

PEOPLE'S REPUBLIC OF BANGLADESH

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COMPENSATION CONCERNING THE LOSS/DESTRUCTION OF SELF SUSTAINMENT EQUIPMENT WHERE EXPLICIT ORDER (FORCE ABANDONMENT/COMPLYING WITH SECURITY MEASURES) IS ISSUED BY MISSION'S COMMAND FOR ITS LOGISTICAL/SECURITY CHALLENGE

1. ISSUE PAPER THEME

Self-Sustainment

2. SUMMARY / BACKGROUND / PREVIOUS HISTORY

TCC/PCCs play a pivotal role in UN peacekeeping missions by providing its men and material on the ground. Besides, different platforms and major equipment, a good number of self-sustainment items/equipment and services are also brought to mission by all the TCC/PCCs from their hard-earned national resources for smooth conduct of their task. According to COE manual, TCC/PCCs receive transportation reimbursement of self-sustainment equipment/services during initial deployment and repatriation period. However, TCC/PCCs do not receive any such allowance for resupply or loss or damage of self-sustainment equipment/services except while in transit period of deployment. Also, there is no provision of getting compensation for loss/damage of self-sustainment equipment/services as these incidents are covered by the no-fault incident factor and by the mission-approved hostile action or forced abandonment factor. However, in recent years TCC/ PCCs are incurring huge loss/damage of self-sustainment items under forced abandonment/while complying with security measures. Recently, destruction of self-sustainment items of MINUSMA and looting of self-sustainment items at MONUSCO has added further difficulties to accept this huge loss of national property as an ordinary loss/no-fault incident factor.

3. DETAILED PROPOSAL

As per COE manual (2023), "Loss of or damage to self-sustainment items is not reimbursable by the United Nations. These incidents are covered by the no-fault incident factor and by the mission-approved hostile action or forced abandonment factor (where a mission factor has been deemed necessary). Which are applied to the spare parts component of the wet lease, as well as the self-sustainment rates" (2023 COE manual, Chapter 9. Part VI, Paragraph 10).

The provision mentioned above, under the COE 2023 manual, applies only to incidents that occur during the execution of tasks, not with measures to comply with Mission Headquarters directives during evacuation or sustaining attack of a rebel group. The following analyses are highlighted in this regard:

a. It is incumbent upon the United Nations to assume full responsibility for logistics, including the transportation of all Contingent Owned Equipment (COE), from the deployed operational area back to the respective troop-contributing countries. This encompasses all financial obligations and associated costs

2026 COE WORKING GROUP | MEMBER STATE ISSUE PAPER

required to facilitate such movements.

b. The decision of destruction of the self-sustainment equipment located in Kidal and other locations of Mali was a direct result of logistical constraints faced by the UN.

c. The unfortunate decision to dispose of the self-sustainment equipment took place without the advanced consent of the international forces involved. Regrettably, this choice was made solely by the command center of MINUSMA without prior consultation with or agreement from the troop/police contributing countries.

d. Within the framework of memorandum of understanding, there exists no clear provision that absolves the United Nations from the obligation to reimburse the troop contributing countries for the disposal of self-sustainment equipment, particularly when such loss arises from an explicit order by the mission's command because of transportation or security infeasibilities.

e. The looting of self-sustainment equipment at Goma, DR Congo by attack of M23 rebel group has also occurred while complying security measures of mission command and not while executing any task. It was direct security constraints faced by the UN. As providing security inside UN camp was a part of UN responsibility.

Considering the above-mentioned situation the final proposal from Bangladesh is "Reimbursement for Loss of or damage to self-sustainment items is to be given in the cases where explicit order (force Abandonment/complying with security measures) is issued by the mission's command"

4. FINANCIAL IMPLICATIONS

Financial compensation needs to be ascertained by both parties' (UN and TCC/PCCs) agreement considering the situation and volume of loss/damage. Price of self-sustainment items mentioned at CLL may be taken as reference while calculating financial compensation.

5. PROPOSED 2026 COE MANUAL TEXT

Chapter 9, Annex C Self-sustainment, Part VI, Paragraph 10, p. 231 may be amended as below:

"Loss of or damage to self-sustainment items is not reimbursable by the United Nations. These incidents are covered by the no-fault incident factor and by the mission-approved hostile action or forced abandonment factor (where a mission factor has been deemed necessary), which are applied to the spare parts component of the wet lease, as well as the self-sustainment rates. **However, reimbursement for loss of or damage to self-sustainment items is to be given in cases where explicit order (force abandonment/complying with security measures) is issued by the mission's command.**"