

RWANDA

ISSUE PAPER ON REIMBURSEMENT CLAIM OF A MAJOR EQUIPMENT LOST OR DAMAGED DUE TO HOSTILE ACTION

1. ISSUE PAPER THEME: Major Equipment

2. SUMMARY / BACKGROUND

The UN peacekeeping missions operate in volatile environment characterized by evolving security challenges caused by armed groups, terror groups, bandits, drugs cartels, human trafficking groups, etc. With the increasing complexity and intensity of conflicts, UN peacekeepers, in their quest to protect civilians, face multifaceted challenges due to hostile actions which have caused more casualties on personnel and their equipment. According to the 2020 COE Manual A-75-121, Hostile action is defined as an incident of short or sustained duration resulting from the action(s) of one or more belligerents that has a direct and significant hostile impact on the personnel and/or equipment of a troop/police contributor (IV, Para 7).

The same document, para 9 indicates that, Troop/police contributors are responsible for loss of or damage to major equipment resulting from a single hostile action or forced abandonment for each item of major equipment whose individual Generic Fair Market Value (GFMV) is below the threshold value of \$100,000 or when the collective GFMV for loss or damage is less than the threshold value of \$250,000 for actions within one United Nations budget year.

Problem Statement

The tactical situation is changing and the response to a security threat in discharging the mandate might not be accurate on the level of casualty expected, however good the estimates or the decision-making process might be. Some actions are even not predictable such as mine attacks, Improvised Explosive Devices (IED), ambushes, etc. Currently, there is no problem in reimbursing personnel death or casualty due to hostile action. The question is, why the limitation on the GFMV for an equipment already classified as major equipment? The case in point is the Rwandan truck that was destroyed by a land mine in Centre Africa Republic and because its GFMV was less than the designated threshold, the TCC has to replace it at country's cost and be transported at the UN expense as stipulated in the COE Manual. The truck's case was damaged beyond economic repair and its GFMV was slightly less than USD 100,000 and yet it was vital to the operations of the contingent. One can imagine if the equipment does not have any replacement?

Another serious concern in this policy is where by the T/PCC may face a one time or a unique threat which may cause damage to various pieces of equipment that may not collectively reach to USD 250,000 (in the same FY) and yet many major equipment has been individually affected,

beyond economic repair, and the operational readiness of the contingent has been seriously affected.

The worst case, which can also happen is the contingent incurring a loss of its equipment in a The policy here seems more concerned with the reimbursement than the mandate delivery as it does not factor in the challenges of the operating environment, the ever-changing tactical situation and the unpredictability of the outcomes. What is in the mind of the peacekeepers in the delivery of the mandate is their contribution to protecting the civilians and the force protection.

Operational Implications

The policy on reimbursement of lost or damaged equipment as a result of hostile action punishes the T/PCC in two folds. On the first hand, there may be human casualty and damage to the equipment, and on the other hand, the force has lost its operational capability because of the damaged equipment, without any hope to replace it soon.

For the country, the hope to replace a lost or a damaged equipment is greater if there is an expected UN reimbursement of the lost or damaged major equipment. In case it is not replaced, the unit and by extension the mission experience capability gaps which affect the operational readiness. It is worth to note the operational worth of a major equipment does not necessarily depend on its cost, but on the mission of the force.

3. DETAILED PROPOSAL

Introduction

- An equipment is classified as major because of its cost but also due to the important role it serves in the mission accomplishment, hence the reimbursement should not be an issue of its cost but the extent of its damage.
- All major equipment should be reimbursed regardless of the cost.
- The replacement of such equipment should be at the expense of the United Nations like any other initial deployment of personnel and or equipment.
- The method of calculation for the reimbursement of such equipment should be based more on its current physical value and the GFMV rate than the cumulative payments.).