred, the procedure stated in Paragraphs 9.3 (c) shall be followed.

11.3 (g) Nothing in the above shall prevent a member state from requesting the early repatriation of a military or UNPOL member for a breach of that country's national or military laws, even if it is not a breach of UN standards of conduct.

**12. *Motor vehicle offences***

12.1 UNAMID members are obliged to pay all traffic fines imposed on them by the local authorities, whether they are incurred on or off duty, or when driving a UN or private vehicle.

12.2 UNAMID will try to avoid having its members make court appearances with respect to traffic offences, but this will depend on the circumstances of the case and whether or not it can be settled without judicial proceedings.

12.3 UNAMID members accused of or penalised by the local authorities for a traffic offence are required to report it to the UNAMID MP/Security Office for transmission to the relevant component head and the CDU, together with any available report from the local authority or MP/Security. In particular the following offences must be reported:

- (1) Driving under the influence of alcohol or drugs;
- (2) Dangerous or reckless driving.

12.4 UNAMID members should make every effort to familiarize themselves with local traffic laws and existing UNAMID directives on the operation of UNAMID vehicles to ensure safe and responsible driving while serving with mission.

**13. *UN reimbursement***

A UNAMID member may be assessed as having to reimburse the Organization for damages or other losses in cases resulting from gross negligence, overpayment, outstanding bills etc. Reimbursement may be effected by deductions from the salary of UN staff members and in the case of UNPOLs, UNMOs and other Experts on Mission by withholding part or the whole of the Mission Subsistence Allowance (MSA) payments due to the member. In the case of a military contingent member, monies due for payment by the organization to their respective country may be withheld. Each case will be assessed by the responsible authorities and decisions made will be based on the available evidence and circumstances of the case.

#### **14. *Misconduct handling procedures***

UNAMID may approve additional procedures on handling misconduct matters. In all cases of alleged misconduct, due process and fairness should be followed, which means, at a minimum, the alleged offender must be informed of the allegation and where appropriate, provided an opportunity to respond to the same before a decision is made.

#### **15. *Paying of Compliments***

All Military and Police members in UNAMID are to show respect to UN personnel of a higher rank or level and to those in the Military and Police services of the host country. On arrival for service in UNAMID Military/Police members are to make themselves familiar with the badges of rank of the various nationalities and of the Military/Police services of the host country in order that a high standard of recognition is maintained.

#### **16. *Standards of Conduct***

16.1 The sources of standards of conduct for UN personnel are contained in a host of documents and issuances. Following is a listing of some of the main sources on standards of conduct in relation to general and specific personnel conduct.

16.2 UNAMID Standards of Conduct for the different categories of personnel includes the following:

##### **Civilian personnel**

- UN Charter
- UN Staff Rules and Regulations
- Status, basic rights and duties of UN Staff members, ST/SGB/2002/13, 1 November 2002
- Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13, 9 October 2003)
- Prohibition of discrimination, harassment, including sexual harassment and abuse of authority (ST/SGB/2008/5, 11 February 2008)
- Protection against retaliation and reporting of misconduct and for cooperating with duly authorized audits or investigations, (ST/SGB/2005/21, 19 December 2005)
- Private legal obligations of staff members (ST/AI/200/12, 25 October 2000)
- Family and child support obligations of staff members (ST/SGB/1999/4, 20 May 1999)
- Use of information and communications technology and resources and data (ST/SGB/2006/15, 26 December 2006)
- Other SG's Bulletins, UN Administrative Instructions, etc.
- Mission SOPs, Directives & other instructions

##### **Uniformed personnel:**

- UN Charter
- Status: basic rights and duties of officials other than Secretariat and experts on mission
- "Ten Rules: Code of Personal Conduct for Blue Helmets" & "We are UN Peacekeepers"
- Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13, 9 October 2003)
- Observance by United Nations forces of International Humanitarian law (ST/SGB/1999/13, 6 August 1999)

- Directives for Disciplinary Matters Involving UNPOLs and UNMOs (DPKO/CPD/DDCPO/2003/001)
- Directives for Disciplinary Matters Involving Military members of national Contingents (DPKO/MD/03/00993)
- Directives on Sexual Harassment in UN Peacekeeping for Military Members of National Contingents, UNMOs and UNPOLs (DPKO/MD/03/00995)
- Mission SOPs, Directives & other instructions