

CHAPTER II

United Nations Security Management System (UNSMS)



Section D

HOST COUNTRY

Promulgation Date: 15 April 2012
Technical Review: 1 May 2017

A. Introduction

1. The primary responsibility for the security and protection of United Nations personnel, other individuals covered by the United Nations Security Management System (UNSMS) and the property of UNSMS organizations rests with the host Government. This responsibility flows from every Government's normal and inherent function to maintain order and to protect persons and property within its jurisdiction. In the case of the United Nations, the host Government has a special responsibility under the Charter of the United Nations and relevant agreements that the host Government may have with individual United Nations organizations.
2. Under Article 105 of its Charter, the United Nations is entitled to enjoy such privileges and immunities as are necessary for the fulfilment of its purposes. Likewise, United Nations officials are accorded with such privileges and immunities as are necessary for the independent exercises of their functions. United Nations entities and their staff, as well as some categories of non-staff personnel, enjoy similar privileges and immunities under the entities' respective constitutional instruments, international conventions and agreements with host Governments.
3. Within the territory of a State which is a party to the Conventions on the Privileges and Immunities of the United Nations and of the Specialized Agencies (together 'the Conventions'), United Nations staff members "shall be given, together with their spouse and relatives dependant on them, the same repatriation facilities in time of international crisis as diplomatic envoys"¹. Bilateral agreements with host Governments may extend the same protections to certain categories of non-staff personnel. The Conventions further stipulate that the premises of the United Nations and United Nations entities are "inviolable" and that their property, wherever located and by whomsoever held, is immune from "any form of interference". For relevant provisions of the United Nations Charter and Conventions on the Privileges and Immunities of the United Nations and the Specialized Organizations, see Annex A.
4. References to legal instruments alone are not sufficient for ensuring host Government support in the protection of the United Nations. Therefore, while not abrogating the responsibility of the host Government for its obligations, the United Nations has a duty to reinforce and supplement the capacity of the host Government to fulfil these functions and to collaborate with the host Government to this end.
5. Security collaboration with host Governments is an integral part of the United Nations multi-dimensional strategy for the protection of United Nations personnel, property and operations.

¹ The Convention on the Privileges and Immunities of the United Nations, 1946 and the Convention on the Privileges and Immunities of the Specialized Agencies, 1947.

B. Purpose

6. The purpose of this policy is to outline the approach of the UNSMS for collaborating with host Governments as a strategic tool in security management. The policy aims to assist Designated Officials (DOs), the Security Management Team (SMT) and United Nations security professionals in enhancing collaboration with host country authorities as a key aspect of their responsibility to implement security risk management measures in collaboration with the host Governments.
7. The policy underlines the need for the DOs, the SMT and United Nations security professionals to review the host country's capacity to carry out its responsibilities for protecting the United Nations and to identify, reinforce and supplement any shortfalls in this capacity.
8. Nothing in this policy is meant to contravene UNSMS organizations' adherence to humanitarian principles as enshrined in international law.

C. Applicability and Scope

9. The policy is applicable to all the UNSMS organizations as well as all individuals defined in Chapter III of the *Security Policy Manual* (SPM) ("Applicability of the United Nations Security Management System"). All references to the United Nations herein refer to the United Nations and United Nations system organizations participating in the UNSMS.
10. The policy does not cover collaboration with de facto local authorities and/or "non-state actors" that may be in control of areas where no government authority is in place or functioning. Depending on the circumstances, it may be useful in such situations to apply the principles outlined in this policy even though non-state actors or de facto local authorities controlling areas are not host Governments.

D. Definitions

11. For the purposes of this policy, "host country" is defined as the country in which the United Nations is present and/or conducts its operations at the invitation of the Government.
12. "Host Government" refers to the Government of the host country in which the United Nations carries out its operation, activities and programmes.

E. Improving Security Collaboration with Host Governments

13. In promoting and enhancing the protection of United Nations personnel, property and operations, DOs, SMT members and United Nations security professionals must make timely efforts to collaborate with host Government authorities.

14. At the country or local level, the DOs, members of the SMT² and United Nations security professionals shall take appropriate measures to enhance collaboration between the United Nations and host Governments, particularly in the following areas:
- a) **Liaison.** The first priority for ensuring proper host Government support for the safety and security of the United Nations is for the DOs and the most senior security professional directly supporting the DOs³ to maintain close liaison with the designated contacts in the Ministry of Foreign Affairs, the Ministry of Interior and security organs. This includes cooperating with relevant host Government authorities to establish mechanisms for effective sharing of security-related information (see also paragraph 14b below) for strengthening the analysis of security threats and risks with implications for staff security, and for ensuring that privileged information is handled with appropriate discretion. The DOs shall request the host Government designate focal points with whom the United Nations can cooperate on a regular basis on security matters that impact staff security.
 - b) **Information Sharing and Strategic Communication.** Two-way information exchange is central to the cooperation between the United Nations and the host Government, and it is an integral part of the UNSMS. Emphasis should be placed on situational awareness, analysis of threats and vulnerabilities regarding United Nations personnel, premises and operations, and strategies for communication with the local population and other target audiences to promote understanding of the United Nations mandates and activities. There should be regular information exchange meetings between host Government focal points in the Ministry of Foreign Affairs, Ministry of Interior and other relevant security organs of the host Government and the DOs and the most senior security professional directly supporting the DOs.
 - c) **Security Risk Management Measures.** Attention should be paid to host Government assistance with, and implementation of, security risk management measures, especially with regard to United Nations premises and the import and licensing of security-related equipment. The assessment of security risks faced by the United Nations in any country at any given time, and what is required to manage them, may differ significantly between the host Government and the United Nations. Exchange of information and regular consultations eliminate differences and enable mutually agreed prevention and mitigation measures. Collaboration with host Government authorities must include periodic assessments of access control to, and external physical security of all United Nations premises and concrete action on the implementation of security management measures. Collaboration should also focus on timely customs clearance and licensing of security-related equipment required for the safety and security of the United Nations in that country. The host Government must provide the required resources for the safety and security of United Nations personnel, property and operations. Part of ensuring the necessary level of protection for the United Nations should include regular coordination meetings with host Government authorities (both within the Ministry of Foreign Affairs and Ministry of

² For designated security areas within a country, these provisions apply to Area Security Coordinators and Area Security Management Teams.

³ This is usually the Chief Security Adviser (CSA) or other Security Adviser (SA), or their officer-in-charge *ad interim*. Where a CSA or SA is not present, this term is equivalent to the titles of Chief Security Officer, Chief of Security and Safety Services, Country Security Focal Point (CSFP) or Local Security Assistant (if necessary in countries where no international professional security adviser has been assigned or is present).

Interior) by both the DOs and the most senior security professional directly supporting the DOs.

- d) **Crisis Management.** As part of security risk management, planning and preparedness for the management of security crises affecting the United Nations is an important aspect of collaborating with host Government authorities. To enable the Government to respond effectively in a crisis, the DOs shall request the host Government designate focal points with the authority to mobilize and coordinate support when a crisis affects the United Nations in the country. Central to collaboration on crisis management is host Government provision of emergency contacts, procedures and resources. It is also important to assess the capacity of host Government authorities to respond to events that can adversely affect the security of United Nations personnel, premises or operations. Part of this assessment shall include an annual crisis response exercise/drill.
- e) **Legal Aspects.** Collaboration with host Government authorities should aim to ensure that crimes committed against United Nations personnel are investigated and perpetrators identified and prosecuted according to the law. Each representative of the UNSMS organizations in-country must ensure that their respective personnel are aware of and respect national laws and customs. The DOs, in conjunction with the respective representative of the UNSMS organizations in-country, shall bring to the attention of the host Government as soon as possible any concerns regarding arrests, detention or harassment of United Nations personnel or any obstruction to freedom of movement of United Nations personnel.
- f) **Concerns for Specific Categories of Personnel.** Collaboration with host Government authorities should include gender-related security issues and the special circumstances of locally-recruited personnel. It is important to ensure that host Government counterparts understand the status of locally-recruited United Nations staff and non-staff personnel under international law.

F. Roles and Responsibilities

- 15. DOs, SMT members and United Nations security professionals are responsible for implementing this policy as part of their security management responsibilities. All managers of the UNSMS are also responsible for carrying out their security management functions concerning collaboration with host Government authorities on security-related issues in line with this policy and other relevant policies, including the security risk management policy.
- 16. The DOs have the responsibility to liaise with host Government authorities or other relevant authorities in all aspects of security management on behalf of the United Nations and to consult, as necessary, with the Under-Secretary-General for Safety and Security in implementing this policy. The DOs are responsible for adapting this policy to the local context.
- 17. The DOs and heads of UNSMS organizations must ensure that appropriate financial resources are forecasted and allocated to carry out this policy.
- 18. Heads of UNSMS organizations are responsible for informing their respective personnel of the policy on host country matters with the aim to enhance collaboration with host

Government authorities as part of the security risk management to protect United Nations personnel, property and operations.

19. Security Advisers shall support the DOs and SMT members in carrying out this policy and related measures and providing technical advice on whether all required security risk management measures related to this policy are in place and effective.

G. Requirements for Review and Reporting

20. The DOs and the SMT, supported by the security advisers, must carry out regular assessment and review of host Government collaboration on issues related to the security of the United Nations.
21. Where a host Government has not adequately addressed aspects of its responsibility to provide for the safety and security of United Nations personnel, property or operations (with special emphasis on the priority areas listed in paragraph 14 above), the DO must take timely action to seek host Government support to put in place the appropriate measures. If host Government support continues to be inadequate, the DO must report this to the Under-Secretary-General for Safety and Security to request strategic interventions at the appropriate level.
22. If any in-country actors within the UNSMS require clarification on their responsibilities regarding host Government collaboration or require additional technical or operational support, they must contact their respective headquarters in a timely manner.

H. Training Requirements

23. This policy shall be included in the mandatory security training for the DOs, SMT members, security professionals and managers in the United Nations system organizations who have responsibility for security management in line with the Framework of Accountability.

I. Final Provisions

24. This policy is to be distributed to all United Nations personnel.
25. This policy enters into effect on 15 April 2012.
26. *Field Security Handbook* (2006), Chapter IV, Section A, paragraphs 4.1 – 4.4 and *Field Security Handbook* (2006) Annex A are hereby abolished.

Annex A**RELEVANT EXTRACTS OF THE CHARTER OF THE UNITED NATIONS**
Charter of the United Nations

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105

- 1 The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
- 2 Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.
- 3 The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

**RELEVANT EXTRACTS OF THE CONVENTION ON THE PRIVILEGES AND
IMMUNITIES OF THE UNITED NATIONS ADOPTED BY THE GENERAL ASSEMBLY
ON 13 FEBRUARY 1946**

Article V

OFFICIALS

Section 17

The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

Section 18

Officials of the United Nations shall:

- a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- b) Be exempt from taxation on the salaries and emoluments paid to them by the United

Nations;

- c) Be immune from national service obligations;
- d) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- e) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;
- f) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- g) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 19

In addition to the immunities and privileges specified in Section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 20

Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 21

The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

Article VI

EXPERTS ON MISSIONS FOR THE UNITED NATIONS

Section 22

Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

- a) Immunity from personal arrest or detention and from seizure of their personal baggage;
- b) In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
- c) Inviolability for all papers and documents;
- d) For the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions; and
- f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Section 23

Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.