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INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

INTERNAL AUDIT DIVISION I
OFFICE OF INTERNAL OVERSIGHT SERVICES

TO: Mr. Pierre Schori
A: Special Representative of the Secretary-General
ONUCI

DATE: 11 August 2005

REFERENCE: AUD-7-5:76 (/05) ⁰⁰⁰⁴⁶

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

SUBJECT: **OIOS Audit No. AP2005/640/13: Review of the state of discipline in**
OBJET: **ONUCI**

1. I am pleased to present herewith our final report on the audit of the above subject which was conducted in April/May 2005.
2. We note from your response to the draft report that all recommendations have been accepted. In order to close the recommendations, we request that you provide us with the additional information as discussed in Annex 1. Please note that OIOS will report on the progress made to implement its recommendations, particularly those designated as critical, i.e., recommendations 1, 2, 5, 6, 9, 12 and 14, in its annual report to the General Assembly and semi-annual report to the Secretary-General.
3. IAD-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.
4. I take this opportunity to thank the management and staff of ONUCI for the assistance and cooperation provided to the auditors in connection with this special DPKO assignment.

Copy to: Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations
Ms. Hazel Scott, Director, ASD/DPKO
UN Board of Auditors
Programme Officer, OIOS
Mr. Dagfinn Knutsen, Chief Peacekeeping Audit Service, IAD-I/OIOS
Mr. Terrence Norris, Chief Resident Auditor, ONUCI

Office of Internal Oversight Services

Internal Audit Division I



Review of the state of discipline in ONUCI

Audit no: AP2005/640/13
Report date: 11 August 2005
Audit team: Terrence A Norris, Chief Resident Auditor
Mariame Konte-Thiam, Audit Assistant

EXECUTIVE SUMMARY

Review of the state of discipline in ONUCI (Assignment No. AP2005/640/13)

OIOS conducted a review of the state of discipline in the United Nations Operation in Cote d' Ivoire (ONUCI) in April 2005. The overall objectives of the review were to assess the state of discipline in the Mission; identify gaps in existing policies and procedures on discipline; and identify tools that the Mission requires to maintain an environment of good order and adherence to the Code of Conduct.

The report covers the period from ONUCI's inception to April 2005. Of the 126 cases on record as of April 2005, five are serious misconduct cases including sexual exploitation and abuse (SEA), sexual harassment, malfeasance and abuse of authority. Other misconduct cases were primarily for violation of curfew directives, some of which were reclassified as serious after completion of the preliminary investigations. OIOS has informed the Special Representative of the Secretary-General on the results of the audit, particularly matters concerning SEA.

During the review, OIOS noted that the Mission continues with a proactive training program on discipline -- disseminating information on SEA and the Organization's zero tolerance policy on SEA, the UN code of Conduct, management responsibilities for discipline, etc., and emphasizing the importance of understanding cultural sensitivities. As part of the ongoing training program, Management should (i) consider disseminating to all ONUCI personnel the critical findings of this report; (ii) conduct continuing training sessions on discipline; and (iii) require all ONUCI personnel to attend such training courses.

The recent appointment of a Policy Committee on SEA and the recruitment of a Personal Conduct Officer (in progress) will assist in keeping the focus on discipline in the Mission. However, OIOS observed that the Mission's enforcement units, specifically, the offices of the Force Provost Marshall and the civilian Security Section, are incapable of both enforcing directives and investigating serious cases of misconduct. During the drafting of this report, three cases of alleged SEA surfaced. One of the cases involves alleged multiple, systematic breaches of the UN Standard Code of Conduct, Mission security and the Zero Tolerance Policy at the Military Staff Officers' living quarters and Force Command Headquarters in Abidjan. OIOS reported the details of the case, with recommendations, to the SRSG through an inter-office memorandum dated 9 June 2005. OIOS Investigation Division predicated the case and completed its Field investigation on the 8 July, 2005. Senior Management received a briefing by OIOS on the preliminary investigation findings.

The General Assembly resolution stating that OIOS will be responsible for all SEA cases in missions introduces, in the interim, uncertainty as to how the advisory and mission investigation bodies will interact with OIOS. The bureaucracy which often accompanies the introduction of new delegated authorities requires the Mission to develop some 'bridging' arrangements that will improve on those areas which are in immediate need of strengthening, such as, investigation systems and procedures.

The Mission cannot be expected to meet the UN standards of conduct, as expressed in pronouncements on subjects like SEA, where the Mission does neither have the capability to conduct risk assessments on Mission vulnerabilities to various elements of misconduct and investigate thoroughly and objectively complaints of misconduct. Current practices and procedures neither promote the reporting of complaints / allegations nor guarantee that complaints / allegations received are treated in confidence, equitably and timely investigated across all personnel categories and levels, and ensure fair application of discipline sanctions. The large number of reported incidents of non-compliance with the SRSG curfew directives is an illustration of a pervasive, dismissive attitude of some personnel to authority.

Results of OIOS' survey on ONUCI personnel's perception of the state of discipline highlighted some doubts on the general commitment of Management to enforce disciplinary procedures and a lack of information on how to file complaints. Survey perceptions are supported by disparate systems within the organizations' component security monitoring, investigation and enforcements units (military and civilian). The survey gives a mixed opinion on a number of aspects related to SEA, for example, more women believe that misconduct is occurring and going undetected and unpunished. Confidence in the disciplinary system needs to be enhanced through open and candid dialogue on the subject. Some of the survey responses may be viewed as an indicator of how some of the ONUCI personnel view the behavior of their colleagues outside the work place, a subject which needs further assessment, e.g., designation of off-limit places, guidelines on socializing, etc.

The success of UN initiatives on improving conduct in missions will depend on the extent to which the SRSG and the Senior Management Team are held accountable for the implementation of policies. The recent case referred to the SRSG for investigation by the OIOS' Investigations Division is an opportunity to bring the zero tolerance policy on SEA into practice and save this Mission, its personnel and the UN further embarrassment. In this context, the degree of accountability for specific managers must be established and accordingly reflected in their performance goals and objectives. Also, options to address the social and psychological pressure on staff because of tight restrictions placed on their freedom of movement require further study.

This report should be considered as a baseline reference point from which the Mission can begin to improve its understanding of and adjust its plans for instilling an appropriate discipline regime in the Mission. The report should be complemented with a broader and comprehensive risk assessment of its vulnerabilities to misconduct in all areas of operations in Cote d' Ivoire; implementation will require further direction and support from UNHQ.

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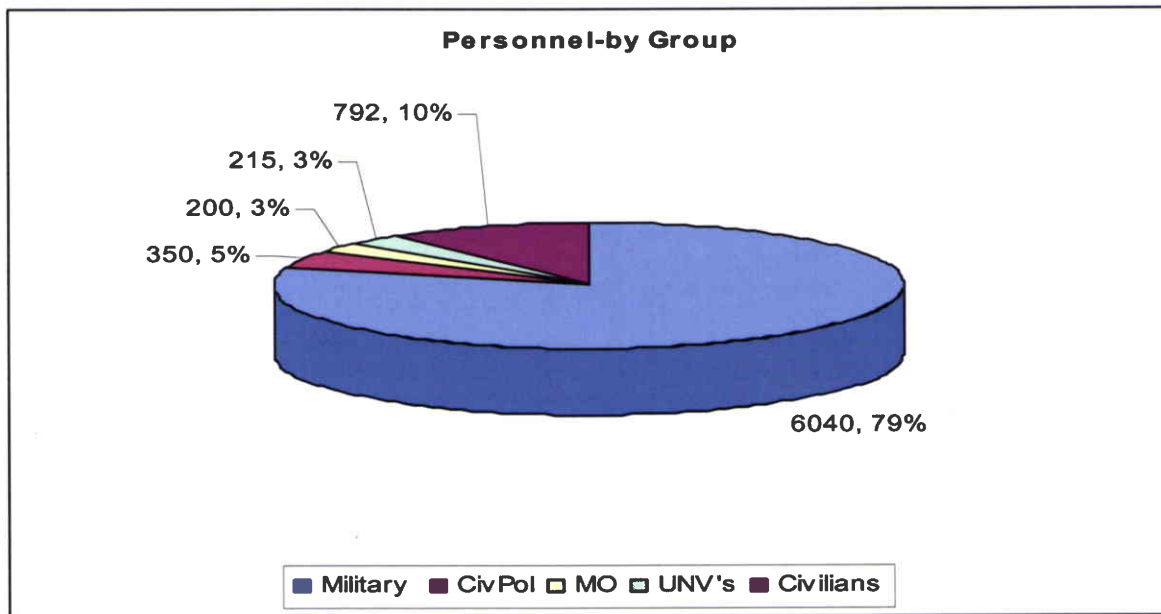
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I. INTRODUCTION

1. OIOS conducted a review of the state of discipline in the United Nations Operation in Cote d' Ivoire (ONUCI). The audit was conducted in accordance with the standards for the professional practice of internal auditing in United Nations organizations.

2. The Department of Peacekeeping Operations (DPKO) requested OIOS to conduct the review, with the overall objective of assessing the state of discipline in peacekeeping operations worldwide. A series of meetings were held between OIOS, DPKO and the Office of Human Resources Management (OHRM) which resulted in establishing the terms of reference for the review and the development of an agreed audit programme.

Figure 1 shows the current ONUCI staff complement.



3. The mission was established under Security Council resolution 1528, 27 February 2004, with effect on 4 April 2004. The mission is headquartered in Abidjan, with two regional HQs in Daloa and Bouake. Thirty-nine countries are contributing military personnel, which operate primarily in and around the Zone of Confidence, an area of some 1,200 square kilometers in central Cote d' Ivoire. The authorized budget for the fiscal year 2004-2005 is \$378.48 million.

4. Comments made by ONUCI Management on the draft audit report have been included in the report as appropriate and are shown in italics. Additional information OIOS need to close the recommendations in its database are shown in Annex 1.

II. AUDIT OBJECTIVES

5. The major objectives of the review were to:

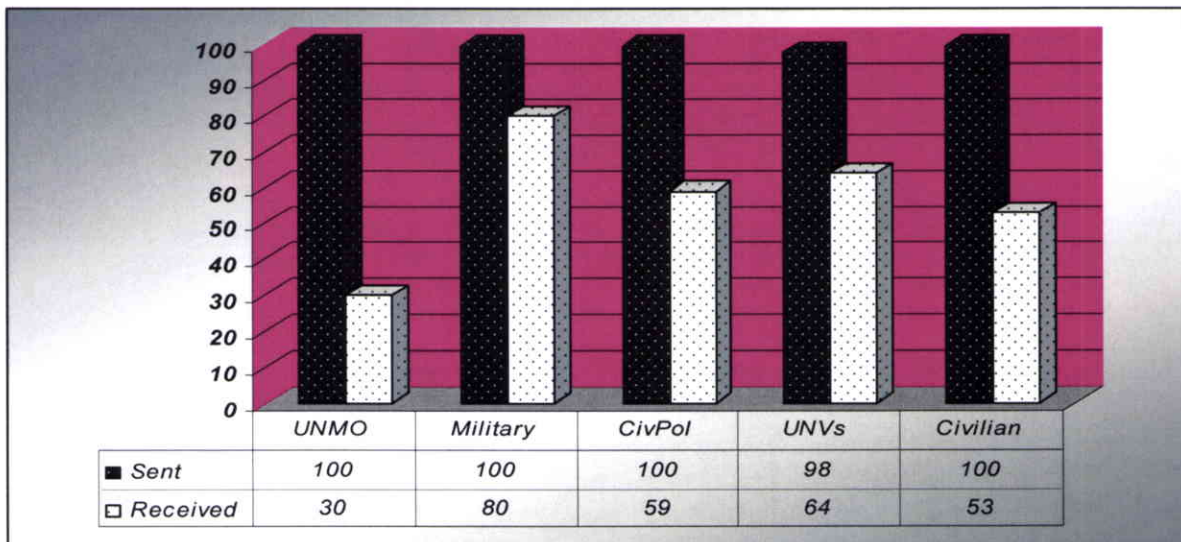
- (i) Assess the state of discipline in the mission;
- (ii) Identify gaps in existing policies and procedures on discipline; and
- (iii) Identify tools that the Mission requires to maintain an environment of good order and adherence to the UN standards of conduct.

III. AUDIT SCOPE AND METHODOLOGY

6. The assignment included a review of all relevant policies and guidelines on discipline and complaint investigation procedures. The review also included an examination of sample misconduct cases recorded between April 2004 and March 2005.

7. OIOS conducted a survey of ONUCI personnel on their perceptions of the state of discipline in the Mission. The survey sample comprised 498 respondents chosen randomly from Mission personnel databases. Of the 498 personnel surveyed, 47 were women. The survey questionnaires were specific to each of the personnel categories, issued and controlled by OIOS. The detailed results of the survey are shown in Annexes 2 and 3.

Chart 1: Survey response rate by personnel category



8. The survey response rate from UNMOs and civilian staff was disappointing, with the exception of the high rate of response from women respondents. Annual leave, rotation of military personnel and duty travel during the survey accounts for approximately 10 to 15 per cent of the low response rate.

9. Interviews were also conducted with management from each personnel category who has responsibilities for Mission discipline, policy formulation and enforcement. It should be noted that the review was conducted during a period in which a number of DPKO and mission

initiatives were in progress on a broad range of discipline subjects, e.g., Sexual Exploitation and Abuse, and, therefore, some of this report's recommendations may have already been addressed by Mission Management at the time of its publication.

IV. OVERALL ASSESSMENT

10. The results of the perception survey indicate that across the mission, ONUCI personnel rate the level of discipline as better than satisfactory. However, the responses to specific questions on discipline suggest that the overall favorable rating is partially skewed by the number of men versus women surveyed (451 men, 47 women). This is particularly noticeable in responses to questions on SEA. For example, women surveyed, and analyzed as a group, were generally more negative in their responses, particularly on the subject of SEA. Collectively, this group lacks confidence in Mission Management in its handling of disciplinary matters and also in their own confidence to report incidents of abuse because of possible reprisals or negative impact on their employment should they do so. While the current number of women is less than 30 per cent of the ONUCI civilian personnel, their concerns require immediate attention and further examination.

11. The survey results and audit findings also confirm that the Mission needs an early assessment of the 'non-combatant' risks in the areas of operations to its personnel that inexperienced and new staff may encounter, e.g., vulnerabilities to personnel because of differences in cultural norms and behavior, presence of criminal activities and prostitution.

12. The statistics indicate a general disregard by personnel to internal directives intended to protect personnel, assets and, the UN image in the community. Disregard of directives on curfews maybe symptomatic of a wider dismissive attitude of a limited number of staff who may, by their actions, pose the greatest risk to the Mission in the area of serious misconduct. The Mission needs to identify the offenders and apply a comprehensive disciplinary mechanism.

13. This review cannot and does not give an unqualified positive or negative opinion in the form of a comprehensive positive assessment of the state of discipline in the Mission. It does set out more questions that need significant attention before concluding that the UN and Mission specific has taken all conceivable measures to mitigate misconduct: issues for discussion and resolution include better guidelines, skilled personnel and capacity to effect HQ strategies and Policies and, the need for UN wide / Mission Integrated 'tracking 'systems that could provide accurate reporting on indiscipline.

14. The report's findings and recommendations emerged because of procedural deficiencies, supported by the survey findings. The recommendations should be considered as complementary to Management's (UNHQ and ONUCI) current efforts to enhance policy and strategic planning and redress procedural weaknesses. The risk is that this subject will quickly move into a 'passive', 'indifference' mode if not urgently addressed, as the mission moves into a critical period of implementing its Security Council mandate.

V. AUDIT FINDINGS AND RECOMMENDATIONS

A. The state of discipline in the Mission

Reported cases of misconduct

Table 1: Misconduct cases by type for the eleven months ended March 2005

Theft and misappropriation	0
Fraud and misrepresentation	1
Harassment and sexual harassment, including verbal assault*	4
Physical assault	0
Sexual exploitation and abuse**	3
Abuse of power, position or authority, including inappropriate superior -subordinate relationship	0
Misuse of UN resources(MOPS ,unauthorized use of UN vehicles)	8
Others: Non-compliance with SRSG directives on curfew and off-limit places	110

*Two cases involving military personnel resulted in their repatriation to their home country. **Three cases are currently under investigation. One of which was referred to the OIOS' Investigations Division.

15. Misconduct cases are primarily for minor misconduct: 110 of the 124 complaints/incidents were for non-compliance with two SRSG directives on Mission vehicle curfews in Abidjan. Eight cases involved unauthorized personnel in UN vehicles and traffic accidents. There were two cases where the military personnel involved were repatriated: one for indiscreet relations with a local married woman and the second case for fraud in the misuse of a telephone PIN number. Neither of the two cases were investigated by the Mission's Security Investigation Unit but handled within the military at the Contingent level. Two cases referred to HQ deal with a combination of related issues against staff, namely, misuse of UN assets, issuing threats which endanger the lives of UN staff and the Mission's image. The statistics for misconduct cases may change, including their classification, due to new reported cases and the status of investigations at the time of drafting this report.

16. There are two dimensions to the subject of discipline in the Mission: (i) misconduct related to the work environment and (ii) incidents of misconduct that involve UN personnel activities outside UN physical premises *vis a vis* local community. The review has identified a number of positive initiatives that Mission Management has taken to inform all personnel of the UN policies on discipline, in particular on SEA, noting that there are opportunities and more work to entrench discipline as part of an individual's daily work and social ethos.

(i) Internal discipline – workplace

17. The statistics on incidents of major and minor misconduct within the workplace are few but this may reflect the fact that the Mission has existed only for approximately one year. During the start-up period, the Mission operates in a high risk environment where opportunities for indiscipline exist and can go unnoticed. Management does not focus on personnel management with the same intensity as it does with other aspects of start-up operations. As this

report shows, the Mission is now in a 'catch-up' situation on formulating new discipline policies and implementation strategies and reviewing hiring practices.

18. As for the two serious cases of misconduct referred to UNHQ, OIOS is concerned that in one case, Management and UNHQ may be making their decisions on the basis of the 'path of least resistance' rather than applying the discipline procedures available to them; choosing to allow the individual's contract to 'run out' and not renew it, rather than aggressively pursue the case through established protocols. Within the ONUCI community, there is a degree of cynicism about this well known case, which serves to undermine the confidence of staff in the disciplinary process and, *de facto*, in Mission Management to implement disciplinary measures fairly.

(ii) External discipline – local community

19. Statistics of minor misconduct incidents that occur within the local community illustrate initial Management's efforts to restrict the use of UN vehicles and, in effect, personnel movements with a night time curfew, which was initially set at 21h30 and recently changed to 22h30. As the statistics indicate, this had little impact on the general behavior of some of the UN personnel, both military and civilian. Directives on the curfew were issued without details as to the administrative sanctions that would be imposed on violators. It was not until April 2005 that management began to look at the lists of offenders and impose appropriate sanctions.

20. In addition, a review of sample case files, OIOS noted that issues of importance that could affect the image and security of the UN were not brought to the attention of the SRSG. In one particular case, OIOS had to refer it to the SRSG through a separate audit memorandum for his immediate attention as it involved unauthorized presence of two local women in a UN car after curfew hours. It should be pointed out in this case that the civilian Security Section is restricted in its investigation of military cases by first requiring the authorization of the respective Contingent Commanding Officer before it can interview the soldiers involved.

21. OIOS noted cases of misconduct involving the military are not being reported to the SRSG, rather while they correctly follow military protocol, the absence of details on cases which involve sexual harassment (one case) or other serious misconduct cases, may not always be investigated by the civilian Security Section. On the sexual harassment case, the soldier involved was repatriated as a result of the Contingent investigation. Similarly, a case of fraud that involved the use of a stolen telephone PIN code by a soldier was investigated by the contingent with the assistance of the Administration's Communications and Information Technology Section, which resulted in the recovery of monies and the repatriation of the soldier. The latter case should have been reported to the UN Controller and the SRSG.

22. The examples above indicate that there may be other cases of misconduct that are not recorded or reported to the SRSG. There is a disparate approach to the receipt and recording of misconduct cases and ineffective reporting along organizational lines.

Recommendations 1 and 2

ONUCI Management should:

- (i) Review the cases of misconduct that pertain to violation of vehicle curfew regulation and misuse of UN vehicles and impose sanctions, where warranted; failure to do so will undermine other efforts taken by the Mission to mitigate misconduct (AP2005/640/13/01); and
- (ii) Establish reporting mechanisms that ensure the SRSG is informed of all cases of misconduct, including the status of investigations through to their conclusion (AP2005/640/13/02).

23. *ONUCI accepted recommendation 1 and stated that violation of vehicle curfew regulations is reviewed on a weekly basis. The CSO submits a list to the O/PDSRSG and the O/FC. The O/CCPO follows up with the staff member (written warning for first time offenders, and withdrawal of drivers permit for 3 and 6 months for second and third time offenders). The O/FC follows up for military personnel. Arrangements are being made to implement the policy beyond the capital city of Abidjan. OIOS will leave this recommendation open until it can be confirmed that it has been implemented.*

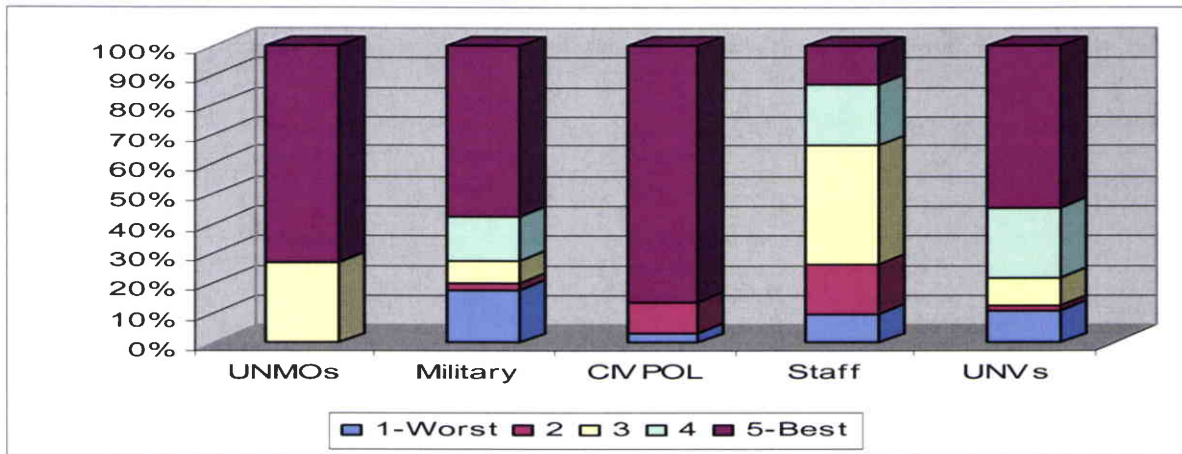
24. *ONUCI accepted recommendation 2 and stated that at the moment only an interim arrangement is in place which allows the examination of cases brought to the attention of the SRSG/Personnel Conduct Officer, which means reactive rather than pro-active approach. Additional resources /the creation of a Personnel Conduct Unit will allow the mission to become pro-active and to cover the whole country. Since May, investigations are being conducted, with reports prepared and submitted to DPKO/NY. OIOS will leave this recommendation open until it can be confirmed that it has been implemented.*

Perceptions of the state of discipline

25. Although the survey results indicate that the general state of discipline in the mission is good, there is still much to be done to mitigate risks to the Organization. Responses to several key questions on discipline are presented in Charts 2, 3 and 4 to illustrate some of the areas that require more effort.

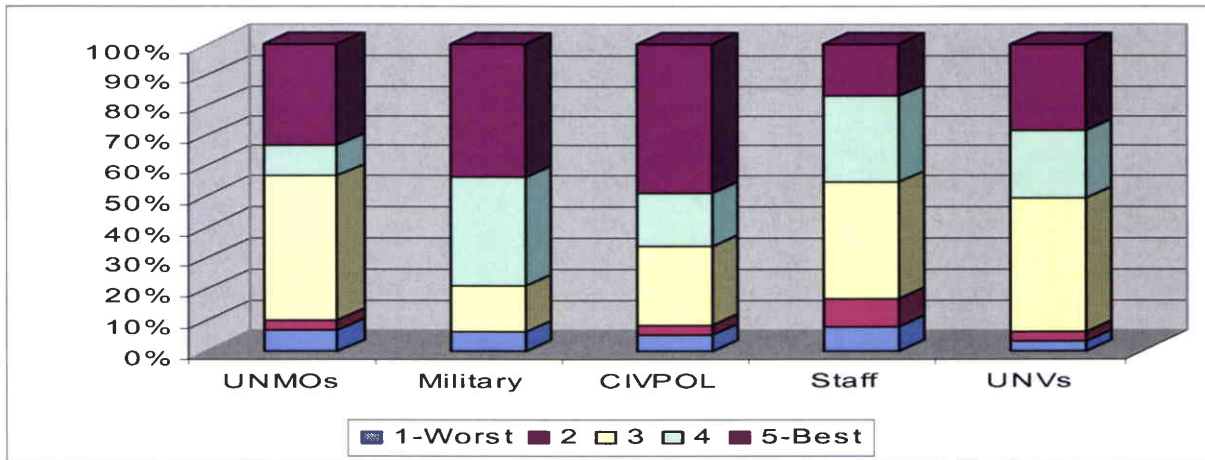
26. The overall perception of the state of discipline in ONUCI is positive, with 84 per cent of personnel surveyed rating it between satisfactory and best. Women account for the effect of a 'bell curve' statistical presentation within the staff group of respondents, which sets it apart from the more positive ratings found in the male dominated, military, CivPol and Military Observer groups. However, the survey should be viewed in the context that this is a 'new' mission and the audit observations and recommendations on procedural weakness, personnel staffing and structure requirements that are essential to the effective management of conduct/discipline in the Mission.

Chart 2: Perception of the overall state of discipline in the Mission



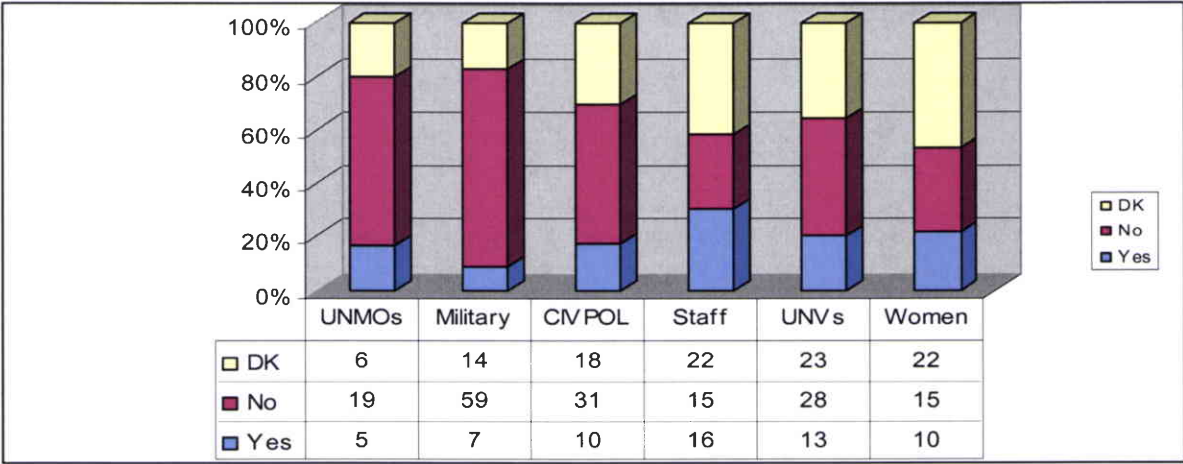
27. Similar differences in views emerged in responses to several other questions, which indicate that that women reflect more on the exactness and truthfulness of their views on matters that affect them the most, such as, issues of SEA, verbal harassment and intimidation in the work place.

Chart 3: Perception of the Mission’s overall attitude on dealing with misconduct issues



28. The results show 90 per cent overall satisfactory to best rating on the Mission’s general attitude toward discipline; 30 per cent satisfactory and 35 per cent good, with 25 percent of responses bridging the two parameters (rating of 4). Alternatively, the figures could be interpreted as 40 per cent rating attitude as satisfactory or less; 10 per cent rating as poor and 30 per cent as satisfactory. The responses are more representative within the five personnel categories but again the large satisfactory ratings expressed mixed gender categories (Staff and UNVs).

Chart 4: (Q) Do you think that misconduct is occurring and going undetected and unpunished?



NOTE: DK = Don't Know

29. The “yes” response to this question is polarized, with fewer Military, CivPol and Military Observers collectively believing that misconduct is not occurring than the Staff and UNV groups combined. Of the 47 women surveyed within the Staff and UNV groups, 21 per cent believe that misconduct is occurring and going undetected and unpunished, while only 13 per cent of the Military, Military Observers and CivPol concurred. Women have been included in Chart 4 to emphasize their point of view, in comparison with the male dominated categories – Military, Military Observers and CivPol.

30. The collective response to these three questions are clear expressions of opinion suggesting that misconduct cases are neither being systematically detected nor reported by staff and/or functional authorities. This subject is taken up in detail in Section B of the report.

Perception of the UNDP Country Coordinator

31. OIOS interviewed the UNDP Country Coordinator, who is also the Deputy Special Representative of the Secretary-General, ONUCI. In brief, there is an emerging negative perception, within the local community, of ONUCI personnel’s behavior in public. The high visibility of UN personnel, with financial and other resources (vehicles) and the manner in which these resources are displayed in the community, may bring at times negative reaction (through negative press, targeted robberies, physical assault, etc.) against staff intended to embarrass the Mission. It is, therefore, important that the Mission give some advance consideration to this possibility as part of its overall public information strategy.

Recommendations 3 and 4

ONUCI Management should:

- (i) Determine the basis of the negative perception survey findings on why personnel believe misconduct is occurring and

going undetected, and take the necessary steps that will instill confidence in Mission personnel to report incidents of misconduct (AP2005/640/13/03); and

(ii) Use the information in this review to inform ONUCI personnel of some of the key findings, positive and negative, and indicate, where appropriate, how Mission Management intends to address some of the staff concerns (AP2005/640/13/04).

32. *ONUCI accepted recommendation 3 and stated that pending the creation of the Personnel Conduct Unit, the SEA Policy Group will develop certain initiatives and propose procedures to the SRSG in the area of combating SEA in the Mission area. OIOS will leave this recommendation open until it can be confirmed that it has been implemented.*

33. *ONUCI accepted recommendation 4 and stated that with the involvement of the SEA Policy Group, the Training Unit, the Personnel Conduct Officer, ai, ONUCI staff will be informed of the key findings of the review. Further follow-up will be undertaken with the assistance of the Personnel Conduct Unit, once established. OIOS will leave this recommendation open until it can be confirmed that it has been implemented.*

B. Implementation of policies and procedures on discipline

Policy formulation

34. The SRSG and the Senior Management Team may at times formulate Mission policies and directives that are complementary to overarching UN policies. Recently, the SRSG created A Policy Committee on Sexual Exploitation and Abuse for ONUCI (the Policy Committee) with the objective of developing and monitoring the mission strategy on SEA.

35. The Mission has been active in promoting the Organization's zero tolerance policy on SEA. As part of its efforts, two specific directives have been issued: one directive places specific clubs/bars as off limits to UN staff because of their reputation as places of prostitution and another that requires UN to vehicles to be off the road by 22h30. However, the strategy on how to enforce this policy, as well as the policies on other forms of misconduct has not been developed.

36. To date, a long term Mission strategy to address the implementation of the policy on SEA does not exist. In OIOS' opinion, the development of the Mission's strategies to implement measures to prevent SEA is problematic, at least initially, as the members of the newly constituted Policy Committee have full time management responsibilities. The Policy Committee could be strengthened with the addition of one or more line managers with significant administrative responsibilities for civilian personnel. OIOS is concerned that policies and strategies are being developed without enforcement mechanism, which would undermine otherwise sound initiatives.

37. On broader misconduct issues other than SEA there are specific pronouncements on conduct and discipline, which are specific to all categories of UN peacekeeping mission personnel. The basic tenets of what constitute good conduct, behavioral expectations, examples of minor and

major misconduct and disciplinary protocols are exhaustive, clearly articulated and are known by the respective functional bodies responsible for their implementation. For example, the UN Directives for Disciplinary Matters Involving Military Members of National Contingents Civilian Police Officers and Military Officers set out the scope of application and definitions in the administration of minor and serious misconduct, expected standards of conduct, legal status and disciplinary procedures of respective contributing Member States. International staff operates under the Staff Regulations and Rules, the Financial Regulations and Rules and all administrative issuances for international civil servants, which collectively, are equally explicit on the basic rights and obligations of staff, core values, standards of conduct and disciplinary procedures.

38. OIOS noted that policies, directives and general information on discipline are published only in two of the official UN languages, English and French but that significant groups of UN personnel deployed to the Mission neither read nor speak either of these two languages, e.g., troops from Bangladesh. The survey questionnaire had to be translated into other languages (Bangla and Urdu) for it to be understood.

39. The survey results support current efforts to raise the standards of conduct for peacekeeping missions. However, it was clear that while there is sufficient material available for staff, their familiarity with the details of the governing directives need continuous reinforcement.

Personal Conduct Officer

40. The Mission appointed in April a Personal Conduct Officer, *ad interim*. The recruitment of the Personnel Conduct Officer (PCO) is a Mission priority and expectations are to have this position filled as soon as possible. The appointment should provide the Mission with an opportunity to review the current mechanisms in place, in coordination with the Policy Committee. Mission Management needs to define the organizational and operational interface between the Policy Committee and the PCO, and establish pragmatic benchmarks against which the Mission's performance on the prevention/mitigation of misconduct can be measured.

Investigation mechanisms

(i) Office of Internal Oversight Services

41. OIOS, during the review, identified a clear example of misconduct within the military at its Staff Officers' living quarters and Force Command HQs. From an initial review of the information and materials obtained by OIOS, there has been an unambiguous, flagrant breach of the UN's zero tolerance policy on SEA, the Code of Conduct for Blue Helmets and Mission security. There has been an egregious error of judgment and complicity by those cognizant of the events, to which the Military Command should be held accountable. The specific details of the audit observations have been passed to the members of a team from the OIOS' Investigations Division, who were visiting ONUCI on other matters, for their consideration. The preliminary findings of this case were discussed with the SRSG and followed up with a letter¹ that details the findings to date, including

¹OIOS, Internal Audit Division-I memorandum to SRSG, 9 June 2005 re: Pergola Hotel – Breaches of mission security policy, military discipline and UN Code of Conduct – SEA

evidence, and recommendations for immediate consideration. It is clear from this example that the commitment to the zero tolerance policy has not been taken seriously.

42. Specific recommendations have been detailed in our memorandum to the SRSB on the Pergola Hotel case. In brief, these include increasing the physical access controls to the premises, issuing a new directive on restricting non-ONU personnel access to the premises and requesting the SRSB to request a formal investigation to the OIC-USG, Office of Internal Oversight Services.

43. The visit of a team from OIOS' Investigations Division in June will provide an opportunity for the Mission to discuss responsibilities assigned by the General Assembly Resolution A/RES/59/287 to OIOS for SEA cases. Notwithstanding, other forms of misconduct investigations which have been traditionally the domain of the Civilian and/or Force Provost Marshall office, separately and/or jointly, require significant enhancement.

(ii) Security Section, Force Provost Marshall and Civilian Police Offices

44. The civilian Security Section has a Special Investigation Unit (SIU) that is staffed with three international and one local staff. Their workload for serious misconduct cases have been minimal, with most of their efforts to date directed towards investigating traffic accidents and non-compliance with SRSB directives, in particular night time curfews and monitoring off-limit places in Abidjan. Their capacity and capability to conduct comprehensive investigations into misconduct cases needs enhancement through professional training. OIOS is concerned that there could also be an underreporting of serious misconduct cases, as Military culture resolves its problems at the contingent level. Civilian staff assigned to areas of operations outside Abidjan are also not monitored as closely as their colleagues in Abidjan.

45. The Force Provost Marshall Office and Civilian Security Section comprise active military personnel and ex military and ex police officers: Force Provost Marshall Office has a Bangladeshi Military Police brigade while the Civilian Security office has ex military and police personnel in the SIU. Neither of the two groups have experience nor training to undertake complex SEA investigations.

46. Understaffing of both the SIU and the Force Provost Marshall Office with skilled officers could undermine effective and timely investigations into misconduct cases, other than those which fall within the authority of OIOS Investigations Division. SIU has authorized staffing of nine but currently has only three international and one local staff; the Force Provost Marshall Office has an authorized staff of 50 but has only been provided 33 staff (Bangladeshi Brigade). Deployment of security staff to Sectors is therefore incomplete.

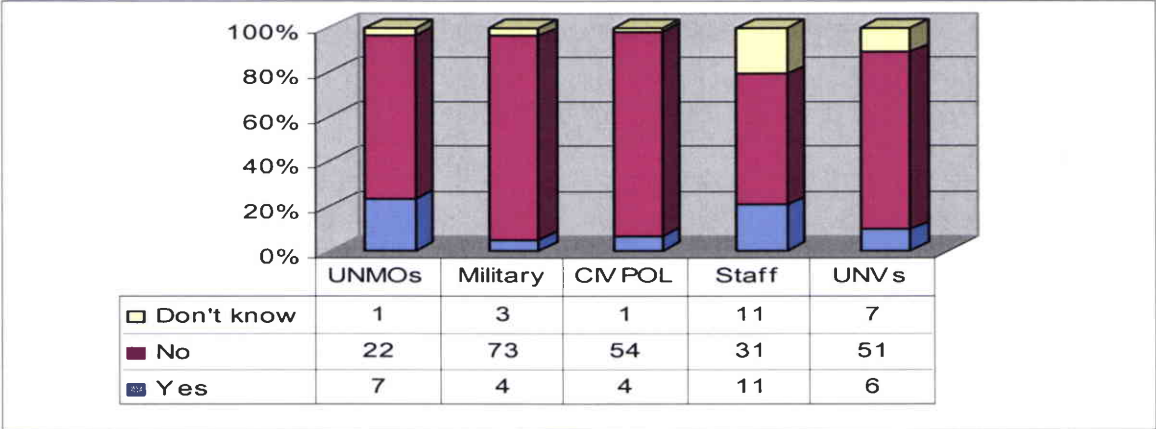
47. The Mission is not in a position to exact uniform application of investigation standards and discipline across all categories of personnel because of protocols, implicit and explicit, and administrative and disciplinary measures vary between civilian and uniformed personnel. This is problematic as it contributes to the perception that there is inequality in the interpretation and application of conduct directives, specific to different groups. This view is reinforced by some of responses to specific survey questions noted earlier in this report.

48. Coordination between the Personnel and Security sections within each of the three groups operates on informal rather than formal organizational imperatives and therefore information sharing is not systematic. There is a requirement to formalize coordination modalities between personnel groups as to information sharing, reporting relationships, investigative authorities and boundaries thereof. This leaves the Mission vulnerable to implicit traditional functional reporting loyalties.

Perception survey

49. There are also genuine expressions of misgivings within the Staff and UNV groups of respondents about reporting on perceived incidents of misconduct. The statistics were supported by some respondents' additional comments to the effect that personnel are uncertain about issues of confidentiality and possible retribution within the work place should they report. Civilians and UNVs are not aware they have a responsibility to report on SEA suspicions.

Chart 5: (Q) Do you fear reporting cases of misconduct?

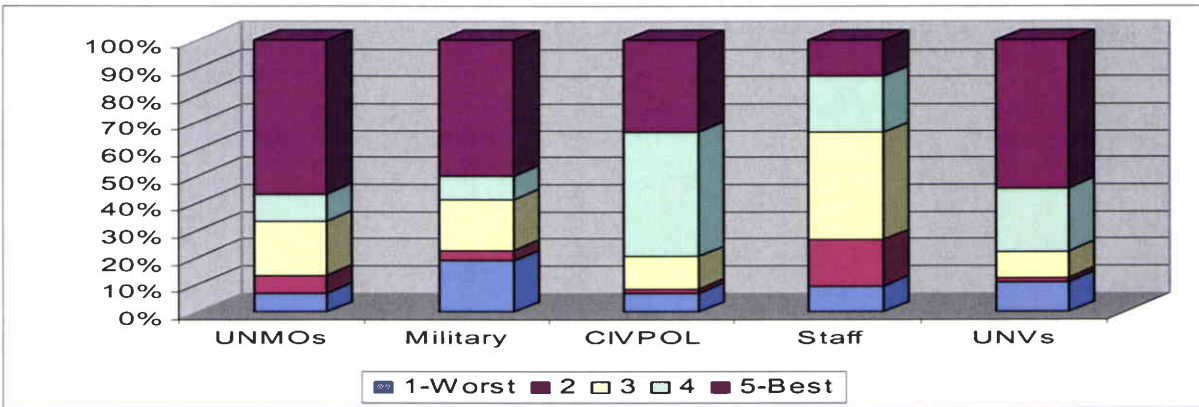


50. The genesis of these perceptions requires more extensive analysis, perhaps by the PCO and the Policy Committee on SEA.

51. The zero tolerance policy on SEA and other policies and strategies on discipline, expected to be in place in succeeding months, will not be successful unless there are significant changes to current organizational arrangements, coordination and investigation systems. The response to the survey question on how misconduct cases are handled, suggests that personnel are not confident in the Mission's efforts to date.

52. The Mission should not be overconfident because of the few serious cases of misconduct on record; fear of reporting, lack of confidence in investigation mechanisms are indications or 'red' flags that the Mission is not yet in a position of effectively managing misconduct.

Chart 6: How misconduct cases are handled by the Mission



53. There are indications that the number of serious misconduct cases to date maybe a reflection of limited enforcement of directives and the hesitancy of staff to come forward and report. Also, response to this question is consistent with discipline questions examined in Section A (findings on the state of the state of discipline in the Mission), and validated by the number of violations by ONUCI personnel of the SRSG's directives on off limit places and curfew.

Recommendations 5 to 11

ONU CI Management should:

- (i) Coordinate with DPKO in conducting a risk assessment exercise to identify high-risk misconduct issues facing the Mission and to develop a strategy for preventing or mitigating the identified risks (AP2005/640/13/05);
- (ii) Review and adjust the Mission's directives on discipline in light of the expanded responsibilities concerning SEA and other forms of misconduct delegated by the General Assembly to the Office of Internal Oversight Services' Investigations Division, by its resolution A/RES/59/287 of 21 April 2005 (AP2005/640/13/06);
- (iii) Define clearly the responsibilities and working relationship of the Policy Committee on Sexual Exploitation and Abuse, the Personal Conduct Officer and the Office of Internal Oversight Services' Investigations Division (AP2005/640/13/07);
- (iv) Develop, as part of the Mission's strategy for implementing discipline policies, relevant and reasonable performance benchmarks against which Mission Management performance can be evaluated (AP2005/640/13/08);
- (v) In consultation with DPKO and OIOS Investigations Division, review the capabilities and capacity, including

management skills, of the Mission policing and investigation units to contribute effectively and efficiently to the implementation of discipline policies, before making any further appointments to positions allotted to these functions in the current staffing table (AP2005/640/13/09);

(vi) In consultation with DPKO, establish a Mission-wide complaints tracking database with appropriate access and use protocols (AP2005/640/13/10); and

(vii) Develop an appropriate information strategy that enhances ONUCI personnel's confidence in investigation procedures and also updates them on a regular basis on the status of investigations and disciplinary actions taken on completed investigations. The strategy should include dissemination of information on organizational responsibilities for discipline and complaint filing procedures (AP2005/640/13/11).

54. *ONUCI accepted recommendation 5 and stated that the risk assessment exercise will be initiated by the Personnel Conduct Unit, in cooperation with DPKO/NY.* OIOS will leave this recommendation open until it can be confirmed that it has been implemented.

55. *ONUCI accepted recommendation 6 and stated that future SEA cases will also be immediately brought to the attention of the OIOS Resident Auditor at ONUCI.* OIOS will leave this recommendation open until it can be confirmed that it has been implemented.

56. *ONUCI accepted recommendation 7 and stated that the responsibilities of and working relationship between the SEA Policy Group and the Personnel Conduct Officer, ai, seem well defined (the first to develop specific SEA policy, rules and guidelines for the SRSG's approval; the second to follow up on SEA complaints).* OIOS will leave this recommendation open until it can be confirmed that it has been implemented.

57. *ONUCI accepted recommendation 8 and stated that an operational Personnel Conduct Unit is essential to successfully carry out this recommendation.* OIOS will leave this recommendation open until it can be confirmed that it has been implemented.

58. *ONUCI accepted recommendation 9 and stated that the recommendation will be discussed with the CCPO for follow-up with DPKO. The Mission further stated that it is aware of problems encountered by DPKO/NY to identify well qualified and experienced candidates with adequate knowledge of French.* OIOS will leave this recommendation open until it can be confirmed that it has been implemented.

59. *ONUCI accepted recommendation 10 and stated that it will need considerable support from DPKO to create and maintain such a tool.* OIOS will leave this recommendation open until it can be confirmed that it has been implemented.

60. *ONUCI accepted recommendation 11 and stated that it is a worthwhile initiative but for which the Personnel Conduct Unit should be up and running, in order to develop such strategy in cooperation with PIO. Disseminating information on results of investigations would only be meaningful after a good number of cases have been processed. The present limited number of cases does not allow drawing of meaningful conclusions at this time. OIOS will leave this recommendation open until it can be confirmed that it has been implemented.*

C. Personnel awareness, misconduct prevention and enforcement programmes

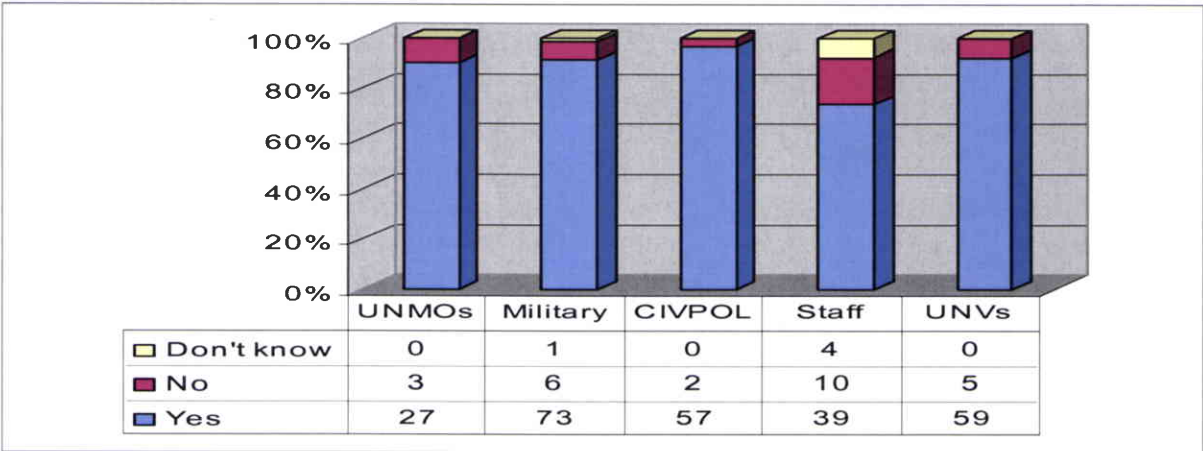
Personnel awareness

61. Annexes 2 and 3 to the report provide survey perception results to the 22 surveyed. Responses to questions on general knowledge of discipline; UN code of Conduct, basics rights and duties of un staff members, reporting responsibilities etc., was favorably rated, reflecting both normal indoctrination training supplemented by more recent training programs in the mission on SEA and personal ethics and leadership.

62. Forty-four three hour classroom training sessions were given on code of conduct, ethics and SEA. Approximately 1,700 staff were trained directly with another 3,000 military personnel briefed via replication of HQ training sessions in the field at the contingent level. Senior management has taken the lead in ensuring all staff is aware of the UN discipline policies. Line managers have been specifically briefed in mandatory special training sessions as to their explicit responsibilities in conveying to their staff policies and directives on discipline, with the theme of leading by example.

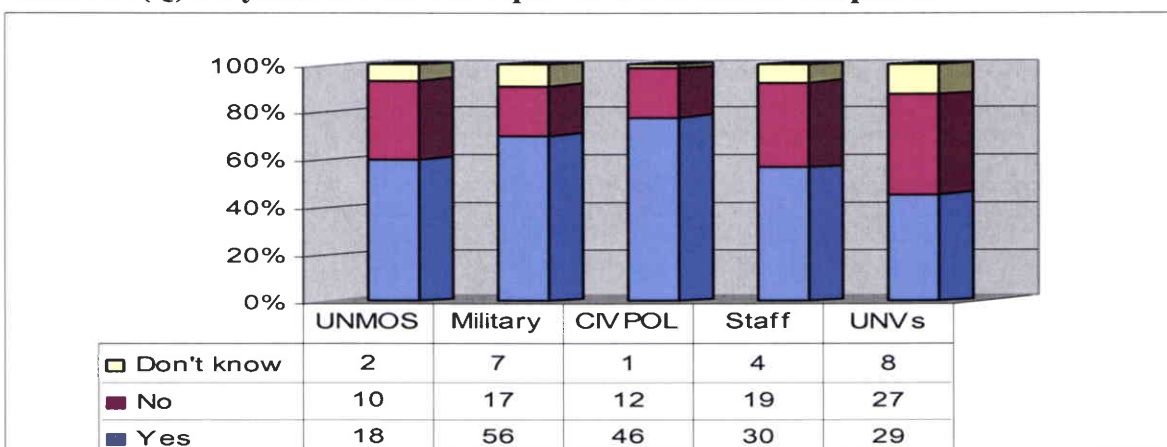
Survey perception

Chart 7: (Q) Did you receive briefings or information on UN standards of conduct?



63. The survey results confirm that more effort is required to get information out to personnel on how to prepare complaints, allegations, and to whom complaints and allegations should be sent.

Chart 8: (Q) Do you know how to report or file a formal complaint?



Monitoring and enforcement of policy and directives

64. The Mission requires a careful and thorough assessment of what and where the risks are to its staff and resources before it can properly develop a strategy to mitigate those risks. To date, this has not been done with any degree of planning and specificity.

65. Exceptionally, two SRSB directives on vehicle curfews and off-limit establishments in Abidjan exemplify the gap between monitoring/enforcement and sanctioning. There are 110 reports on non-compliance with these two directives in 6 months. It is of serious concern that these two directives have not been vigorously enforced through sustained monitoring and where incidents have been recorded the necessary appropriate disciplinary action have not been meted out.

66. There are no procedures in place to independently monitor and report on areas outside Abidjan, where there are some 5,000 military personnel, military observers and civilian support staff. While there are some physical controls over the movement of military personnel off their bases at night, military observers, civilian police and civilian personnel movements assigned to other parts of the country are not substantially monitored. These areas of operations need more attention.

67. As for the more problematic subject of 'off limits' places where prostitution is alleged, there is a reluctance to verify compliance. Joint SIU/Military patrols do not enter off-limit places but conduct a drive-by patrol. Patronization of the places by UN personnel is not verified. Also, the selection criteria for declaring a place an 'off-limits' area is unclear. It leaves the Mission open for criticism and possible third-party legal action in the absence of documentation to defend its decisions.

68. The low incident rate of cases of reported serious misconduct should be viewed with some skepticism. There are systemic problems within the organization that cut across functional lines, which do not give assurances that all cases of misconduct are identified, reported and/or comprehensively investigated.

69. The high incident rate of non-adherence to a curfew imposed by the SRSG on staff within the Mission's area of operations and more recently the directive on off limit places, illustrate a general dismissive staff attitude to these directives. It is therefore not surprising to note that there is a perception that misconduct is occurring, although unspecified, which is not being reported; a perception predominately expressed by the UNVs and civilian staff. Personnel are not well informed as to the rationale for the directives and thus find ways to skirt them. The absence of an effective enforcement regime leaves the Mission at risk to the same problems experienced in MONUC. At the time of this report, the Mission had not compiled a holistic report on misconduct in the mission.

70. The Mission must find ways to mitigate staff frustrations because of increasing restrictions on their legitimate right to socialize within the local community without constant fear of overzealous reporting by other staff or third parties. Financial, recreational and welfare alternatives are three areas which need to be explored to balance the increasing restrictions placed on peacekeeping personnel.

Recommendations 12 to 14

ONUCI Management should:

(i) Establish policies and guidelines to set up parameters for locations that are considered or placed off limits for the entire ONUCI personnel and the observation of curfew hours. Mechanisms should be put in place to ensure that policies and/or guidelines are enforced and violators are reprimanded (AP2005/640/13/12);

(ii) In consultation with DPKO, explore options to address the social and psychological pressure on staff because of tight restrictions placed on their freedom of movement (AP2005/640/13/13);

(iii) Redouble their efforts on raising personnel awareness on the Code of Conduct by conducting periodic refresher courses/training and making attendance mandatory for all personnel, where non-attendance, in itself, should be considered as subject to reprimand (AP2005/640/13/14).

71. *ONUCI accepted recommendation 12 and stated that instructions have been given to the CSO to review/update the list of off-limit places/areas in Abidjan and establish such list for locations with a major UN presence. Procedures for implementation and follow-up, with the assistance of RSO and CAO regional offices will be put in place. OIOS will leave this recommendation open until it can be confirmed that it has been implemented.*

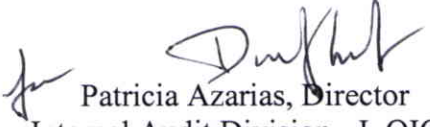
72. *ONUCI accepted recommendation 13 and stated that the Mission will DPKO/HQs and the implementation of the recommendation will depend on the availability of additional human and*

financial resources. OIOS will leave this recommendation open until it can be confirmed that it has been implemented.

73. *ONUCI accepted recommendation 14 and stated that the Training Unit is adequately pursuing efforts to increase personnel awareness on discipline, both in induction and refresher courses, as well as through specific expanded training courses for the military in their various locations.* OIOS will leave this recommendation open until it can be confirmed that it has been implemented.

VI. ACKNOWLEDGEMENT

74. We wish to express our appreciation to the Management and staff of ONUCI for the assistance and cooperation extended to the auditors during this assignment.


Patricia Azarias, Director
Internal Audit Division - I, OIOS

Summary of Further Actions Required on Audit Recommendations

ONUCI responses to the audit recommendations contained in this report have been recorded in the OIOS recommendations database for monitoring and reporting purposes. Please note that the following recommendations remain open pending the provision by ONUCI of evidence that they have been implemented as described:

Recommendation No.	Required evidence of implementation
AP2005/640/13/01	Evidence that the curfew programme has been extended to operational areas outside Abidjan and that sanctions are applied in a timely manner
AP2005/640/13/02	Staffing of Conduct and Discipline Unit and establishment of effective reporting mechanisms to the SRSG.
AP2005/640/13/03	Actions that SEA Policy Group initiate to advise SRSG of 'best procedures' on implementation of SEA Policy, linked to the Conduct and Discipline Unit becoming active.
AP2005/640/13/04	Evidence of training carried out; dissemination of key audit findings to senior managers and general nature of findings to ONUCI staff.
AP2005/640/13/05	DPKO lead required to affect a 'risk assessment strategy' for ONUCI; also linked to the implementation of recommendation 2.
AP2005/640/13/06	Pending evidence of future reporting of SEA cases to OIOS.
AP2005/640/13/07	Pending staffing of the Conduct and Discipline Unit as noted in recommendation 2.
AP2005/640/13/08	Pending staffing of the Conduct and Discipline Unit as noted in recommendation 2.
AP2005/640/13/09	ONUCI and DPKO will address the personnel requirements and assess the requirements for the implementation of the conduct policies/procedures.
AP2005/640/13/10	Evidence of DPKO support for and direction on the creation of the database 'discipline' tracking system.
AP2005/640/13/11	Evidence of ONUCI strategy should follow the staffing of the Conduct and Discipline Unit, as noted in recommendation 2.
AP2005/640/13/12	Evidence that the Security Section has objectively assessed the Mission environment for "off duty places" and enforcement of the approved list.
AP2005/640/13/13	DPKO lead required to consider the applicability of this recommendation or other options for its resolution.
AP2005/640/13/14	Confirmation that training efforts for the next fiscal year will cover all ONUCI staff and include induction and refresher courses.

ONU CI- SUMMARY OF SURVEY RESULTS: PART 1			
	Yes	No	Don't know
	%	%	%
Are you aware of the UN code of conduct?	93.71	4.90	1.40
Are you aware of what constitutes misconduct or prohibited conduct?	95.10	3.85	0.00
Are you aware that involvement with a prostitute is prohibited under UN standards of conduct?	97.20	1.05	1.75
Do you know that sexual activity with a person under the age of 18 is prohibited?	93.36	3.85	2.80
Do you think that the mission is implementing measures to prevent SEA?	74.13	20.28	5.59
Do you know how to report or file a formal complaint?	62.59	29.72	7.69
Would you report a suspicion of misconduct?	73.08	15.38	12.94
Did you receive briefing or information on UN standards of conduct?	77.97	12.24	9.79
Do you think that misconduct is occurring and going undetected and unpunished?	26.57	55.94	17.48
Do you consider the disciplinary mechanism to be fair?	63.64	14.69	21.68
Do you fear reporting cases of misconduct?	11.18	80.76	8.06
Are you familiar with the status, basic rights and duties of UN staff members? (for civilian personnel only)	88.03	11.97	0.00
Are you aware that you have a duty to report concerns or suspicions regarding SEA by a fellow worker? (for civilian personnel only)	74.36	18.80	6.84

ONUCI - SUMMARY OF SURVEY RESULTS: PART 2

	Worse				Good
	% 1	% 2	% 3	% 4	% 5
How do you feel about the overall state of discipline in the mission?	9.09	7.34	14.69	15.38	53.50
What is your perception of how misconduct cases are handled in the Mission?	11.89	6.64	22.03	22.03	37.41
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: overall?	9.79	6.64	34.97	15.38	32.52
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: theft and misappropriation?	5.59	3.85	38.11	13.99	38.46
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: fraud and misrepresentation?	9.79	1.40	41.96	6.99	40.00
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: harassment and sexual harassment?	9.79	2.80	42.31	6.29	39.00
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: physical assault?	9.79	1.05	42.31	6.29	41.07
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: SEA?	9.79	1.40	40.91	8.74	38.21
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: others?	9.79	1.40	41.26	3.85	43.57



OIOS/IAD-1 Client Satisfaction Survey

The Internal Audit Division-1 is assessing the overall quality of its audit process. A key element of this assessment involves determining how our clients rate the quality and value added by the audits. As such, I am requesting that you consult with your managers who dealt directly with the auditors, and complete the survey below. I assure you that the information you provide will remain strictly confidential.

Audit Title & Assignment No.: Review of the state of discipline in ONUCI (AP2005/640/13)

By checking the appropriate circle please rate:

1. The extent to which the audit addressed your concerns as a programme manager.
2. The audit staff's understanding of your operations and objectives.
3. The professionalism of the audit staff (communications, integrity, professional knowledge and responsiveness)
4. The quality of the audit report in terms of:
 - accuracy and validity of findings and conclusions
 - clarity and conciseness
 - balance and objectivity
 - timeliness
5. The extent to which the audit recommendations were appropriate and helpful.
6. The extent to which your comments were considered by the auditors
7. Your overall satisfaction with the conduct of the audit and its results.

	1 (poor)	2	3	4(excellent)
1.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4.				
-- accuracy and validity of findings and conclusions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-- clarity and conciseness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-- balance and objectivity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-- timeliness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please comment on any areas in which you have rated the audit team's performance as below your expectations. Also, please feel free to provide any further comments you may have on the audit process to let us know what we are doing well and what can be improved.

Name: _____ Date: _____

Title: _____

Organization: _____

Thank you for taking the time to fill out this survey. Please send the completed survey form as soon as possible to:

*by mail: Ms. Patricia Azarias, Director, Internal Audit Division-1, OIOS
Room DC2-518, 2 UN Plaza, New York, NY 10017 U.S.A.*

by fax: 212-963-3388

by email: iad1support@un.org.