

United Nations

INTEROFFICE MEMORANDUM



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MEMORANDUM INTERIEUR

INTERNAL AUDIT DIVISION I
OFFICE OF INTERNAL OVERSIGHT SERVICES

TO: Major General Guido Palmieri
A: Chief Military Observer
UNMOGIP

DATE: 21 June 2005

REFERENCE: AUD- (03/05)

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

SUBJECT:

OBJET: **OIOS Audit No. AP2005/680/02: Review of the state of discipline in UNMOGIP**

1. I am pleased to present herewith the final report on the above-mentioned audit, which was conducted in April 2005.

2. We note from your response to the draft report that UNMOGIP has accepted all recommendations. The recommendations will remain open in OIOS' recommendations database pending further action, specified in the last sentence of the paragraph following each recommendation. Please note that OIOS will report on the progress made to implement its recommendations, particularly those designated as critical, i.e., recommendations 1, 4, 5 and 9, 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.

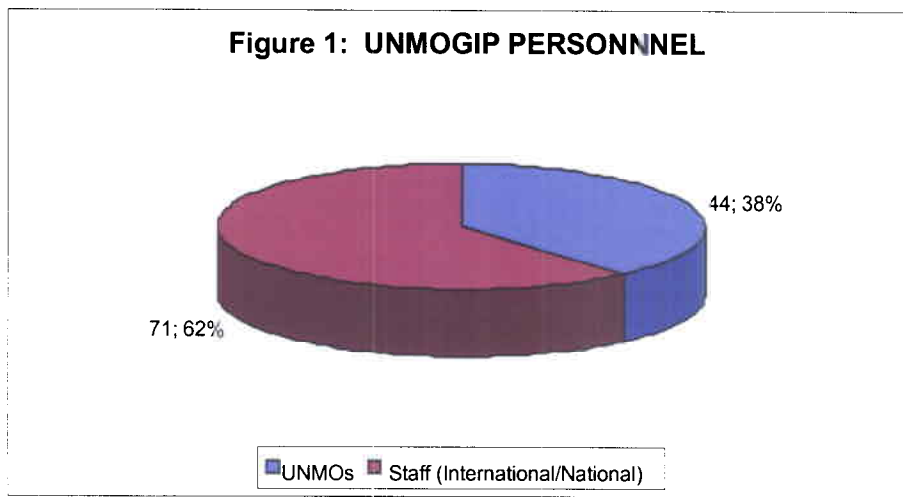
I. INTRODUCTION

4. OIOS conducted a review of the state of discipline in the United Nations Military Observer Group in India and Pakistan (UNMOGIP). The review was conducted in accordance with the standards for the professional practice of internal auditing in United Nations organizations.

5. 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 were 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 on audit programme.

6. UNMOGIP has been in operation since 1949 to observe ceasefire on the Line of Control (LoC) between India and Pakistan. The Mission has its HQs office at Srinagar during May-October and Rawalpindi during November-April. The Mission has a Liaison Office in Delhi and seven Field Stations on the Pakistani side of the LoC and five on the Indian side.

7. The Mission has a total strength of 44 military observers, 24 international staff and 47 local staff. The host governments on both sides provide security guards and drivers to HQs, the Liaison Office, and Field Stations from their respective armies. The Mission's comments are shown in italics after each recommendation.



II. AUDIT OBJECTIVES

8. The major 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.

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 personnel – civilian staff members and military observers – who are 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 both categories of mission personnel.

IV. OVERALL ASSESSMENT

11. The overall state of discipline in UNMOGIP was found to be generally satisfactory. This was confirmed by the result of survey covering all categories of personnel (military observers, international staff and national staff). In general, Mission personnel had positive perception about the state of discipline in the Mission. UNDP official interviewed by OIOS also expressed this view. The relatively unique nature of UNMOGIP where the host governments are providing security guards and drivers from their respective army and also military observers are experienced officers from nine developed countries have also contributed to minimizing discipline problems.

12. However, the review identified some areas where improvement is needed. For example, a significant number of personnel are not aware of the procedure to file a formal complaint. Moreover, they have expressed their fear to submit a complaint. There was also a need to provide additional training and information on UN standards of conduct. With the exception of sexual exploitation and abuse (SEA) cases, there is no focal point for complaints, which could deter staff members from filing them.

V. AUDIT FINDINGS AND RECOMMENDATIONS

A. The state of discipline in the mission

Reported cases of misconduct

13. The Mission provided the statistics of complaints relating to misconduct which showed three cases for 2002 to 2004, one of which resulted in the repatriation of the military observer involved. It was explained that the Mission has very few cases so there was no system to maintain database for complaints rather they were monitored individually. During a review of the files, OIOS noted some of the complaints received during that period were not included in the data provided to the auditors; for example, an alleged fraud case dated 24/6/2002 concerning the use of vehicle (referred by Finance). In the absence of proper database for recording complaints and their status, there is no assurance that all complaints are recorded and processed. DPKO should provide guidelines on the maintenance of the database of complaints to have uniformity in all missions.

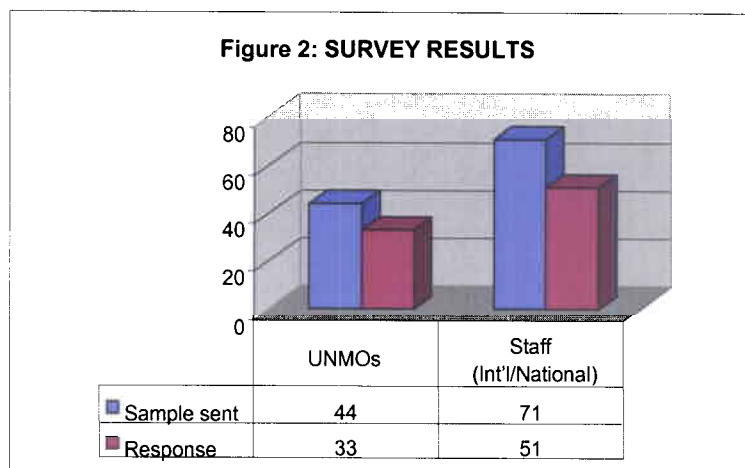
Recommendation 1

UNMOGIP management should establish a database of the complaints received, investigation carried out and final decision taken in order to monitor and report all misconduct cases. This database should clearly identify cases that have been investigated and determined to involve misconduct (AP2005/680/02/01).

14. *The Mission accepted the recommendation and stated that Management will also inform all personnel that all complaints of suspected misconduct must be reported.* OIOS will keep this recommendation open in its database until it can be confirmed that the recommendation has been implemented.

Perception of the state of discipline

15. OIOS conducted a survey of Mission personnel to obtain their perception and experience with the state of discipline in the Mission. The detailed results of the survey are shown in Annexes 1 and 2. The sample and responses received are shown in Figure 2.



a. Positive results of mission personnel survey

16. Overall, the results of the survey conducted by OIOS indicated a high level of satisfaction with the state of discipline in UNMOGIP. Ninety-six percent of the respondents to the survey rated the state of discipline as average to above average. This reflects favorably on the management of the Mission. The high degree of confidence on the state of discipline in the Mission was borne out by interviews with UNMOGIP officials and also UNDP Resident Representative, and reviews of documents and cases of misconduct. Concerning the perception of staff on how misconduct cases were handled by UNMOGIP, 64% of respondents rated the performance above average and 31% as average.

17. UNMOGIP personnel also showed very strong confidence to the Mission's attitude on dealing with misconduct issues. Ninety-nine percent of the respondents rated the Mission's attitude on dealing with SEA cases and physical assault as average and above and 96% rated average and above average the Mission's attitude on handling fraud and misrepresentation cases. Similarly, 94% rated average and above average the Mission's attitude on theft and misappropriation cases. Also, 90% of the respondents rated Mission's attitude on handling harassment and sexual harassment cases as average (60%) and above (30%).

b. Survey results indicating need for improvement

18. Despite the overall positive feedback from the questionnaire, there were a few areas where the Mission could improve its performance. Some of the key areas where improvement is needed are as follows:

- (i) One of the key findings of the survey was that 30% of the respondents did not know how to file a formal complaint. A further 15% did not know the answer to this question. Clearly, there is a need to provide additional information to staff on how to file complaints;
- (ii) Another low rating was whether UNMOGIP personnel had received briefings or been provided with information on UN standards of conduct. Thirty-eight percent indicated they had not received briefing or information on UN Standards of conduct, which includes 21% of military observers;
- (iii) Overall, 14% of Mission personnel also felt that misconduct was occurring and going undetected and unpunished. Further, 18% did not know the answer. A more proactive approach needs to be taken by UNMOGIP to detect misconduct;
- (iv) Fifteen percent of the respondents did not consider the disciplinary mechanism to be fair and a further 17% did not know the answer;
- (v) Fourteen percent of the respondents said they fear reporting cases of misconduct and a further 8% did not know the answer;
- (vi) Seventy-two percent of the respondents thought that UNMOGIP was implementing measures to prevent SEA. However, 8% did not think so and 20% did not know the answer;
- (vii) It is also of concern that 14 percent had responded “no” to the question on whether they are aware that they had a duty to report concerns or suspicions regarding sexual exploitation and abuse (SEA) by a fellow worker;
- (viii) Eight percent of the respondents did not know that sexual activity with a person under age of 18 is prohibited under UN standards of conduct regardless of consent; and
- (ix) While 82% of the respondents indicated that they would report a suspicion of misconduct, 11% would not report and 6% did not know if they would report.

Recommendations 2 to 4

UNMOGIP management should:

- (i) Provide information to personnel on procedures for filing complaints and grievances, and establish a focal point to receive and record complaints (AP2005/680/02/02);
- (ii) Provide additional training to all personnel on rules and regulations concerning code of conduct, ethical behaviour and sexual abuse and exploitation issues, including regular refresher courses (AP2005/682/02/03); and

(iii) Determine why a large number of personnel believe that misconduct was occurring and going undetected and unpunished by holding regular staff meetings with all personnel (international staff, national staff and military observers) and encouraging reporting of misconduct (AP2005/680/02/04).

19. *The Mission accepted recommendation 2.* OIOS will keep this recommendation open in its database until it can be confirmed that the recommendation has been implemented.

20. *The Mission accepted recommendation 3.* OIOS will keep this recommendation open in its database until it can be confirmed that the recommendation has been implemented.

21. *The Mission accepted recommendation 4 and stated that it will endeavour to hold additional regular staff meetings with all personnel in an effort to encourage reporting of misconduct. The distribution of UNMOs in 14 field locations does not allow for regular meetings. This is only possible twice per year during the Medal Parade. In any case, the Head of Mission/Chief Military Observer during his field visits has always talked on this sensitive issue.* OIOS will keep this recommendation open in its database until it can be confirmed that the recommendation has been implemented.

c. Perception of other UN agency

22. The UNDP Resident Representative interviewed by OIOS felt that the Mission had a good reputation for discipline. He also expressed his views that this is a family mission and local environment also resists if something wrong has been done to members of their community. Moreover, the UN Club in Islamabad, in which UNMOGIP staffs are also members, provided a good environment to spend time within UN community after office hours.

B. Implementation of policies and procedures on discipline

Policies and procedures on discipline

23. The Mission had repatriated one military observer (MO) of Denmark on the ground of misconduct in 2004. The OIOS review noticed that a Board of Inquiry (BOI) was not formed as required by the "Directives for Disciplinary Matters Involving Civilian Police Officers and Military Observers -DPKO/MO/03/00994". As per the above directive, the Head of the Mission should have appointed at least three impartial, senior officers in BOI for serious misconduct.

24. The decision to propose repatriation was taken by the Chief Military Observer (CMO) with the advice of the Deputy Chief Military Observer (DCMO) based on bad performance observed by the CMO during his visit to Field Stations and also previous record of the alleged military observer. It was also noted that the DCMO, who was also a senior Danish officer, had conveyed to Danish authority about the CMO's decision to repatriate the MO in order to seek no objection from them before forwarding to UNHQ. The CMO requested the USG DPKO for the approval of the repatriation, which was authorized, and accordingly the MO was repatriated.

25. The repatriated MO complained that repatriation procedures were conducted without his knowledge, violating principle of transparency; however, after the reply of the CMO, the Danish authority did not pursue the matter any further.

Recommendation 5

UNMOGIP management should ensure that the procedures contained in the Directives for Disciplinary Matters Involving Civilian Police Officers and Military Observers issued by DPKO are strictly followed (AP2005/680/02/05).

26. *The Mission accepted the recommendation and stated that the Chief Military Observer and Chief Administrative Officer will ensure that due process on disciplinary matters is given to UNMOs in the Mission..* OIOS will keep this recommendation open in its database until it can be confirmed that the recommendation has been implemented.

27. UNMOGIP has not developed a Code of Conduct specific to the Mission; however, the booklets “Welcome to Pakistan” and “Welcome to UNMOGIP-Briefing Notes” provide detailed information, including cultural aspect which needs to be observed when dealing with local population. The Personnel Section provides Check-in Form along with various forms to newly arrived personnel, which also includes a copy of ST/SGB/2003/13 and SG Letter to President of Security Council regarding SEA and also provides information on how to access other reference materials. The Mission feels that there is no need to have a separate code of conduct as those are stated in the UNMOGIP Standard Operating Procedures and Staff Rules.

28. No off limit areas for UNMOGIP personnel have been established. During the meeting with the UNDP Resident Representative, he also confirmed that there are no such places to be considered as off limit for UN personnel.

29. There is no restriction on socializing with the local population and none seems necessary, as there were no any complaints from local staff or the local population about any misconduct by Mission personnel.

30. Currently, UNMOGIP contracts entered into with vendors do not include any provision for contractors to prevent SEA cases. The Mission has included a provision for “UNMOGIP Fair Pack Policy -- Guaranteed fair employment package for contractor’s employees based on-site at UNMOGIP premises”. Such contract provisions deal only with wages and other social security aspects but they do not state anything about SEA cases. Some missions, e.g., UNMISSET, issued a Sexual Exploitation and Abuse Undertaking Form, which is signed by the contractor. This empowers United Nations to terminate the contract if there would be any breach for SEA cases. Furthermore, UNHQ has advised UNMISSET to include in contracts entered locally a special clause for SEA cases until the UN General Conditions of Contracts are modified. UNMOGIP should also take similar action to ensure that a contractor complies with requirements to prevent SEA cases.

Recommendation 6

UNMOGIP management should include a provision on preventing SEA cases in new contracts and require existing and new contractors to sign a Sexual Exploitation and Abuse Undertaking Form to ensure their compliance with SEA provisions (AP2005/680/02/06).

31. *The Mission accepted the recommendation and stated that it is aware of a proposed clause on preventing SEA cases and it is UNMOGIP's intention to include the clause in new contracts subject to receipt of the final approved version. UNMOGIP will commence issuing the SEA Undertaking Form (as used in UNMISSET) to existing contractors. OIOS will keep this recommendation open in its database until it can be confirmed that the recommendation has been implemented.*

Roles and responsibilities of UNMOGIP officials on discipline

32. In order to establish accountability, management should periodically review each section and unit chief's performance in preventing misconduct and enforcing UN ethical standards. For example, section chiefs could perform period briefings to their staff on issues that are likely to crop up in their sections. In addition, they could encourage reporting of misconduct. In the Mission, such evaluations had not been performed. Therefore, there is the possibility that managers may not adequately inform personnel on misconduct and ethical issues.

Recommendation 7

UNMOGIP management should establish a programme to periodically review section and unit chief's performance in preventing misconduct and enforcing UN ethical standards (AP2005/680/02/07).

33. *The Mission accepted the recommendation. OIOS will keep this recommendation open in its database until it can be confirmed that the recommendation has been implemented.*

Mechanism for handling complaints

34. The OIOS survey indicated that many Mission personnel were not aware of how to file complaints of misconduct. The Chief Administrative Officer (CAO) has been appointed as a focal point to deal with SEA matters. For other cases of misconduct no focal point has been appointed. A complaint may be filed with the CMO, DCMO, CAO, Security Officer, or other section chiefs.

35. UNMOGIP does not have any written policy for protecting a person submitting complaints. However, the CMO explained that he would take appropriate measures depending upon the nature of the case. OIOS noted that 14% of the respondents had fear in reporting misconduct cases and also noted some staff had expressed their concern that it is difficult to complain if it relates to a very senior level official. The Mission should consider taking appropriate measures/policy in order to gain confidence of the staff to submit complaints and also put in place a mechanism to demonstrate

that all complaints are being processed and there would be no reprisal against the person submitting complaints.

Recommendation 8

UNMOGIP management should establish policy/procedures to gain the confidence of the staff to encourage them to submit complaints and also put in place a mechanism to demonstrate all complaints are being processed impartially (AP2005/680/02/08).

36. *The Mission accepted the recommendation.* OIOS will keep this recommendation open in its database until it can be confirmed that the recommendation has been implemented.

37. OIOS also noted that there were significant delays in finalizing a fraud case by UNHQ. Although the investigation was already completed by October 2002 and was referred to UNHQ, a panel of the Joint Disciplinary Committee was not formed until December 2003 and the case was finalized only in April 2004. It is neither in the interest of the UN employee nor the employer to process fraud cases for long period. This issue should be reviewed by HQ.

38. The Mission does not have database of BOIs convened in each year. There is no serial number assigned to have a numerical control of all BOI cases. OIOS was provided files containing BOIs for 2003 and 2004, which showed there were only two BOIs in those periods. But there was no information on BOI for 2002. However, the Secretary of CAO informed the auditor that there was no BOI in 2002 based on her memory. The Mission does not have proper tracking system of the BOI recommendations. Therefore, the status of BOI recommendations was not available for our review.

Recommendation 9

UNMOGIP management should maintain a database of the Board of Inquiries convened showing all the relevant information, recommendations and their implementation status (AP2005/680/02/09).

39. *The Mission accepted the recommendation and stated that the Security Officer has been tasked to maintain a database of the Board of Inquiries convened.* OIOS will keep this recommendation open in its database until it can be confirmed that the recommendation has been implemented.

C. Staff awareness and misconduct prevention programmes

Risk assessment and misconduct prevention programmes

40. UNMOGIP had conducted a risk assessment of the Mission in accordance with UNSECOORD requirement. This assessment focused on security aspect only. The security guards are provided by the host government's army. UNMOGIP premises are secured and there are no cases of theft of UN assets. UNMOGIP personnel are not allowed to drive UN vehicles, so, the

chances of misconduct in use of vehicle are also low. The Mission had not conducted any risk assessment for misconduct as it is not an issue for this mission.

41. There is a need to have regular refresher courses on misconduct issues and rules of conduct for civilian staff and military observers. DPKO should develop a web-based or CD for training staff on conduct issues, which should be mandatory for each personnel. Such training should be completed within stipulated time and their certificate should be submitted to the Personnel Section. Action should be taken against those who fail to comply. This issue will be reviewed at HQ.

42. The mission does not have a personnel conduct or ethics officer. Considering the smaller size of the mission, such responsibility could be assigned to CCPO and he should be given training to share those responsibilities.

43. The OIOS survey of UNMOGIP personnel indicated that additional training on UN and Mission policies was required. It was also found that many Mission personnel indicated their interest to know more details about the definition of misconduct, procedure to file a complaint, their rights and obligation and disciplinary action taken.

44. The Security Section did not maintain a database to record and monitor all the complaints received. The Security Officer explained that there were very few complaints received and all did not need investigation. However, it is better to maintain a proper log of all complaints received by the Security Section. The Security Officer has agreed to create immediately a database for this purpose.

Recommendation 10

UNMOGIP management should assign the functions intended for a Personnel Conduct Officer, such as the conduct of risk assessment exercise relating to discipline, developing and delivering training and refresher courses on discipline, receiving all complaints on misconduct, maintenance of database to record and monitor all complaints, to the Chief Civilian Personnel Officer or the Security Officer (AP2005/680/02/10).

45. *The Mission accepted the recommendation and stated that the new CCPO will be tasked to maintain a database on the subject and carry out the related functions recommended. OIOS will keep this recommendation open in its database until it can be confirmed that the recommendation has been implemented.*

VI. ACKNOWLEDGEMENT

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

cc:

Mr. Jean-Marie Guehenno, Under-Secretary-General for Peacekeeping Operations
Ms. Jane Holl Lute, Assistant Secretary-General, Office of Mission Support, DPKO
Ms. Hazel Scott, Director, ASD, DPKO
UN Board of Auditors
Programme Officer, OIOS
Nawal Yadav, Chief Resident Auditor, UNMISSET

UNMOGIP - SUMMARY OF SURVEY RESULTS: PART 1

	Yes	No	Don't know
Are you aware of the UN code of conduct?	90%	7%	2%
Are you aware of what constitutes misconduct or prohibited conduct?	87%	8%	5%
Are you aware that involvement with a prostitute is prohibited under UN standards of conduct?	89%	11%	0%
Do you know that sexual activity with a person under the age of 18 is prohibited?	90%	8%	1%
Do you think that the mission is implementing measures to prevent SEA?	72%	9%	20%
Do you know how to report or file a formal complaint?	55%	30%	15%
Would you report a suspicion of misconduct?	82%	11%	6%
Did you receive briefing or information on UN standards of conduct?	62%	38%	0%
Do you think that misconduct is occurring and going undetected and unpunished?	14%	67%	18%
Do you consider the disciplinary mechanism to be fair?	68%	15%	17%
Do you fear reporting cases of misconduct?	14%	77%	8%
Are you familiar with the status, basic rights and duties of UN staff members? (for civilian personnel only)	84%	10%	6%
Are you aware that you have a duty to report concerns or suspicions regarding SEA by a fellow worker? (for civilian personnel only)	84%	14%	2%

UNMOGIP - SUMMARY OF SURVEY RESULTS: PART 2

	Worse 1	2	3	4	Good 5
How do you feel about the overall state of discipline in the mission?	0%	5%	30%	27%	39%
What is your perception of how misconduct cases are handled in the Mission?	3%	3%	31%	26%	38%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: overall?	1%	4%	38%	21%	36%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: theft and misappropriation?	0%	5%	27%	23%	44%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: fraud and misrepresentation?	0%	4%	32%	16%	48%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: harassment and sexual harassment?	2%	7%	30%	21%	39%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: physical assault?	0%	1%	32%	25%	42%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: SEA?	0%	1%	31%	26%	41%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: others?	1%	9%	34%	20%	37%