



INTERNAL AUDIT DIVISION I
OFFICE OF INTERNAL OVERSIGHT SERVICES

TO: Mr. Alan Doss
A: Special Representative of the Secretary-General
UNMIL

DATE: 25 January 2006

REFERENCE: AUD- 7-5:75(⁰⁰⁰⁴⁴ /06)

FROM: Patricia Azarias, Director
DE: Internal Audit Division-I, OIOS

A handwritten signature in blue ink that reads "P. Azarias".

SUBJECT: **OIOS Audit No. AP2005/626/01: UNMIL Rule of Law Programme**
OBJET:

1. I am pleased to present the final report on the above-mentioned review, which was conducted during the period September to October 2005.
2. We note from your response to the draft report that all of the recommendations have been accepted. Based on the response, we are pleased to inform you that we have closed recommendations 1 and 7 in the OIOS recommendations database. In order for us to close the remaining recommendations (i.e. 2, 3, 4, 5, 6, 8 and 9), we request that you provide us with the additional information as discussed in the text of the report and a time schedule for their implementation. Please note that OIOS will report on the progress made to implement its recommendations, particularly those designated as critical (i.e., recommendations 2, 4 and 5), in its annual report to the General Assembly and semi-annual report to the Secretary-General.
3. IAD 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.
4. I take this opportunity to thank the management and staff of UNMIL for the assistance and cooperation provided to the auditors in connection with this audit assignment.

Copy to: Mr. Jean-Marie Guehenno, Under-Secretary-General for Peacekeeping Operations
Mr. Philip Cooper, Director, ASD/DPKO
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Office of Internal Oversight Services

Internal Audit Division I



Audit of the UNMIL Rule of Law Programme

Audit no: AP2005/626/01

Report date: 25 January 2006

Audit team: Laud Botchwey, Auditor-in-Charge

EXECUTIVE SUMMARY

OIOS Audit of the UNMIL Rule of Law Programme (Assignment No. AP2005/626/01)

OIOS conducted an audit of the Mission's Rule of Law (ROL) programme during the period September to October 2005. The main objective of the audit was to assess whether the UNMIL Rule of Law programme has been planned and executed with due regard for economy, efficiency, effectiveness and accountability. It aimed at identifying any factors that inhibit satisfactory performance and any areas of high risk to the programme.

As part of this audit, OIOS interviewed a number of key stakeholders in the process including UNMIL personnel and Liberian government officials relevant to the ROL components being reviewed. The audit focused on the three pillars of the criminal justice system (CIVPOL, Corrections and Legal and Judicial Support) due to their interrelatedness, whilst also noting the contributions of Civil Affairs and Gender Affairs. OIOS visited various courts, police stations and prisons in Tubmanburg (Bomi County), Harper (Maryland County), and Kakata (Margibi County) as well as in Monrovia (Montserrado County).

Overall, OIOS found that there were good internal controls over the rule of law programme. These controls relate to programme planning, implementation, monitoring and reporting. The programme had to be implemented in a very constrained environment characterized by very weak power base of the National Transitional Government of Liberia (NTGL), operationally weak or dysfunctional rule of law institutions lacking basic operational tools and logistics, competencies (in some cases) and capabilities. Physical conditions at all the institutions were dilapidated, deplorable and insecure. Lack of funding for various projects required is a serious handicap to the achievement of programme goals and objectives.

Whilst noting these numerous environmental constraints within which the programme had to be implemented, it was clear that the commitment of UNMIL rule of law personnel in the places visited, towards the achievement of the objectives was unquestionable. There were various instances where staff had used their personal resources and funds to make situations bearable for their Liberian counterparts and inmates alike. The external constraints act as serious impediments against the achievement of programme objectives. The mandate of UNMIL is such that it has to rely on the NTGL for implementation of rule of law recommendations. This has not always been forthcoming (sometimes due to lack of political will), or when accepted, has been subject to significant delays.

OIOS noted that the checks made as part of the Results Based Budgeting performance reporting process significantly assisted to monitor the progress of the programme. Daily, weekly and monthly reports, whilst not of themselves assurances of success, all play a significant part in the monitoring of performance. Lessons learned from this Mission would be valuable to other missions engaged in rule of law activities. Whilst acknowledging that significant progress has been made, it is also clear that the programme still has a long way to go if it is to assist in the establishment of rule of law in an external environment (including lack of infrastructure, lack of qualified personnel and lack of political will) which could at best be described as weak.

OIOS identified a number of weaknesses for which recommendations have been made for improvement. These recommendations include but are not limited to:

- Implementation of formal risk management practices and processes within the programme to ensure that risks are managed appropriately;
- The development of standard operating procedures (SOPs) for Corrections and Legal/Judicial to ensure continuity and standardization of practices even when staff are rotated, changed or deployed to other sectors. New staff should be familiarized with the SOPs and Programme operations and practices; and
- The inclusion of a representative of the Judicial Branch on the Rule of Law Implementation Committee (ROLIC) to enhance the purview of the Committee and also to obtain “buy-in” for reforms decided by that Committee

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GLOSSARY OF TERMS

CAU	Corrections Advisory Unit
CIVPOL	Civilian Police
DPKO	Department of Peacekeeping Operations
DSRSG	Deputy Special Representative of Secretary-General
ECOWAS	Economic Community of West African States
FPU	Formed Police Units
IMIP	Integrated Mandate Implementation Plan
IPS	International Police Service
LJSSD	Legal and Judicial System Support Division
LNP	Liberian National Police
MCP	Monrovia Central Prisons
NTGL	National Transitional Government of Liberia
OIOS	Office of Internal Oversight Services
RFTF	Results Focused Transitional Framework
RBB	Results Based Budgeting
ROL	Rule of Law
ROLIC	Rule of Law Implementation Committee
SOP	Standard Operating Procedures
SRSR	Special Representative of Secretary-General
UNMIL	United Nations Mission in Liberia

I. INTRODUCTION

1. OIOS conducted an audit of the Rule of Law programme in the United Nations Mission in Liberia (UNMIL) during September to October 2005. The audit was conducted in accordance with the standards for the professional practice of internal auditing in United Nations organizations.
2. The United Nations Mission in Liberia (UNMIL) was established by Security Council Resolution 1509 (2003) dated 19 September 2003. This provided the mandate for the Mission. This mandate was later extended by Resolution 1561 (2004) dated 17 September 2004 and Resolution 1626 (2005) dated 19 September 2005. The mandate provided for the deployment of up to 15,000 United Nations Military Personnel, including up to 250 military observers and 160 staff officers and up to 1,115 Civilian Police (CIVPOL) Officers, including Formed Police Units to assist in the maintenance of law and order throughout Liberia, and the appropriate civilian component.
3. As at 24 August 2005, UNMIL Military troop strength stood at 14,894 (including 202 Military Observers and 128 Staff Officers) with UNMIL CIVPOL strength standing at 1,090 including 480 personnel comprising four Formed Police Units and 18 Corrections Officers. At 24 August 2005, 510 international civilian staff were employed at the Mission, together with 435 United Nations Volunteers and 754 national staff. The Security Council Resolution mandated UNMIL among other things to “Assist the transitional government of Liberia in monitoring and restructuring the police force of Liberia, consistent with democratic policing, to develop a civilian police training programme, and to otherwise assist in the training of civilian police, in cooperation with ECOWAS, international organizations and interested states” It also mandated UNMIL to “Assist the transitional government in conjunction with ECOWAS and other international partners in developing a strategy to consolidate governmental institutions, including a national legal framework and judicial and correctional institutions”. This mandate provided UNMIL with no executive powers.
4. The appropriation for UNMIL for the period 1 July 2005 to 30 June 2006 is \$760,567,400 (gross) under General Assembly Resolution 59/305 of 22 June 2005. Apportionments for the CIVPOL component for 2003-04 and 2004-05 were \$15.7 million and \$37.6 million respectively. Actual expenditure stood at \$14.6 million and \$31.8 million respectively.
5. UNMIL Rule of Law (ROL) programme is structured under the Deputy Special Representative of the Secretary-General responsible for Operations and Rule of Law (DSRSG Ops and ROL) and is made up of five components namely, CIVPOL, Civil Affairs, Legal and Judicial, Corrections Advisory and Human Rights and Protection. This review focused on the CIVPOL, Corrections Advisory and Legal and Judicial components which together are at the forefront of any criminal justice structure. The focus on those three components was based on the interrelatedness of their activities and also a function of the limited time available to finalize the review. Where police, corrections and judiciary authorities have ceased to exist or are unwilling or unable to carry out their functions, a law and order vacuum is created, leading to a hostile and anarchical environment in which impunity reigns.
6. The objectives of the three components chosen as set out in the 2004-05 UNMIL budget relate to support for security reform. The objectives are “enhanced public law and order and the creation of sustainable operational capacity of the Liberian National Police Service and other

security institutions” and “the creation of sustainable judicial and correctional institutions in Liberia”. These contribute to the achievement of the overall UNMIL mandate.

Programme Implementation Environment

7. The Rule of Law programme was being implemented under serious environmental constraints. It was at a time when a National Transitional Government of Liberia (NTGL) existed made up of representatives of the previously warring factions. This meant that the government had a very weak power base and decisions were often delayed for long periods. The institutions that had to be assisted were very weak operationally, with acute lack of funds and logistics for the proper and effective operation of their functions. In most cases, reliance had to be placed on UNMIL officers for basic operational logistics.

8. In respect of the Local National Police (LNP), a severe lack of resources has meant that they have had to rely on the International Police Service (IPS) for basic operational tools like papers and books for the recording of incidents etc. Even in areas where vehicles have been provided, they suffer from lack of funds for fuel thereby fostering a situation where complainants sometimes have to provide fuel for the police to be able to deal with their cases. Most police stations are dilapidated with leaking roofs and insecure premises. The LNP operated in a policy vacuum for a long time and officers were not paid thereby leading to a corrupt culture within the organization.

9. The Corrections sector did not fare any better with prisons being insecure. Most prison doors could be broken down just by prolonged shaking. The prisons lacked basic facilities and officers had not been paid for long periods. Even where salaries were paid, they were extremely low and the system had no rehabilitation capacity. Pre-trial and convicted persons were often kept in the same blocks and in some cases, juvenile facilities were non-existent, thereby leading to situations where juveniles were kept in adult blocks. The Judicial system was also extremely weak. The whole of Liberia has less than 200 qualified lawyers. Of 145 Magistrates recently appointed, only three are qualified lawyers. Most of the courtrooms are dilapidated and lack basic facilities. There were no legal aid services and public defenders were no longer at post as they had not been paid for long periods. Judges/Judicial employees received very low salaries if at all.

10. It is within this operational background that UNMIL had to implement its rule of law programme. Without an executive mandate, reliance had to be placed on the transitional government to implement any changes recommended by the UNMIL Rule of Law components. In most cases, this occurred with some difficulty, reluctantly or was subject to significant delays.

11. The comments made by the Management of UNMIL on the draft audit report have been included in the report as appropriate and are shown in italics.

II. AUDIT OBJECTIVES

12. The main objective of the audit was to assess whether the UNMIL Rule of Law programme has been planned and executed with due regard for economy, efficiency, effectiveness and accountability. It aimed at identifying any factors that inhibit satisfactory performance and any areas of high risk to the programme.

III. AUDIT SCOPE AND METHODOLOGY

13. The audit was limited to three components of the Rule of Law, namely CIVPOL, Corrections and Legal/Judicial. These were regarded as posing the greatest risk to the success or otherwise of the programme. It covered the period from October 2003 to June 2005 and focused on programme planning, execution and reporting. OIOS used generally accepted programme management practices for planning and implementation as the base criteria for evaluation of programme performance. In doing this, due regard was paid to UN general guidelines and DPKO guidelines in particular and also targets, results and outputs set out in budget documents. The audit was limited to the evaluation of internal controls implemented by management to ensure the achievement of objectives.

14. During the audit, OIOS held several meetings with management of the relevant components, interviewed key stakeholders and staff of other relevant local partners, and also physically inspected some work areas especially where reform/restructuring has taken place or was in progress.

IV. OVERALL ASSESSMENT

15. The review of rule of law programme internal controls at UNMIL revealed that good controls, from a programme management perspective, existed over the programme. Programme planning, implementation, monitoring and reporting controls were considered to be generally good with some improvement opportunities identified. There were serious external environmental constraints which serve as serious impediments (mainly outside the control of UNMIL) to the achievement of programme objectives. Some innovative approaches have been used to try and achieve the sustainability of processes and practices recommended by UNMIL for implementation. The constructive contributions by UNMIL rule of law personnel, sometimes from personal resources are acknowledged.

V. AUDIT FINDINGS AND RECOMMENDATIONS

A. Programme Planning, Implementation, Reporting and Evaluation

Clearly defined and quantifiable objectives

16. The audit found that programme objectives for the three components reviewed were clearly defined and quantifiable as far as possible. The process of setting the objectives was part of the overall integrated approach to Mission planning. An Integrated Strategic Mandate Implementation Plan (IMIP) was prepared at the start of the Mission and this formed the basis of progress reports on the various activities of the Mission. The objectives then form the basis for the preparation of the Results Based Budget (RBB) for each year. This provides a further means for setting out, measuring and reporting on objectives set and outputs of the various components. For the three components reviewed, each had set objectives in the IMIP and these were then measured in subsequent progress reports. The last report reviewed by OIOS was the fifth report for the period 1 February 2005 to 30 May 2005.

Programme Results within expected limits

17. The results of the activities of the components are reported as part of the Results Based Budget (RBB) document. This document sets out the expected accomplishments (which are linked to the Security Council's set objective/mandate) for each of the components. The indicators of achievement set benchmark measurement targets used to quantify progress and the outputs indicate actual performance against the set benchmarks/targets. Whilst noting that some of the set indicators of achievement and outputs were not met, it was also noted that where this was the case, it was reported in the RBB and explanations provided as to why the targets were not achieved. The financial costs of the components were within set budgetary limits and where this was not the case, variances were adequately explained in the RBB. The human resources also adhered to budgeted limits.

Programme Planning

18. Generally the IMIP covers planning for the whole Mission (including CIVPOL, Corrections and Legal/Judicial). This plan is prepared in consultation with all the sections of the Mission. Progress reports on the IMIP and revisions are made approximately every six months. The IMIP contains descriptions of tasks to be performed with timelines and identification of responsible sections. These tasks are geared towards the achievement of the overall mandate including security reform (which covers the activities of CIVPOL, Corrections and Legal/Judicial). An Integrated Mandate Implementation Committee comprising representatives from appropriate UNMIL components meets quarterly to establish Mission-wide priorities, sector plans and monitor progress towards the achievement of the mandate.

19. In specific terms the Rule of Law Committee headed by the DSRSG Operations and Rule of Law, meets regularly to set priorities and monitor progress towards the achievement of rule of law initiatives. This group comprises representatives from the various rule of law components. Each component prepares sub-plans for the achievement of their set objectives.

Corrections- Mission Planning

20. In respect of corrections, OIOS noted some deficiency in the initial planning for the Corrections Advisory Unit (CAU) in that whilst plans were made, the Unit was not adequately provided for when budgets were submitted for approval. As a result, no provision was made for the 18 corrections officers required by the Unit. Ultimately CIVPOL had to release 18 positions in order for the CAU to meet their staffing requirements. Administratively the CAU was also initially included under CIVPOL for budgetary purposes. This created some bottlenecks which hampered effectiveness of the Unit. Whilst noting the close interconnection with CIVPOL, it is also noted that Correctional operations differs in some major ways from the policing effort. OIOS has been informed that a Corrections Mission Planning Checklist has recently been developed by the Department of Peacekeeping Operations (DPKO) to assist in proper planning for Corrections in undertaking assessment of prison systems in post conflict environments. It was also noted that there was no provision for local staff in the Corrections Advisory Unit budget. If a major part of the mandate of the Unit is to assist the transitional government in developing a strategy to consolidate correctional institutions, it is essential for national staff to be

included in the development of such a strategy in order to ensure sustainability into the future.

General – Risk Analysis and Management

21. Whilst OIOS was provided with a copy of the IMIP which identifies core programmes and the objectives to achieve them, there was no evidence of formal, systematic, clearly documented risk assessments made by the sections in order to identify, assess, prioritize and manage risks related or relevant to the achievement of the objectives. It appears that risk assessments are done at an informal level. Some objectives were not met because they could only be achieved if certain conditions were met by the transitional government.

Recommendations 1 and 2

OIOS recommends that UNMIL Management:

- (i) Ensure that Corrections is appropriately included in Mission planning in terms of both funding and human resource capacity. Additionally, consideration should be given to the inclusion of national staff in the Unit in order to ensure sustainability of any strategy developed in the longer term (AP/2005/626/01/01); and
- (ii) Implement formal risk management practices and processes within the programme to ensure that risks are managed appropriately (AP2005/626/01/02).

22. *UNMIL accepted recommendation 1 and stated that Corrections should be included in mission planning and this has been conveyed to Headquarters. DPKO has developed a Corrections Mission Planning Checklist to ensure that proper planning is undertaken in future. Based on the Mission's response, OIOS has closed recommendation 1.*

23. *UNMIL accepted recommendation 2 and stated that the Office of the D/SRSG for Operations and Rule of Law did complete a risk assessment questionnaire of the programme in November 2005. This document, along with the recently completed work plans of Rule of Law components and the RBB will form the basis for developing a more comprehensive Risk Register which will subsequently be monitored and managed by the O/DSRSG. Recommendation 2 remains open pending receipt from UNMIL of the completed risk register.*

B. Organization of the Programme Office

Overall ROL Organization

24. The Rule of Law programme has been appropriately structured with the Head being the DSRSG, Operations and ROL. He reports directly to the SRSG who is the head of the Mission. The various components of rule of law are:

- Civil Affairs;

- Human Rights and Protection;
- Corrections and Prison Advisory;
- Office of the Civilian Police Commissioner; and
- Legal and Judicial System Support.

25. The chiefs of each of these sections report directly to the DSRSG Operations and ROL and are directly accountable for the performance of their sections. The section chiefs together with the DSRSG Ops and ROL form the Rule of Law Working Task Force. In respect of the three components reviewed by OIOS, they are divided into various core units which replicate the requirements of the mandate. For example, CIVPOL is made up of four key areas namely Training, Reform and Restructuring, Planning and Operations, with each section headed by an officer who reports directly to the CIVPOL Commissioner. It is considered that this structure is appropriate for the achievement of the mandate.

26. In addition, a Rule of Law Implementation Committee (ROLIC) which is a forum for discussing pertinent rule of law issues with government counterparts is in place and operating. This Committee is made up of the Rule of Law Working Task Force members in addition to the Liberian Minister for Justice, Assistant Justice Minister for Rehabilitation and Correctional Facilities, the National Security Advisor to the Chairman of the NTGL and the Acting Inspector General of the Liberian National Police Force. It is pertinent to note that the Judicial Branch, which is a key stakeholder in any successful Justice and Judicial reform process, is not included in the Committee.

Recommendation 3

OIOS recommends that UNMIL Management include a representative of the Judicial Branch in the Rule of Law Implementation Committee to enhance the purview of the Committee and also obtain “buy-in” for reforms decided by that Committee (AP2005/626/01/03).

27. *UNMIL accepted recommendation 3 and stated that a representative of the Judicial branch was nominated to attend the ROLIC at its inception in January 2005 but they chose not to attend. In December 2005, a Rule of Law Task Force was established by the SRSG to formulate a Rule of Law working paper for discussions with the in-coming government. It has also been agreed that the Judiciary will be invited to nominate a representative to the Task Force. In this way the Judiciary will be able to play an active role in the development and implementation of justice sector reform initiatives. Recommendation 3 remains open pending confirmation by UNMIL of participation by the Judiciary in the Task Force.*

C. Programme Implementation and Monitoring

CIVPOL, Corrections and Legal/Judicial

28. Based on information in the RBB Performance Report 2004-05 and audit testing, it was noted that human resource requirements had generally been provided on a timely basis. The timing of the release of positions for deployment of Corrections Officers was a notable exception

which could have hampered the effectiveness of the programme. The financial resources for the programme were as set in the Mission's budget and regular reports had informed management of any constraints relating to the financial resources. All variations to budgeted figures had been appropriately explained. Within the constraints of the Mission's budget, necessary logistical support had been provided.

Corrections and Legal/Judicial – Standard Operating Procedures (SOP)

29. In situations where police, corrections and judiciary authorities have either ceased to exist or are unwilling or unable to carry out their duties, a law and order vacuum exists creating a hostile and anarchical environment in which impunity reigns. In this environment, it is important that any efforts of UN personnel to assist should be guided by developed principles, rules and regulations. In this regard, SOPs assist to provide clarity of guidance on expectations and provide the parameters/framework within which UN officers operate. More often than not, UN officers come from different jurisdictions with non-standard practices. SOPs assist to provide unity of direction and guidance.

30. OIOS noted that no SOPs exist in the areas of Corrections and Legal/Judicial Support. As regards Corrections, it was noted that the initial failures in planning led to a situation where Corrections were part of the CIVPOL budget and effectively had to operate under the CIVPOL SOP. OIOS was further informed that an SOP had been developed in New York which could have been tailored to suit this Mission but had not been deployed. With respect to Legal/Judicial Support, it was noted that a complete SOP was at a developmental stages but standard practices existed in parts of the Division. This notwithstanding, there was no evidence of inappropriate practices in any of the two sections.

Recommendation 4

OIOS recommends that UNMIL Management develop standard operating procedures for Corrections and Legal/Judicial to ensure continuity and standardization of practices even when staff are rotated, changed or deployed to other sectors. New staff should be familiarized with the SOPs and programme operations and practices (AP2005/626/01/04).

31. *UNMIL accepted recommendation 4 and stated that a generic SOP has been developed by DPKO for corrections which will be tailored for UNMIL as appropriate. The Criminal Law and Judiciary Advisory Unit is consolidating inputs received from DPKO missions on corrections which are expected to be issued as best practices. It is also anticipated that a Corrections Manual will be finalized by DPKO. Concerning the Legal and Judicial Support Services Division (LJSSD), some progress has been made as SOPs for the effective resolution of rule of law issues arising in the field has been completed. In addition, field monitors have also been provided with deployment guidelines and trial monitoring guides. The LJSSD will now review its internal procedures with a view to developing more extensive and comprehensive SOPs. Recommendation 4 remains open pending confirmation by UNMIL that the preparation of respective SOPs, manual or best practices guide has been completed.*

D. Implementation constraints/risks

Uneven pace of component development

32. According to the handbook on UN Multidimensional Peacekeeping Operations, one of the lessons learned by peacekeeping operations is that in addition to the legislative system, three pillars of the criminal justice system – police, judiciary and corrections institutions – are closely interconnected and should all receive international attention and support. Only with effective institutions and balanced interventions across these areas can there be substantial strengthening of the rule of law. An integrated approach is therefore essential if rule of law is to be sustained. Whilst weekly meetings are held in respect of the components of rule of law, progress within each of the components has been uneven. The causative factors include varying levels of existing competencies and capacities of the institutions, political will for progressive development and availability or otherwise of funds for identified projects. The uneven pace of development has meant that some bottlenecks have existed which hamper the effective implementation of rule of law.

33. For example, OIOS was informed that there have been occasions where the police after effecting arrests have had to release the suspects because of the non-existence or non-operation of courts in the area. Even where the courts exist, lack of good correctional facilities becomes a stumbling block to the achievement of justice and rule of law.

Recommendation 5

OIOS recommends that UNMIL Management review the pace of development of the three components to ensure that any bottlenecks are addressed in a timely manner to facilitate the achievement and sustainability of rule of law (AP2005/626/01/05).

34. *UNMIL accepted recommendation 5 and stated that the Mission has been aware of the uneven pace of development of the three components resulting in lacunae in the area of Corrections. Efforts to address the disparity of funding allocation can be seen in the recent allocation of \$1,060,000 by donors for Correctional Systems Development. The Rule of Law Task Force will provide forum and mechanism to promote greater coordination in the allocation and distribution of donor funding and implementation of reform projects. Recommendation 5 remains open pending confirmation by UNMIL that the uneven pace of development of the three components has been satisfactorily addressed.*

Strategy for Correctional Facility Security

35. In an environment where rule of law is gradually being established, the security of correctional facilities, among other things, is essential to ensuring confidence in the justice and rule of law process. OIOS was informed (and visited the Prison) that the Nepalese Formed Police Unit (FPU) provides perimeter security for the Monrovia Central Prison (which houses inmates including very serious offenders). Over time, the FPU had also started providing vehicles and escort services for prisoners being transported to court due to the lack of vehicles at

the prison. OIOS learned that the deployment of the FPU there was not by design but had come about as a result of a high profile case coupled with an escape attempt that occurred at the prison. It should be noted that the FPU are not trained corrections officers and therefore their approach to security and their reaction in any crisis situation at the prison, could differ somewhat, if not markedly from the trained corrections officers.

36. All parties, Corrections, CIVPOL and the Monrovia Central Prisons (MCP) Superintendent agreed that if the FPU were to move from the MCP, there would be a serious impact on the operation of the prison. All are also agreed that the presence of the FPU is not sustainable in the long-term. It is not clear what strategy has been put in place to deal with this issue. OIOS was unable to get any formal strategy document outlining how the situation would be managed (for example training and arming Liberian Corrections Officers or training and arming a Liberian Formed Police Unit) into the future. An over-dependence on the Nepalese FPU could impact negatively on the achievement of the programme goal of re-establishing sustainable rule of law.

Recommendation 6

OIOS recommends that UNMIL Management assist the Monrovia Central Prison to develop a formal strategy over the longer term to assure the provision of perimeter security and other services currently provided by the Nepalese Formed Police Unit (AP2005/626/01/06).

37. *UNMIL accepted recommendation 6 and stated that Corrections Advisory Unit and UN Police will develop a formal strategy in collaboration with the Government of Liberia. The strategy for ensuring perimeter security for Monrovia Central Prison will be included in discussions and initiatives on security sector reform to be held with the Government of Liberia.* Recommendation 6 remains open pending confirmation by UNMIL that a formal strategy for perimeter security has been developed.

E. Training and Reform Initiatives

38. A number of training initiatives have been implemented for the Liberian security institutions and corrections officers. These are part of the controls implemented to ensure that the objectives set for the achievement of the mandate are met. OIOS visited the Police Academy and also visited various counties to see the impact of the training at the field deployment stage. OIOS noted that a robust training programme had been undertaken with well set out curriculum and training materials to ensure success. For such training to be effective there is the need for places within the institutions for the trainees to fill after graduation. In terms of the LNP, a number of officers who did not qualify for admission under the new criteria for selection into the new LNP still held command and control positions. The officers who were due for demobilization had not been demobilized due to lack of funds. OIOS was informed that the month of November 2005 is critical for any intake into the Police Academy. If no new capacity is created within the LNP (either by demobilization or creation of new positions), it could negatively impact on the training programme, possibly bringing it to a halt. OIOS was informed that a contingency strategy is being put in place to address this issue.

39. Corrections also faces a situation where there are not enough positions created to cater

for more trained officers. This is an external constraint on the ability to deliver on the mandate effectively. Moreover, the low salaries paid (trainees' stipend is greater than substantive salary of Superintendents), if paid at all, may cause a number of the trained graduates to leave the field to seek other employment if conditions do not change thereby putting at risk the training effort and resources expended. CIVPOL has tried to address this issue by convincing the transitional government to approve a salary structure for the police. Whilst Corrections and Legal and Judicial have made attempts to gain similar treatment for their officers, this has not materialized so far.

Recommendations 7 and 8

OIOS recommends that UNMIL Management:

(i) In the absence of funds for the demobilization, continue its efforts to convince the transitional government to implement the contingency strategy to ensure that the training effort and resources are not wasted (AP2005/626/01/07); and

(ii) In order to ensure that the corrections and Legal/Judicial training is not negatively impacted, intensify its efforts to convince the transitional government to implement a salary structure similar to what has been implemented for the Liberian National Police (AP2005/626/01/08).

40. *UNMIL accepted recommendation 7 and stated that UN Police did implement a contingency strategy which ensured that command and control positions were taken up by LNP officers who fulfill the new criteria and had successfully completed the police training conducted by UNMIL. As a result, resources were not wasted. In addition, the Police Division of DPKO is preparing and publishing a comprehensive portfolio of law enforcement projects for peacekeeping operations for 2006. This document will be distributed to potential donors. One of the six projects proposed by UNMIL is the demobilization of the LNP. Based on the Mission's response, OIOS has closed recommendation 7.*

41. *UNMIL accepted recommendation 8 and stated that the Mission will initiate urgent discussions with the incoming Government of Liberia at a senior level. Public Sector reform has been accorded high priority in the draft joint strategy paper prepared by the Rule of Law Task Force. There will be significant challenges as the implementation of a salary structure similar to that of the LNP will necessitate a substantial commitment from both the national government and the international community. Recommendation 8 remains open pending confirmation by UNMIL that the public sector reform has addressed the salary structure of Corrections and Legal/Judicial personnel.*

F. Legal and Judicial System Master Plan

42. One of the planned outputs for the Legal and Judicial System Support Division (LJSSD), which is considered essential to any legal/judicial system reform, is conducting workshops on the implementation of a legal and judicial system master plan. This output was not achieved during

the period under review although some initial steps were undertaken by the LJSSD under the auspices of the Judiciary Sub-committee of the Governance, Democratic Development and Rule of Law Committee (RFTF working committee – cluster 4). The work of the committee (cluster 4) ground to a halt as a result of disillusionment on the part of the national stakeholders with the whole RFTF framework as it applied to cluster 4, thereby delaying the achievement of this output.

43. A master plan is an essential roadmap document for the reform of the legal and judicial system. This plan should normally have broad support from all the stakeholders to be successful at the implementation stage. Without a well planned, articulate and robust roadmap, actions taken will tend to be ad-hoc and may not achieve the objectives effectively. It is therefore crucial to the development and sustainability of rule of law that a master plan be implemented after all the parties are trained on the roadmap.

Recommendation 9

OIOS recommends that UNMIL Management set an achievable timeframe for the development and implementation of a master strategic plan in conjunction with the National Stakeholders, as it is crucial to the success of any reform process (AP2005/626/01/09).

44. *UNMIL accepted recommendation 9 and stated that the Rule of Law Task Force has developed an agreed strategy for strengthening the rule of law and addressing the culture of impunity in Liberia, which will form the basis for developing the joint plan of action with the new government. The paper provides a detailed breakdown of proposed reform initiatives for all components of the rule of law including the justice sector. In addition, the Mission is developing a justice sector strategy paper which highlights the key challenges – structural, institutional and substantive reforms, resources, facilities, equipment and administrative measures necessary to position the judiciary to play the key role expected of it in a post-conflict democratic Liberia. Commencing in January 2006, UNMIL will engage the government and other national partners in ensuring that the document becomes a nationally owned and driven strategic justice sector reform plan. Recommendation 9 remains open pending confirmation by UNMIL that a master strategic plan of action with timeframe has been jointly developed with the new government.*

G. Database Management System (Shared Drives) and ROL Index

45. Good information systems are critical to the effectiveness of any programme. Information needs to be clear, concise and be received in a timely manner to be useful for programme monitoring and implementation. OIOS noted that composite programme reports are usually compiled based on reports sent by email from each of the sections within each component of rule of law. There are officers in the offices of each of the component chiefs, who are responsible for collating and preparing the composite reports. This method of collation of reports has been used successfully but runs the risk of human error in transcribing, cutting and pasting documents. It has the additional disadvantage that information is not necessarily immediately available when required and information is not easily accessible to all relevant parties. A shared database system would be more effective in ensuring timely access to information and would also reduce the risk of human error.

46. Both CIVPOL and Legal and Judicial support had put in requests for shared drives to ensure the availability of information in a timely manner. These requests have not yet been implemented. OIOS was also informed that an overall rule of law index is also being initiated in New York as an empirical instrument to assess key rule of law institutions. OIOS supports this, as it will help to bridge a gap that had previously existed.

H. Coordination and Cooperation with other Agencies

47. OIOS noted a degree of coordination within the components and with other UN Agencies. There appears to be coordination of efforts especially in implementation of an initiative to ensure case-flow management at the Monrovia Central Prison. LJSSD officers and Corrections Advisory Unit officers have collaborated to ensure a regular flow of cases and also limit the time that pre-trial detainees are kept in jail before being sent to trial.

48. OIOS also noted some coordination with other UN Agencies and International bodies. Officers from the World Food Programme provide food for the prisoners. In addition the UNDP provided tents for the Police Academy operations and also have collaborated in providing perimeter fencing for the Monrovia Central Prisons. There has also been cooperation and coordination with the International Red Cross. With donor interest potentially poised to increase after the elections, coordination would become more prominent and necessary if the objectives are to be adequately met.

VI. ACKNOWLEDGEMENT

49. We wish to express our appreciation to the Management and staff of UNMIL and the National Partners for the assistance and cooperation extended to the auditors during this assignment.



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