

SECRETARIAT

APPLICATION OF THE HOSTILE ACTION OR FORCED ABANDONMENT POLICY

Secretariat Issue Paper # 10

1. ISSUE PAPER THEME: Major Equipment & Self-sustainment

2. SUMMARY / BACKGROUND / PREVIOUS HISTORY

The rapid drawdown and liquidation of the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) highlighted several grey policy areas in loss and damage reimbursement eligibility for contingent-owned equipment which the Secretariat now seek to clarify. One example is where equipment is unable to be retrieved or repatriated by the UN due to serious logistical constraints, and whether the Secretariat may apply the 'hostile action or forced abandonment' policy for loss and damage in these cases. Logistical constraints could include non-availability of appropriate machinery to lift or move particular equipment, damage to essential physical infrastructure which prevents recovery or transport of COE (i.e. damaged runway, bridges, or ports), route impassability, or similar logistical constraints.

To address this question, it is proposed that the current COE Manual description of 'forced abandonment' is clarified to provide additional examples of circumstances where the forced abandonment policy applies to reduce ambiguity regarding the coverage. It is also suggested that the language regarding 'authorised delegates' who can determine a forced abandonment event be expanded to cover alternative empowered personnel (i.e. the Director of Mission Support or Head of Liquidation Entity or equivalent authority during the mission closure phase). Finally, whilst forced abandonment events should preferably be approved in advance via an order or pre-cleared by the rules of engagement; it is also suggested that the implication for prior approval be removed from the COE Manual text, to allow for sudden incidents where approval is granted after the event. These changes are proposed in order to clarify policy scope and provide more flexibility for decisions around reimbursement policy for loss of custody or equipment abandonment in these exceptional circumstances.

The proposal has not previously been considered by the Contingent-Owned Equipment Working Group.

3. DETAILED PROPOSAL

The Secretariat recommends the addition of new language and amendment of existing text under Chapter 6, Section IV Hostile action or forced abandonment in order to (a) add 'logistical constraints' (with examples) to the description of applicable circumstances, (b) 'the' authorised representative [to cover delegated Liquidation Entities or other officials during mission closure], and (c) remove the requirement for prior authorization to account for sudden events.

4. FINANCIAL IMPLICATIONS

Financial implications will depend on actual incidents of forced abandonment.

5. PROPOSED 2026 COE MANUAL TEXT

To effect this proposal, the following change to the COE manual, Chapter 6, Section IV. Hostile action or forced abandonment, para 8, p. 158, is recommended: (struck out text is to be deleted and text in bold is to be added):

8. Forced abandonment is defined as action(s) ~~resulting from a decision~~ approved by the Force Commander/Police Commissioner, **Director of Mission Support**, or ~~his or her~~ **authorised** representative or a provision in the rules of engagement that results in the loss of custody and control of equipment and supplies **or necessitates the abandonment of such equipment and supplies.** **This may include incidents driven by hostile action or extreme logistics constraints.**