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INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

INTERNAL AUDIT DIVISION I
OFFICE OF INTERNAL OVERSIGHT SERVICES

TO: Major General Alain Pellegrini
A: Force Commander
UNIFIL

DATE: 24 October 2005

REFERENCE: AUD-7-5:3 (/05) ⁰⁵⁻⁰⁰¹⁹³

FROM: Patricia Azarias, Director
DE: Internal Audit Division I
Office of Internal Oversight Services



SUBJECT:

OBJET: **OIOS Audit No. AP2005/672/01: Review of the state of discipline in the United Nations Interim Force in Lebanon**

1. I am pleased to present herewith our final report on the above-mentioned review, which was conducted in April 2005. The review was conducted in accordance with the professional practice of auditing in United Nations organizations.
2. Based on your response, we have closed the recommendations 3 and 4 in the OIOS recommendations database. In order to close the recommendations 1, 2, 5, 6 and 8, we request that you provide us with the additional information as indicated in Annex 1. OIOS is reiterating recommendation 7 and requests that you reconsider your initial response concerning this recommendation. Please note that OIOS will report on the progress made to implement its recommendations, particularly those designated as critical, i.e. recommendations 1 and 2, in its annual report to the General Assembly and semi-annual report to the Secretary-General.
3. The Internal Audit Division I is assessing the overall quality of its audit process and kindly requests that you consult with your managers who dealt directly with the auditors and complete the attached client satisfaction survey form.

I. INTRODUCTION

4. This review was requested by the Department of Peacekeeping Operations (DPKO) and its overall objective was to determine the state of discipline in peacekeeping operations worldwide. A series of meetings was held between OIOS, DPKO and the Office of Human Resources (OHRM), which resulted in establishing the terms of reference for the review and the development of an agreed audit programme.

5. UNIFIL was established in 1978 to confirm Israeli withdrawal from Lebanon, restore international peace and security, and help the Lebanese government establish its writ in the country. The Mission is located in a remote place (Naqoura), which is not easily accessible by the local population.

6. The Mission has a gross budget of \$92.96 million for 2004/2005 and the current strength of human resources of the Mission is shown in Table 1 below.

Table 1: Number of Mission personnel

Personnel category	Number	Percentage
Military Troops	1996	82%
International Civilians	101	4%
National Civilians	289	12%
UNMOs*	50	2%

* UNMOs are under UNTSO jurisdiction but operate in UNIFIL.

7. Comments made by UNIFIL Management on the draft report have been included in the report as appropriate and are shown in italics. Additional information OIOS needs to close the recommendations in its recommendation database is shown in Annex 1.

II. AUDIT OBJECTIVES

8. The major objectives of the review were to:
- a) Assess the state of discipline in the Mission;
 - b) Identify gaps in existing policies and procedures on discipline; and
 - c) 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

9. The review included an analysis of the data and statistics on cases of misconduct for the past three years (2002, 2003, and 2004). The audit covered the review of all relevant policies and guidelines on discipline and selected case files on misconduct.

10. Interviews were also conducted with management and relevant civilian and uniformed personnel involved in the Mission's disciplinary mechanism and enforcement. The review also included a confidential survey on the state of discipline in the Mission covering all categories of Mission personnel. Other UN offices such as UNRWA, UNDP, ESCWA, FAO, and UNICEF were also consulted for their opinion on the state of discipline in the Mission.

IV. OVERALL ASSESSMENT

11. The overall state of discipline in UNIFIL was found to be generally satisfactory. This was confirmed by the result of a survey conducted by OIOS, covering all categories of Mission personnel. UNDP and UNRWA official interviewed by OIOS also expressed this positive view. The long presence of a family Mission using almost the same TCCs and the environmental factors of Lebanon seem to have contributed to preventing discipline problems.

V. AUDIT FINDINGS AND RECOMMENDATIONS

A. The state of discipline in the Mission

Reported cases of misconduct

12. Table 2 shows the numbers and types of cases of misconduct recorded by the Mission during 2002-2004.

Table 2: Numbers and types of cases of misconduct

Year	SEA	Theft	Fraud	Vehicle Accidents	Others	Total
2002	0	41	0	500	76	617
2003	0	21	0	412	59	492
2004	0	6	0	273	27	306

13. However, the Mission had no record of the final disposition of these cases. The number of discipline cases referred to UNHQ and those resulting in dismissal or repatriation could not be ascertained since the information was not available in the Mission. As such, OIOS cannot and does not give an opinion on the Mission's ability to handle misconduct complaints adequately.

14. One situation brought to the attention of OIOS by both management and the offices in charge of implementing discipline is the status of the military observers (UNMOs) known as OGL (Observer Group Lebanon). These UNMOs, although under the operational command of UNIFIL, are under UNTSO's jurisdiction. When faced with a misconduct situation originating from these observers, UNIFIL is not in a position to apply any disciplinary measures due to dual affiliation of these observers. When a case is referred to the UNTSO Force Commander, actions taken as follow-up measures are not known by UNIFIL. The supervision of OGL/UNTSO in UNIFIL needs to be clarified and formal coordination mechanisms instituted to address the cases of misconduct.

Perceptions of the state of discipline in the Mission

15. OIOS conducted a survey of Mission personnel to obtain their perception of the state of discipline in the Mission. The number of questionnaires distributed (or the sample size) and responses received are shown in Table 3:

Table 3: Survey response rate

Personnel	Total	Sample Size	Sample % of the Total	Responses received	Response rate (%)
Military	1,996	500	25	157	32
Civilian Staff	390	390	100	118	30
Total	2,386	890	37	275	31

Positive results of the survey of Mission personnel

16. Overall, the results of the survey conducted by OIOS indicated a high level of satisfaction with the state of discipline in UNIFIL. Over fifty per cent of the survey respondents rated the state of discipline as above average. Eighty-four per cent of the civilian respondents and 92 per cent of the uniformed personnel were familiar with the UN standards of conduct. Over 80 per cent of all respondents were aware of what constituted misconduct or prohibited behaviour. More than 88 per cent of the military respondents said that they had received training or information about the UN standards of conduct when they joined UNIFIL.

17. Table 4 shows the percentage of respondents with a positive perception of the Mission's attitude on dealing with misconduct:

Table 4: Percentage of respondents with a positive perception of the Mission's attitude on dealing with misconduct

	Civilian	Military
Overall	51%	97%
Theft and misappropriation	58%	92%
Fraud and misrepresentation	56%	78%
Harassment	61%	80%
Physical assault	64%	82%
Sexual Exploitation and abuse	60%	82%
Others	54%	73%

Survey results indicating a need for improvement

18. The survey results clearly show a positive response with regard to the manner the Mission was dealing with misconduct cases. However, the survey showed a need for improvement in the following areas:

- a) Only 56 per cent of civilian staff were of the opinion that the Mission was implementing measures to prevent sexual exploitation and abuse (SEA). This could be explained by the fact that SEA is a new area of concern and the Mission had only recently nominated the SEA focal point. Only 45 per cent of all civilian staff respondents perceived that misconduct cases were handled well by UNIFIL. Also, 80 per cent of the staff either did not know or thought that misconduct was occurring, going undetected and unpunished.

b) Forty-seven per cent of civilian respondents did not know how to report or file a formal complaint. There does not seem to be an existing complaint mechanism except the BOI which is not fully equipped for handling complaints about SEA. For the military, over 86% stated that they were aware of the method to report misconduct.

c) While 69 per cent of UNIFIL civilian personnel are aware of their duty to report a suspicion of misconduct, the rest either would not report or did not know that they should.

The perception of other UN agencies

19. All officials of UN agencies operating in the duty station (UNDP, ESCWA, FAO, UNICEF and UNRWA) interviewed by OIOS felt that the Mission had a generally good reputation for discipline. The officials stated that sexual exploitation was not an issue both at the Mission and country level.

Recommendations 1 to 3

UNIFIL Management should:

(i) Request DPKO to clarify the procedures on dealing with misconduct cases involving members of the Observer Group Lebanon (OGL) and institute formal coordination mechanisms between OGL and UNIFIL in addressing cases of misconduct by OGL UNMOs (AP2005/672/01/01);

(ii) Provide regular training to familiarize all peacekeeping personnel with the UN standards of conduct, including the Organization's policy and measures to prevent SEA (AP2005/672/01/02);

(iii) Establish a regular forum of dialogue with staff to dispel their perceptions about the Mission's attitude toward discipline and handling of complaints (AP2005/672/01/03).

20. *UNIFIL accepted recommendation 1 and stated that the Mission will first consult UNTSO to formulate some mechanism for addressing cases of misconduct by OGL UNMOs, with the involvement of the Legal Advisers. Thereafter, DPKO may be consulted for any clarifications, confirmations or advice, as necessary, and for approval.* OIOS will leave this recommendation open until it can be confirmed that the recommendation has been implemented.

21. *UNIFIL accepted recommendation 2 and stated that various training packages are already included in pre-deployment training by TCCs. Similar packages are also used for Induction and Continuation Training in the mission area for both military and civilian staff.* OIOS will leave this recommendation open until it can be confirmed that it has been implemented.

22. *UNIFIL accepted recommendation 3 and stated that there is extensive use of durbars, town-halls, etc right from the sub-unit level. Additionally, the FSM, RSMs and Sgt Majors also provide the necessary fora.* Based on the clarifications provided, OIOS has closed this recommendation in its database.

B. Policies and procedures on discipline

23. During the period covered by the review, the Mission received over 1400 complaints, over 84 per cent of which related to vehicle-related accidents. The frequent cases of accidents indicate a soft approach towards perpetrators of accidents. The Mission convened BOI for handling these complaints. OIOS observed that the mechanism of BOI generally functioned satisfactorily.

24. OIOS noted the Mission has not conducted any risk assessment relating to staff conduct. Conducting a risk assessment would allow the Mission to determine the high-risk areas that they need to focus on and to develop appropriate procedures to prevent or mitigate the risks.

25. The results of the survey conducted by OIOS indicated that many Mission personnel were not aware of how to file complaints of misconduct. It also revealed the fact that the Mission did not have a focal point to receive the complaints. There was also no database to record the complaints received. Establishing a focal point would help the staff and local community to know where to file the complaint. It would also enable the Mission to have a complete record of misconduct complaints.

Recommendations 4 to 6

UNIFIL Management should:

- (i) Establish a focal point for receiving and handling complaints on misconduct (AP2005/672/01/04);
- (ii) Develop, in consultation with DPKO, a database for recording, analyzing, monitoring and reporting of complaints and investigations regarding cases of misconduct (AP2005/672/01/05); and
- (iii) Coordinate with DPKO in conducting a risk assessment to identify high-risk misconduct issues facing the Mission and to develop a strategy for preventing or mitigating the identified risks (AP2005/672/01/06).

26. *UNIFIL accepted recommendations 4, 5 to 6 and stated that receiving and handling complaints on misconduct are dealt by the CAO and two focal points for civilians, and the Contingent, Unit and Detachment Commanders for the military. UNIFIL also commented that input from DPKO is awaited for developing the complaints database, as well as conducting the risk assessment and developing a strategy to prevent/mitigate the identified risks.* In view of this, OIOS will close recommendation 4 and leave recommendations 5 and 6 open in its recommendation database until the mission confirms their implementation.

C. Misconduct prevention programme

27. The focus of the UNIFIL Code of Conduct should be on understanding local cultural norms and addressing new issues such as SEA and other sensitive conduct issues. UNIFIL code of conduct needs to be updated to consider these issues.

28. Off-limit areas established by UNIFIL are rather security oriented. It is of prime importance to the Mission to come up with off limits places where personnel, both civilians and military, should not go. These off-limits places should be carefully reviewed and updated regularly. There is presently no restriction on socializing with the local population.

29. The Mission is getting vigilant in addressing SEA cases but a more robust approach needs to be implemented across the Mission. This approach should include systematic dissemination of information across all mission locations, training and clearly defined channels for filing complaints. UNIFIL will also gain in publishing the consequences to all staff if caught in various cases of misconduct.

30. OIOS noted that the Mission has not established any program to inform the local population about the Mission's policy on conduct and discipline or a community outreach programme to facilitate filing of complaints for the local population, should they feel aggrieved by the conduct of the Mission personnel.

Recommendations 7 and 8

UNIFIL Management should:

- (i) Review and update its list of off-limit areas (AP2005/672/01/07); and
- (ii) Establish a community outreach programme to disseminate information on how the local community can file complaints on misconduct of UNIFIL personnel (AP2005/672/01/8).

31. *UNIFIL did not accept recommendation 7 stating that reviewing and updating the list of off-limits areas is done when the situation so demand.* However, during the exit conference OIOS and DPKO arranged in Brindisi in May 2005, DPKO recognized that it should provide guidance to missions on implementing measures to enforce UN standards of conduct such as setting criteria for declaring off limits areas and updating the list thereof. In view of this, OIOS requests that UNIFIL reconsider its response concerning recommendation 7.

32. *UNIFIL accepted the recommendation 8 and stated that community outreach programmes have already been established and that they are working well.* OIOS will leave this recommendation open in its recommendation database until the mission provides documentation supporting its statement that such programmes had been already established.

VI. ACKNOWLEDGEMENT

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

Copy to: Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations
Ms. Jane Holl Lute, Assistant Secretary-General, DPKO
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**Summary of Further Actions Required on Audit Recommendations
Assignment No. AP2005/672/01 – Review of the state of discipline in UNIFIL**

No.	Recommendation	Required evidence of implementation
01	UNIFIL Management should request DPKO to clarify the procedures on dealing with misconduct cases involving members of the Observer Group Lebanon (OGL) and institute formal coordination mechanisms between OGL and UNIFIL in addressing cases of misconduct by OGL UNMOs.	Documentation on actions taken by UNIFIL and DPKO to formally address the misconduct cases involving the OGL UNMOs.
02	UNIFIL Management should provide regular training to familiarize all peacekeeping personnel with the UN standards of conduct, including the Organization's policy and measures to prevent SEA.	Documented evidence that training for the next fiscal year will cover all UNIFIL staff and include induction and refresher courses.
03	UNIFIL Management should establish a regular forum of dialogue with staff to dispel their perceptions about the Mission's attitude toward discipline and handling of complaints.	Recommendation closed.
04	UNIFIL Management should establish a focal point for receiving and handling complaints on misconduct.	Recommendation closed.
05	UNIFIL Management should develop, in consultation with DPKO, a database for recording, analyzing, monitoring and reporting of complaints and investigations regarding cases of misconduct.	Evidence of DPKO support for and direction on the creation of the database "discipline" tracking system.
06	UNIFIL Management should coordinate with DPKO in conducting a risk assessment to identify high-risk misconduct issues facing the Mission and to develop a strategy for preventing or mitigating the identified risks.	Evidence of DPKO support for and direction on the risk assessment and the Mission's strategy for preventing and mitigating the identified risks on misconduct.
07	UNIFIL Management should review and update its list of off-limit areas.	Documented evidence that UNIFIL has objectively assessed the Mission environment for "off-limit" areas and enforcement of the approved list.
08	UNIFIL Management should establish a community outreach programme to disseminate information on how the local community can file complaints on misconduct of UNIFIL personnel.	Documentation evidencing that community outreach programmes were carried out.