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Note to Ms. Malcorra

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SEP 27 2015

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Contingent-owned-equipment held at Mombasa, Kenya

- 25/09/15
1. I wish to inform you that on 18 September 2015 a private vessel carrying Indian Contingent-owned-equipment (CoE) was detained by the Kenyan authorities at Mombasa seaport, Kenya due to allegations that the vessel was carrying illegal weapons and narcotics. You will have seen various press accounts regarding the issue.
 2. After a police investigation, the vessel has now been released and has sailed out of Mombasa. The CoE which is in the custody of the Kenyan Police is expected to be handed over to our commercial contractor soon. Nevertheless, this note briefly details our understanding of the events which transpired, the actions we took to remedy the situation and the steps we intend to take in order to avoid a repetition of such an incident in the future.
 3. The vessel that was seized was carrying CoE cargo packed in Mumbai, India destined for the Indian Battalion of MONUSCO. Among the cargo were weapons from Armoured Personnel Carriers. The weapons were stored inside the vehicles to avoid damage during shipping, as per usual practice. The weapons were declared in the bill of lading, but unfortunately not reflected in the ship's manifest, as the weapons manifest had not been provided in time by the Indian authorities. It appears that the Kenyan authorities received information that the vessel was transporting narcotics, leading to the seizure of the ship and a comprehensive search of the CoE, revealing a discrepancy between the ship's manifest and the cargo. The search of the CoE was conducted without informing our contractor's representative and without the presence of a UN representative.
 4. The UN Logistic Base Manager in Mombasa immediately conveyed our concern to the Kenyan authorities regarding the search of the cargo without the presence of a UN representative, an action contrary to established protocol and provisions relating to privileges and immunities. After consultation with Office of Legal Affairs, we intend to take this matter up with the Permanent Mission of Kenya, whom we have alerted at the working level. At the same time, we are also engaging with the Permanent Mission of India as their failure to submit a timely and complete load list and weapons manifest, despite our repeated requests, significantly contributed to this situation.
 4. To prevent similar incidents from occurring in the future, the Department of Field Support (DFS) is taking the following actions:
 - Firstly, the Logistics Support Division (LSD)/DFS will notify all troops and police contributing countries (T/PCCs) that have any movement of CoE under UN responsibility of the need to provide DFS with a complete cargo load list at least three weeks in advance, and to provide the cargo manifest when the CoE is handed over to UN contractor. Should this deadline not be met, the UN will not move the cargo and any charges, including but not limited to demurrage or port handling, associated with the delay of the cargo collection and/or movement will be the T/PCCs' responsibility.
 - Secondly, LSD/DFS will request the contractor selected for the movement of CoE belonging to T/PCCs to provide the bill of lading for the CoE a minimum of 48 hours prior to the vessel's departure from the port of origin.

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- Thirdly, once all details are confirmed, DFS, in consultation with the Procurement Division of the Department of Management, will review the commercial contractor's performance in the shipment of the CoE.

5. While the situation has been resolved, I will nonetheless continue to work closely with the Office of Legal Affairs, the Department of Management, United Nations Office at Nairobi (UNON) and the contractor to ensure the speedy delivery of the CoE to MONUSCO and also to prevent similar cases in the future. I wish to note with appreciation that the UNON Director-General's personal engagement with Kenyan authorities was essential in resolving this matter.



Atul Khare
25 September 2015

cc: Mr. Eliasson
Mr. Ladsous
Mr. Serpa Soares
Mr. Takasu
Ms. Zewde

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