

INTERNAL AUDIT DIVISION I  
OFFICE OF INTERNAL OVERSIGHT SERVICES

TO: Mr. Daudi L. Mwakawago, Special Representative of the Secretary-General  
UNAMSIL DATE: 22 November 2005

FROM: Patricia Azarias, Director  
DE: Internal Audit Division I, OIOS  
SUBJECT: OIOS Audit No. AP2005/622/15: Review of the state of discipline in UNAMSIL  
OBJET: in UNAMSIL

REFERENCE: AUD-7-5-73 (00254/05)

*P. Azarias*

1. I am pleased to present herewith our final report on the review of the above subject, which was conducted during April and May 2005. The review was conducted in accordance with the professional practise of auditing in United Nations organizations.
2. We note from your response to the draft report that UNAMSIL has accepted the recommendations. Based on the response, we are pleased to inform you that we have closed recommendations 2, 3, 4, 5, 7, 8, 9, 10, and 11 in the OIOS recommendation database. In order for us to close recommendations 1 and 6, we request that you provide us with additional information as indicated in the text of the report and a time schedule for its implementation. Please refer to the recommendation number concerned to facilitate monitoring of their implementation status. Please note that OIOS will report on the progress made in implementing its recommendations, particularly those designated as critical, in its annual report to the General Assembly and semi-annual report to the Secretary-General.
3. Internal Audit Division I is assessing the overall quality of its audit process and kindly requests that you consult with your managers who dealt directly with the auditors and complete the attached client satisfaction survey form.

#### I. INTRODUCTION

4. Due to widespread allegations of sexual exploitation and abuse in some missions, which undermines the significant contributions the United Nations has made in the field of peacekeeping, the Department of Peacekeeping Operations (DPKO) has sought a broader understanding of the overall state of discipline in all DPKO peacekeeping operations and requested OIOS to conduct a review of the subject.
5. A series of meetings was held between OIOS and DPKO and the Office of Human Resources (OHRM), which resulted in establishing the terms of reference for the review and the development of an agreed audit programme. OIOS conducted a review of the state of discipline in UNAMSIL in April and May 2005.
6. The comments made by the Management of UNAMSIL on the draft audit report have been included in this report as appropriate and are shown in italics.

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INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

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OBJET: in UNAMSIL

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## **II. AUDIT OBJECTIVES**

7. The objectives of the review were to:
- (i) Assess the state of discipline in the mission;
  - (ii) Identify gaps in existing policies and procedures on discipline; and
  - (iii) Identify tools that the mission requires to maintain an environment of good order and adherence to the UN standards of conduct

## **III. AUDIT SCOPE AND METHODOLOGY**

8. The review included a survey on the state of discipline in the Mission and analysis of data and statistics on cases of misconduct for the past three calendar years 2002, 2003 and 2004. OIOS conducted a preliminary overview of the Mission's operations and environment, reviewed all relevant policies and guidelines on discipline. In addition, discussion and one-on-one interviews were held with management and relevant civilian and military personnel involved in the Mission's disciplinary mechanism and enforcement.

## **IV. OVERALL ASSESSMENT**

9. UNAMSIL has put measures in place to mitigate misconduct, investigate reported incidents of misconduct and enforce the existing policies on discipline. However, the Mission needs to strengthen these measures. Specifically, there is a need to: (i) establish measures based on risk assessment, and (ii) institute formal procedures for receiving and investigating allegations. There is also a need to strengthen the Mission's information programme for raising personnel awareness and commitment to the UN standards of conduct.

## **V. AUDIT FINDINGS AND RECOMMENDATIONS**

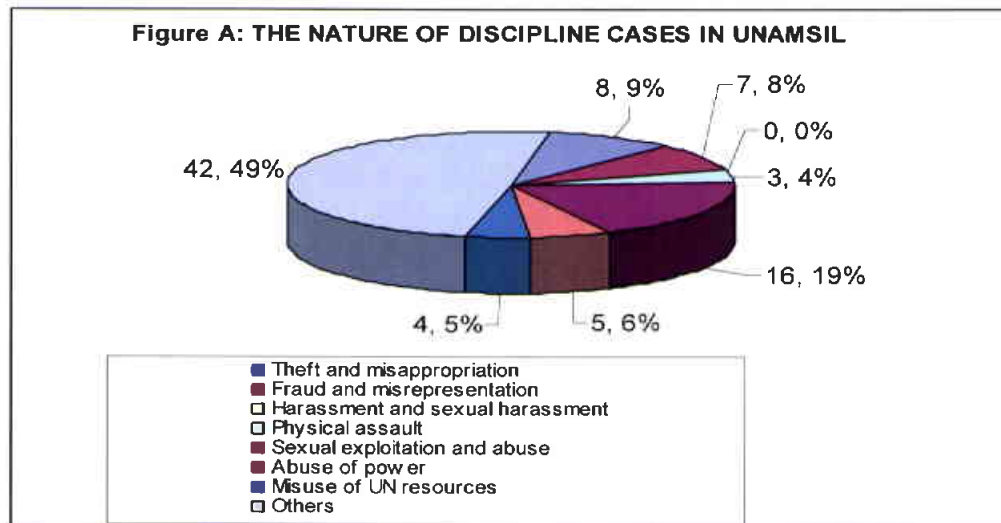
### **A. The state of discipline in the Mission**

#### Reported cases of misconduct

10. Table 1 shows the number of misconduct cases reported during the three-year period 2002-2004, while Figure A shows the number of cases by type of misconduct. Of the 16 SEA cases, 11 involved military personnel, 3 national staff and 2 international staff.

**Table 1: Misconduct cases reported from 2002 to 2004 by category of personnel**

	2002	2003	2004	Total
Civilian Staff	2	9	3	14
Military Contingents	16	4	40	60
Military Observers	1	0	1	2
Civilian Police	0	0	1	1
UNVs	2	1	5	8
<b>Total</b>	<b>21</b>	<b>14</b>	<b>50</b>	<b>85</b>



Perceptions of the state of discipline in the Mission

11. OIOS surveyed all of UNAMSIL’s international and national staff, UNVs, civilian police, military observers, and a sample of military personnel. The results of the survey, which reflect a favorable staff perception and awareness of the state of discipline in the Mission, are summarized as follows:

- Seventy-two per cent of respondents rated the overall state of discipline in the Mission as above average;
- Eighty-eight per cent of respondents rated the Mission’s handling of misconduct cases as average;

- Eighty-eight per cent of respondents rated the Mission's attitude on dealing with SEA cases as above average;
- Ninety-nine per cent of respondents were aware of the UN standards of conduct;
- All respondents know that sexual activity with a person under the age of 18 is prohibited; and
- Ninety-six per cent of respondents were aware that involvement with a prostitute is prohibited under the UN standards of conduct.

12. A further analysis of the survey results indicated that a significant number of UNVs are not pleased with the state of discipline in the Mission. Twenty-three per cent of the UNV respondents rated the overall state of discipline in the Mission and the Mission's attitude on dealing with misconduct issues as below average.

### **Recommendation 1**

UNAMSIL Management should identify the reasons for the dissatisfaction of UNVs with the state of discipline in the Mission, as indicated by the survey results, and take appropriate action (AP2005/622/15/01).

13. UNAMSIL accepted the recommendation indicating that *in September 2005 it would address the issue with the UNV project manager for further assessment and any further action*. As of the date of the final report, the Mission has not provided any evidence to OIOS indicating that the issue has been resolved. OIOS will close this recommendation in its database after UNAMSIL formally notifies OIOS that the recommendation has been implemented.

## **B. Policies and procedures on discipline**

### Need to expedite BOI proceedings

14. Our analysis of the proceedings of Boards of Inquiries, Headquarters (HQBOI) and contingent (CBOI) indicated that, on average, it takes a CBOI eight weeks to complete its investigation, while it takes an HQBOI forty-two weeks from the time it was notified of the misconduct. UNAMSIL Management attributed the delays in the HQBOI investigations to the shortage of investigators and unwillingness of some officers, such as the Force Legal Officer and the Force Medical Officer, to promptly provide required documents to investigators. HQBOI members claim that they are busy with their primary duties and some managers refuse to release their staff to perform HQBOI duties.

## **Recommendation 2**

UNAMSIL Management should establish reasonable timelines for the completion of a BOI and enforce full cooperation of all relevant officers involved in conducting a BOI, including appointed members (AP2005/622/15/02).

15. UNAMSIL accepted the recommendation indicating that since *September 2005, the BOI has been streamlining the procedure to establish timelines for completion of cases. In addition, an additional part-time secretary has been assigned to the BOI; thus making the total number of secretaries two. Documentation pertaining to death and disability cases of contingent personnel will be forwarded to UNHQ within 60 days of the death/accident if a CBOI has not taken place.* OIOS considers the implemented actions, including the establishment of a timeline for reporting death/disability cases to UNHQ, as satisfactory. Therefore, OIOS will close this recommendation in its database.

### Expertise needed to handle SEA cases

16. Expertise in handling SEA cases is not available in UNAMSIL. SEA guidelines suggest that personnel conducting preliminary investigations on the subject should be professional investigators with expertise in handling SEA cases. Mission investigation personnel are not trained in handling SEA preliminary investigations. In OIOS' opinion, UNAMSIL should consider an arrangement with UNMIL and ONUCI where they can share a SEA expert in the form of a regional special SEA investigator to handle all SEA cases in the three missions in West Africa.

## **Recommendation 3**

UNAMSIL Management should consult with DPKO to arrange for a regional SEA investigator for the three missions in West Africa (AP2005/622/15/03).

17. The Mission accepted the recommendation but indicated that *its implementation had been overtaken by events.* OIOS considers the implemented actions as satisfactory. Therefore, OIOS will close this recommendation in its database.

### Measures to improve discipline in the Mission

18. On 23 March 2005, the Mission issued a circular declaring six locations, where prostitutes frequent, as "off limits" area to United Nations vehicles after dark. OIOS' spot check revealed the presence of some United Nations vehicles at the locations. This violation was reported to Management by the Security Section. However, the Chief Security Officer was not aware if any actions had been taken against the violators.

19. OIOS noted that some of the locations included in the "off limits" list were strictly restaurants, bars or a combination of an eatery and bar. Because of their proximity to UNAMSIL headquarters and due to the lack of better alternatives, these places are frequented by UNAMSIL staff for lunch and dinner. Some Mission personnel complained that the "off limits" policy was unrealistic and restrictive.

## **Recommendations 4 and 5**

UNAMSIL Management should:

- (a) Revisit the “off limits” circular with a view to ensuring that establishments put on the list present a real misconduct risk to the Mission and/or its personnel. In this light, UNAMSIL Management should also seek guidance from DPKO on the establishment of criteria for declaring “off limits” locations and curfew hours in the Mission (AP2005/622/15/04); and
- (b) Ensure that violators of the “off limits” and curfew regulations and other disciplinary policies are reprimanded or penalized (AP2005/622/15/05).

20. The Mission accepted recommendations 4 and 5. Regarding recommendation 4, the Mission indicated that it has *issued a circular to remind all staff to abide by the UN Code of Conduct and to refrain from unacceptable behaviors. The circular also recalled the Secretary-General's Information Circular on SEA (05/29) and the 15 March 2005 Information Circular 05/38 from the SRSG.* With respect to recommendation 5, the Mission stated that *a letter of caution from the O/CAO (or SRSG as appropriate) is issued to violators of the “off limits” regulations and/or other existing applicable disciplinary rules and regulations.* OIOS considers the implemented actions satisfactory. Therefore, OIOS will close recommendations 4 and 5 in its database.

### Formal procedures for the receipt and handling of complaints need to be established

21. The SEA Focal Point has been appointed to receive SEA complaints. All other misconduct complaints can be addressed to many different offices and officers such as the Office of the SRSG, the Office of the Chief Administrative Officer, Personnel Section, Security Section or SEA Focal. This setup:

- Increases the risk that complaints are not attended to or followed up;
- Discourages reporting incidents of misconduct;
- Has resulted in inaccurate reporting of the number of misconduct cases. For example, some SEA cases reflected in the Security Section and the Force databases were not in the SEA Focal Point Database.

## **Recommendations 6 and 7**

UNAMSIL Management should:

- (a) Establish formal procedures for the receipt and handling of complaints, appoint a focal point to receive all misconduct complaints, and publicize the formal procedures and the appointment of the focal point (AP2005/622/15/06);

(b) In consultation with DPKO, develop an interim Mission-wide database to record all cases of misconduct received and to monitor the status of action taken on them (AP2005/622/15/07).

22. UNAMSIL accepted recommendation 6 commenting that *the Legal Officer has submitted a report to the SRSG which contains recommendations and suggestions as to how to proceed in this regard. Procedures for the receipt and handling of complaints are being drafted and once approved, will be circulated. SEA focal point has been identified.* OIOS understands that efforts are underway to create a Conduct and Discipline Unit (CDU) in missions. Until such time that the CDU is created in UNAMSIL, the focal point recommended above should implement recommendation 6. OIOS will leave this recommendation open until it can be confirmed that the recommendation has been fully implemented.

23. UNAMSIL accepted recommendation 7 commenting that *as stated in the IOM of 24 August 2005 from the CAO to the Chief of Security, the current mission-wide database has been modified to track offences including but not limited to traffic incidents, security and misconduct. Cases are reviewed and the O/CAO and mission leadership is apprised of activities and any emerging trends.* In addition, DPKO advised OIOS that *it planned to provide all missions with a database to track misconduct cases. The task is scheduled to be completed in March 2006.* OIOS considers the implemented actions at the mission level satisfactory and will close recommendation 7 in its recommendation database.

#### Confidentiality of SEA information/testimony

24. The Alternate SEA Focal point handles confidential information and often interviews victims and individuals reporting cases of SEA. However, the Alternate SEA Focal Point shares an office with another staff member who has no responsibility for SEA matters. OIOS learned that there were times when non-UNAMSIL complainants refused to come to the SEA Office for fear of being identified. They wanted to submit their complaints and be interviewed outside the office. However, the Alternative SEA Focal Point could not always meet the complainants because no vehicle had been allocated to it. In the view of the auditors, the SEA should be provided with appropriate resources in order to effectively perform her duties.

#### **Recommendation 8**

UNAMSIL Management should allocate appropriate amount of resources including and office space and vehicle to the Alternate SEA Focal Point (AP2005/622/15/08).

25. UNAMSIL accepted the recommendation indicating that it has been *implemented. Separate office space has already been allocated with effect from 01 August 2005.* OIOS considers the implemented action satisfactory. Therefore, OIOS will close this recommendation in its database.

#### Need for a gender-balanced investigation team

26. The review found that members of CBOIs were all males. The Office of the Force Commander explained that there were not enough female soldiers in the Force. In OIOS' opinion, the SEA Focal Point, who is a female, should be involved in investigations of SEA conducted by the CBOI.



### **Recommendation 9**

UNAMSIL Management should ensure that investigation panels/boards are gender-balanced. Where there are no female representatives, the SEA Focal Point should be appointed in the panel (AP2005/622/15/09).

27. UNAMSIL accepted the recommendation indicating that it has been *implemented*. *The composition of personnel serving as Board members on HQBOIs investigating SEA cases is always gender balanced. Regarding CBOIs, only two military units have female members. However, with these contingents repatriating imminently having a female representative on a CBOI will no longer be feasible. As the designated civilian SEA alternate focal point (female) is not a contingent member, she is prohibited to sit on CBOIs that are restricted to contingent members only. However, the military SEA focal point (male), who is a staff officer at the FHQ reviews CBOIs for the Force Commander's further directives.* In view of this, OIOS will close recommendation 9 in its database.

### **C. Misconduct prevention programmes**

#### Risk assessment

28. The Mission did not conduct a specific risk assessment to determine the areas prone to misconduct risks and the likelihood and significance of these risks. Conducting such a risk assessment would allow the Mission to determine high-risk areas and develop appropriate procedures for preventing or mitigating the risks.

### **Recommendation 10**

UNAMSIL Administration should coordinate with DPKO in conducting a risk assessment to identify high-risk misconduct issues facing the Mission and to develop a strategy for preventing or mitigating the identified risks (AP2005/622/15/10).

29. UNAMSIL accepted the recommendation indicating that it has been *implemented*. The Mission also commented that *on review of prior misconduct cases in UNAMSIL, measures have been put in place to prevent or mitigate the risk. Weekly security reports sent out via Lotus notes alert readers to security incidents/risks and provide advice. Information circulars are intermittently sent out providing guidance on issues relevant to conduct of personnel.* OIOS considers the implemented actions satisfactory. Therefore, OIOS will close this recommendation in its database.

#### Need for increased misconduct awareness programme

30. OIOS' survey of UNAMSIL personnel indicated the need for an increased misconduct awareness programme in the Mission. The survey revealed that 27 per cent of respondents did not know how to report cases of misconduct and 29 per cent were not aware of their duty to report SEA cases.

### **Recommendation 11**

UNAMSIL Management should provide new personnel with comprehensive training on the UN and UNAMSIL values and standards of conduct. Refresher training should be provided to all personnel at appropriate intervals (AP2005/622/15/11).

31. UNAMSIL accepted *recommendation AP2005/622/15/11 indicating that it has been implemented. The Mission also commented that the check-in procedure for all new UNAMSIL staff includes a two-hour brief by the SEA Focal Point (or Alternate) who discusses conduct in the Mission, including clarification on off-limit areas and what constitutes sexual abuse and exploitation. Refresher training was implemented in July 2005 – “Sexual Abuse and Exploitation” and follow up courses are to be scheduled at a later date. OIOS considers the implemented actions satisfactory.* Therefore, OIOS will close this recommendation in its database.

### **VI. ACKNOWLEDGEMENT**

32. I take this opportunity to thank the management and staff of the UNAMSIL for the assistance and cooperation provided to the auditors in connection with this assignment.

Copy to: Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations  
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