



# **AN ASSESSMENT OF CORRUPTION RISKS IN UN PEACEKEEPING OPERATIONS**

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# INTRODUCTION AND METHODOLOGY

Since 1948, and the birth of modern peacekeeping, the United Nations has been engaged in over 70 peacekeeping (and numerous political) missions in countries experiencing violent conflict. The 14 current operations (and 11 field-based Special Political Missions) involve personnel from over 125 countries in increasingly proactive engagement, with the UN finding itself a protagonist in complex situations of ongoing violent insecurity.

Recent missions have seen increased potential for overstretch. In what are already immensely challenging contexts, corruption can undermine international efforts, reducing mission effectiveness and diminishing public trust in intervention operations. Where intervention forces lack adequate oversight and control, for example, or procurement is based on the interests of a single individual or state rather than the requirements of the organisation, the UN's ability to respond to crises suffers. In such a complex and political organisational context, ensuring accountability and oversight is challenging. But where effective oversight of peace and military operations is in place and corruption risks are limited, the ability of the UN and its Member States to secure peace and stability significantly increases.

The Transparency International Defence and Security Programme (TI-DS) has been working to understand and mitigate corruption risks in governments, defence forces, and international organisations for over a decade. TI's work has confirmed that corruption is a key and important factor in conflict and insecurity settings; it can perpetuate conflict and instability, and can undermine the effectiveness and credibility of peacekeeping, peace building and other international efforts.

This TI-DS assessment of corruption risks within UN peace operations analyses the oversight, control and anti-corruption processes governing UN peace operations at the headquarters level. Whilst our focus has been on UN Peacekeeping, our analysis includes Special Political Missions (SPM) as part of UN peace operations. By better understanding where the strengths and weaknesses of the system lie, our research leads us to make several pragmatic recommendations for strengthening the organisation's anti-corruption controls in peacekeeping and Special Political Missions.

Significantly, the context of this assessment is the ongoing implementation of Secretary-General António Guterres's major reform agenda which will have a substantial impact on the management and conduct of peace operations. Until the end of 2018, peacekeeping operations were carried out by the Department of Peace Keeping Operations (DPKO) and Special Political Missions by the Department of Political Affairs (DPA). Logistical support for both was through the Department of Field Support (DFS) and the Department of Management (DM). From 1 January 2019 DPKO and DPA were reorganised into the Department of Peace Operations (DPO) and the Department of Peacebuilding and Political Affairs (DPPA) respectively. Administrative, support and oversight functions will now be provided by the newly created Department of Management Strategy, Policy and Compliance (DMSPC) and the Department of Operational Support (DOS).

TI-DS has developed a methodology based around the Government Defence Anti-Corruption Index (the GI), designed specifically to help international organisations conducting peace or military operations assess their vulnerability to corruption. Our aim is to help institutions strengthen themselves against this risk, improve their effectiveness, and ensure their operations are in the best interests both of those directly affected by them, and of the global public. Our methodology sets out good practice for accountability and good governance of peace or military operations conducted by international organisations, and for the effective oversight of those operations.

The risk-based approach to this research does not seek to identify or pursue allegations of specific instances of corruption. Corruption is very difficult to identify without investigative capabilities and this is not something that this assessment seeks to do. Instead, the TI-DS research methodology used in this assessment combines a desk-based review of policy and programmes with key-informant interviews<sup>1</sup> (see Appendix 1) in order to understand the degree and nature of these various policies and programmes' implementation. This approach enables TI-DS to assess and identify corruption-related threats or risks to the integrity of the organisation and ultimately to the success of the peace operations it engages in.

The assessment addresses 77 indicators grouped around five key risk areas: political, financial, personnel, operations, and procurement.

<sup>1</sup> Key informant interviews were conducted with a range of UN and non-UN personnel, each with experience of aspects of UN peacekeeping operations. The interviews were semi-structured and conducted on condition of anonymity to elicit open and honest dialogue. Appendix 1 lists the interviewees by role.

# **POLITICAL RISKS**

## 1. Is there provision for effective and independent scrutiny of overall policies on peace and security in the organisation?

Good practice: Member States have oversight and scrutiny of policies on peace and security, and there is transparency about the decision-making mechanism; the agreed policies are transparent to the public.

### Summary

There are mechanisms in place for Member States to oversee peace and security policies, for example through the C34 Committee, and the Security Council Working Group on Peacekeeping Operations and Best Practice Officers in the field are in place to provide input into those policies. Though there is generally transparency around what the processes and procedures are, much of the negotiation around peace operations policy is conducted out of the public gaze. Commentators have also noted that the lack of a coherent doctrine and common agreement on the abilities and purpose of peacekeeping may leave gaps for misinterpretation and misunderstanding around peace operations policy.<sup>2</sup>

The transparency of the Security Council (SC), which is at the heart of peacekeeping mandates, resolutions and decision-making, is an ongoing subject of vigorous debate. Many Troop and Police Contributing Countries (T/PCCs) feel that consultation with them is inadequate, with a draft resolution typically shared amongst permanent members of the SC before it is shared with the council as a whole.<sup>3</sup>

However, some progress has been made: In 2017, the SC held the highest ever number of public meetings since it was created.<sup>4</sup> Various partnerships between the Secretariat and civil society organisations (CSOs) attempt to increase the openness of SC actors and processes. These have included open debates and dialogue between SC presidents and civil society organisations.<sup>5</sup> It is also worth noting that in adopted resolutions in 2017 there was a reduction in non-consensual decision-making.<sup>6</sup>

The context of peacekeeping operations, and the United Nations more broadly, is one of intergovernmental negotiation, which includes diplomatic discussions away from the public gaze and public scrutiny. These are necessarily non-transparent processes. The processes and procedures, as designed and provisionally agreed by Member States, are, however, set out in the evolving SC Note 507 – a public document.<sup>7</sup> The outcomes of such negotiations, and the associated policies, are by definition scrutinised by the Member States in the process of developing them, and are shared publicly once agreed. More formally, within the Security Council context, the Working Group on Peacekeeping Operations (established in 2001) exists to debate and report on peacekeeping policy issues.

A series of Strategic Reviews of ongoing peacekeeping operations has been initiated by the Secretary-General (SG) as part of the reform agenda in order to make recommendations to the Security Council. Such reviews can create a useful reference point, particularly if carried out with independence and integrity,<sup>8</sup> yet initial reviews have come under some criticism for the degree to which they are truly ‘independently led’. The reviews were carried out under the authority of the SG by very recent Special Representatives of the Secretary-General (SRSGs), staffed by UN teams and the findings have not been published in a transparent manner.<sup>9</sup> One innovation has been the use of ‘red teams’ to test and challenge drafts and assumptions.<sup>10</sup>

The Special Committee on Peacekeeping Operations (C34) was established in 1965 under the General Assembly

<sup>2</sup> Cedric De Coning, Chiyuki Aoi, and John Karlsrud (eds.), *UN Peacekeeping Doctrine in a New Era*. Abingdon: Routledge 2017.

<sup>3</sup> Communication with (40), Academic and Policy Expert, October 2018.

<sup>4</sup> "In Hindsight: The Security Council in 2017", *Security Council Report*, 2018, [https://www.securitycouncilreport.org/monthly-forecast/2018-02/in\\_hindsight\\_the\\_security\\_council\\_in\\_2017.php](https://www.securitycouncilreport.org/monthly-forecast/2018-02/in_hindsight_the_security_council_in_2017.php).

<sup>5</sup> See for example, "CSO Dialogues with UNSC Presidents", World Federation of United Nations Associations, <https://wfuna.org/peace-security/cso-dialogues-unscc>.

<sup>6</sup> "In Hindsight: The Security Council in 2017", *Security Council Report*, 2018.

<sup>7</sup> "Note by the President of the Security Council", S/2017/507, United Nations Security Council, 30 August 2017. For more on Security Council working methods, "Security Council Working Methods", *Security Council Report*, [www.securitycouncilreport.org/security-council-working-methods/](http://www.securitycouncilreport.org/security-council-working-methods/).

<sup>8</sup> Karin Landgren, "Nailing Down the Primacy of Politics in UN Peacekeeping: An Insider Perspective", *IPI Global Observatory*, August 2018, <https://theglobalobservatory.org/2018/08/nailing-down-primacy-of-politics-un-peacekeeping-an-insider-perspective/>.

<sup>9</sup> Communication (39) with Academic and Policy Expert, October 2018.

<sup>10</sup> Karin Landgren, "Nailing Down the Primacy of Politics in UN Peacekeeping: An Insider Perspective", *IPI Global Observatory*, August 2018.

Fourth Committee in order to review and provide recommendations on United Nations Peacekeeping Operations.<sup>11</sup> The committee consists of more than 140 Member States involved in peacekeeping missions. There have been some tensions between C34 and the Security Council over policy issues, due in part to the increased voice of T/PCCs and G77 countries within it. The C34 Annual Report is the result of a long negotiating process and plays a role in helping to hold DPKO/DFS accountable as well as enabling Member States to request and require the Secretariat to innovate.<sup>12</sup> For example, the committee might ask the Secretariat to consider performance requirements, consultation between T/PCCs and the Council, usage of unmanned aerial vehicles (UAVs)/intelligence, and to codify practices in the field. The Secretariat is asked to report back having considered its findings. However, there is a debate among Member States over whether C34's role is to advise the Secretariat or to mandate policy. In the past, policies and procedures governing the operational conduct of the Secretariat or a mission were under the authority of the SG, whereas regulations and rules were governed by Member States. Controversial policies, like that on intelligence, have invited more Member State scrutiny of C34, and caused some to assert the prerogative of C34.

Within the Secretariat, key policy decisions go to an Executive Committee of Under-Secretary-Generals (USGs) chaired by the SG, which meets weekly. Secretary-General Guterres has taken steps to improve the internal decision-making chain, including introducing a Deputies Committee of key Assistant Secretary-Generals (ASGs) to prepare issues going to the Executive Committee. Management decisions (including, for example, enterprise risk management issues) are dealt with by a Management Committee chaired by the SG's Chef de Cabinet which meets every one to two weeks.<sup>13</sup>

The DPKO-DFS Policy, Evaluation and Training Division (DPET) has increased the potential capacity for learning and scrutiny through best practices and field experience by including access to a Policy and Best Practice Officer (or focal point) within each peacekeeping operation. Resulting policies and some basic methodologies governing after-action reviews (AARs) are available publicly. AARs are considered internal learning documents.<sup>14</sup> The results of some 'lessons learned' exercises and End of Assignment reports from SRSGs and Force Commanders may be available on an internal DPKO Peacekeeping Best Practices Section database.<sup>15</sup>

Despite the potential for a degree of scrutiny from within the UN itself, a number of commentators have suggested there is a lack of clarity around what peacekeeping missions can realistically achieve, and what contemporary peacekeeping is actually for.<sup>16</sup> They note that the institutional peace operations architecture was created during a different time, growing from ad-hoc arrangements in response to the needs of the day. The Secretary-General's reform plan, with its emphasis on accountability and transparency, is a timely continuation of reform processes from the Brahimi Report of 2000 through to the High Level Independent Panel on Peacekeeping Operations (HIPPO) in 2015 and the 2017 'Cruz' report regarding peacekeeper security led by General dos Santos Cruz.<sup>17</sup>

In sum, debate and scrutiny of United Nations Peace Operations policy occurs across a number of bodies including the Security Council, the General Assembly, the Secretary-General and the Secretariat (see below), though as with peacekeeping operations themselves, there are diverse centres and methods of reporting and gaps remain.

<sup>11</sup> General Assembly and Peacekeeping, <https://peacekeeping.un.org/sites/default/files/sites/cte/CTEE.htm>.

<sup>12</sup> Communication (39) with Academic and Policy Expert, October 2018.

<sup>13</sup> See the "Terms of Reference for the New/Revised EOSG Posts and Units", January 2017: [www.un.int/sites/www.un.int/files/Permanent%20Missions/delegate/eosg\\_terms\\_of\\_reference.pdf](http://www.un.int/sites/www.un.int/files/Permanent%20Missions/delegate/eosg_terms_of_reference.pdf).

<sup>14</sup> Communication (40) with UN Officials, October 2018.

<sup>15</sup> "Handover Notes", United Nations, <https://www.un.org/ruleoflaw/files/Annex11EndofAssignmentReport.doc>.

<sup>16</sup> Interview (34) with external UN expert, June, 2018. See also, Aoi, De Coning, and Karlsrud, 2017.

<sup>17</sup> Fred Carver, "Peacekeeping Budget Approval and Cuts Leave Fundamental Questions Unaddressed", *IPI Global Observatory*, September 2018, <https://theglobalobservatory.org/2018/09/peacekeeping-budget-approval-cuts-questions-unaddressed/>.

## 2. Are decisions to initiate operations made based on clear criteria, clear assessment of needs, and in line with the organisation's overarching objectives? Is there formal provision for effective and independent scrutiny of the decision to initiate an operation? This might include, for example, the decision that an operation is required and the development of the mandate for the operation.

Good practice: Member States have oversight and scrutiny of policies on peace and security, and there is transparency about the decision-making mechanism; the agreed policies are transparent to the public.

### Summary

The Security Council-led process of initiating a peacekeeping operation includes debate and discussion. Under the Charter, the Permanent 5 (P5) can exercise a veto over Security Council decisions (though nine positive votes from all members are required for a resolution to be adopted). Assessments of need are generally carried out in the form of a Technical Assessment Mission, discussed by the Executive Committee, but the criteria they use is not well defined.

Decisions to initiate peacekeeping operations are made by the Security Council, though relatively few have been established in recent years.<sup>18</sup> (The General Assembly can initiate an operation under the 'uniting for peace' resolution of 1950,<sup>19</sup> though this has only happened once – UNEF-1 in 1956.)<sup>20</sup> Much of this Member State-led negotiation process occurs behind closed doors, but the outcomes are documented and publicly available. Key Member States can influence the process: the P5 can veto substantive decisions of the Council and nine positive votes (the Security Council is composed of 15 members, five permanent, 10 non-permanent who are elected by the GA for two-year terms<sup>21</sup>) are required for a resolution to be adopted. There is the opportunity for all Member States to make statements in debates and at the time of a vote. However, as one interviewee with extensive SC experience noted, "generally, one state holds the pen on drafting the mandate and mandate renewals for each mission." Though the interviewee said that this did not in and of itself pose a corruption risk, they pointed out that "it gives that state quite a lot of power over what goes into the mandate, and it tends to be a member of the P5."<sup>22</sup>

As discussions begin on the possibility of a peacekeeping mission, the Security Council is briefed by the Secretary-General (or a senior representative), usually based on a Technical Assessment Mission conducted on his or her behalf by an Integrated (Mission) Task Force (led by DPA or DPKO/DFS), with field support provided by the UN Country Team or relevant Field Mission. Technical Assessment Missions set out to assess the situation, but, while there is a publicly available Planning Toolkit,<sup>23</sup> this remains vague regarding the specific criteria used in the assessment process.

However, the SC President, in December 2017,<sup>24</sup> expressed the SC's intention to consider the configuration of peacekeeping missions when reviewing mandates (though caveated as 'where appropriate'). The SC expressed an intent to consider seven factors, including an assessment of how the mandate has been implemented so far, national ownership of the political process, the existence of clearly defined goals, objectives and milestones, analyses of the opportunities, risks and challenges, progress towards the delivery of the mandate, clarity on the role of the UN Peacekeeping Operations, country teams, and other actors, and the existence of an exit strategy. Although these do not constitute formal, agreed guidance on criteria, they provide an indication of the issues that are considered as mandates are reviewed. Though the capacity of host nations is mentioned, their governance and accountability is not.

<sup>18</sup> For example, in the last ten years, seven peacekeeping operations have been initiated: United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO, 2010- ); United Nations Interim Security Force for Abyei (UNISFA, 2011- ); United Nations Mission in the Republic of South Sudan (UNMISS, 2011- ); United Nations Supervision Mission in Syria (UNSMIS, Apr-Aug 2012); United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA, 2013- ); United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA, 2014- ); United Nations Mission for Justice Support in Haiti (MINUJUSTH, 2017- ). See "List of Peacekeeping Operations 1948 – 2018", United Nations Peacekeeping, [https://peacekeeping.un.org/sites/default/files/180413\\_unpeacekeeping-operationlist\\_2.pdf](https://peacekeeping.un.org/sites/default/files/180413_unpeacekeeping-operationlist_2.pdf).

<sup>19</sup> "Uniting For Peace", United Nations General Assembly Resolution 377 A, 3 November 1950, [www.un.org/en/sc/repertoire/otherdocs/GAres377A\(v\).pdf](http://www.un.org/en/sc/repertoire/otherdocs/GAres377A(v).pdf)

<sup>20</sup> "Role of the General Assembly", United Nations Peacekeeping, <https://peacekeeping.un.org/en/role-of-general-assembly>.

<sup>21</sup> United Nations Security Council, [www.un.org/securitycouncil/](http://www.un.org/securitycouncil/).

<sup>22</sup> Interview (38) with Former UN Mission staff member, July 2018. See also Ian Martin, "In Hindsight: What's wrong with the Security Council?" *Security Council Report*, March 2018, [www.securitycouncilreport.org/monthly-forecast/2018-04/in\\_hindsight\\_whats\\_wrong\\_with\\_the\\_security\\_council.php](http://www.securitycouncilreport.org/monthly-forecast/2018-04/in_hindsight_whats_wrong_with_the_security_council.php).

<sup>23</sup> "Policy and Guidance", United Nations Peacekeeping, <https://peacekeeping.un.org/en/policy-and-guidance>.

<sup>24</sup> Statement by the President of the Security Council, United Nations General Assembly, S/PRST/2017/27, 21 December 2017, [www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_prst\\_2017\\_27.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_prst_2017_27.pdf); Details and documents on all peacekeeping and political missions can also be found at [www.unmissions.org/](http://www.unmissions.org/).

In practice, major financial donors (like the US) can have a disproportionate influence on the decision about whether or not to initiate an operation. As described by the NGO Security Council Report in March 2018: “One of the defining elements of the discussions on peace operations is the gap between those who decide on the mandates of peace operations and carry their financial burden and those who deploy troops and police to implement them.”<sup>25</sup>

### 3. Are any assessments related to mandate development made publicly available?

**Good practice: Documents containing key recommendations and justifications for mandate decisions are made publicly available.**

#### Summary

**Some documents containing recommendations and justifications for mandate decisions are publicly available, though not all.**

Mandates for UN Peacekeeping Operations are developed by the Security Council and informed by recommendations made by the Secretary-General based on integrated assessments conducted by Technical Assessment Missions (TAMs)<sup>26</sup>. Some of these assessments are publicly available, for example the results of the Secretary-General’s Technical Assessment Mission to Somalia in April 2013, pursuant to Security Council Resolution 2093, on the website of UNSOM (United Nations Assistance Mission in Somalia).<sup>27</sup>

The content of current UN Peacekeeping Operation mandates is broken down into considerable detail in a document available to download on the UN Security Council website,<sup>28</sup> though this does not provide details of the relevant assessments made during the mandate development process. Assessments informing the SG reports are not publicly available. Documents relevant to a particular peacekeeping operation, for example mandates and SG reports, can be explored via the Current Operations section of the UN Peacekeeping website, where the facts, figures and links to resolutions, reports, letters and other documents are available.

The Policy on Integrated Assessment and Planning approved by the Secretary-General on 9 April 2013, requires that where the Security Council authorises the establishment of a mission, the mandate and strategic assessments should be used as the basis for the Directive to the Special/Executive Representative of the Secretary-General (S/ERSG), Resident Coordinator (RC) and/or Humanitarian Coordinator (HC) and the Integrated Strategic Framework for the Mission.<sup>29</sup> Subsequent reports from the Secretary-General to the Security Council will therefore point to the content of these assessments relative to progress against the UN priorities as outlined in integrated plans.

<sup>25</sup> “March 2018 Monthly Forecast: Peacekeeping Operations”, *Security Council Report*, February 2018, [www.securitycouncilreport.org/monthly-forecast/2018-03/peacekeeping\\_operations.php](http://www.securitycouncilreport.org/monthly-forecast/2018-03/peacekeeping_operations.php)

<sup>26</sup> “Integrated Assessment and Planning Handbook”, IAP Working Group, December 2013, p. 151, <http://repository.un.org/bitstream/handle/11176/387407/2014%20IAP%20HandBook%20LOW%20RES%20spreads.pdf?sequence=1&isAllowed=y>

<sup>27</sup> “Results of the Secretary-General’s Technical Assessment Mission to Somalia”, United Nations Assistance Mission in Somalia, June 2013, <https://unsom.unmissions.org/results-secretary-general%E2%80%99s-technical-assessment-mission-somalia>.

<sup>28</sup> United Nations Security Council, [www.un.org/securitycouncil/](http://www.un.org/securitycouncil/).

<sup>29</sup> “Integrated Assessment and Planning Handbook”, IAP Working Group, December 2013, pp. 151-153, para. 39-44.

## 4. Are mandates established in a consultative way?

Good practice: Mandates are established in consultation with Member States and civil society and mechanisms are in place to ensure that those affected are meaningfully involved in this consultation.

### Summary

Mandates for Peacekeeping Operations are established by the Security Council with varying degrees of input from the Secretary-General, DPKO, DFS and DPA - bodies whose competencies broadly fall within DPO, DOS, and DPPA remits since the UNSG's reforms took effect in January 2019. Whilst Member States, civil society and others affected by a situation under discussion can make statements to the Council, and in the case of Member States participate in its debates, any consultation is at the discretion of the Security Council. Whilst communication through mass media and social media can create some pressure to act, ultimately, civil society and those affected by a conflict have little input into the establishment of peacekeeping mandates.

The Security Council identifies or receives notification from a Member State or the Secretary-General of a crisis to be considered for a peacekeeping operation. If the SC agrees to include this issue on its agenda (and this can be a significant barrier) then the Secretary-General initiates a Technical Assessment Mission (TAM) to provide options and recommendations for the formulation of a Security Council mandate, and on the size, scope, tasks and structure of a UN Operation. The TAM is carried out by an Integrated Task Force (ITF), led by DPA (for Special Political Missions) or DPKO (for peacekeeping operations) and with input from police, justice, corrections, security sector reform (SSR), disarmament, demobilisation, and reintegration (DDR) and Mine Action experts amongst others to develop options and recommendations for the Security Council mandate concerning their areas of expertise. In general terms, upon receipt of the assessment, the Secretary-General will brief the Security Council who will discuss the matter and, if agreed, can move to draft and adopt a resolution to establish a peacekeeping operation. At the drafting stage, Security Council members make proposals for the inclusion of items in the mandate and liaise with DPKO; this would be an entry point for greater consultation with local stakeholders.<sup>30</sup>

The Secretary-General called in April 2017 for “clear, realistic and up-to-date mandates from the Council, with well-identified priorities, adequate sequencing and the flexibility to evolve over time,”<sup>31</sup> reflecting the Independent High-Level Panel on Peace Operations (HIPPO) report's conclusion that the design and implementation of peace operations must be driven by political strategy. The Security Council has also committed to assessing mandate implementation in all dimensions, including the cooperation of the host state.

There have been efforts to improve coordination between the Security Council and T/PCCs, but gaps remain. The UN Security Council Working Group on Peacekeeping Operations<sup>32</sup> was established to enable consultation and dialogue between the Security Council and T/PCCs. In 2013, with the adoption of Resolution 2086, the Security Council reiterated their commitment to strengthening cooperation and consultation with T/PCCs, with the aim of reducing the gap between those who decide on the mandates of peace operations, and those who deploy troops and police to implement them.<sup>33</sup> One interviewee noted that elements of mandates are often practically ignored by SRS/Force Commanders, perhaps because there is a gap between expectations set out in the mandate and the abilities and interests of T/PCCs.<sup>34</sup> It is also worth noting that many T/PCCs benefit from their involvement in peace operations and have an interest in seeing them continue.

Ultimately, civil society and those affected by a conflict have very little input into the establishment of peacekeeping mandates. The HIPPO report advocates engagement with local communities as necessary for peacekeeping operations to achieve sustainable outcomes.<sup>35</sup> Whilst the need for this is observed within the context of operations themselves, there is little scope for meaningful civil society involvement in the Security Council process for the development of

<sup>30</sup> “Role of the Security Council”, United Nations Security Council, <https://peacekeeping.un.org/en/role-of-security-council>.

<sup>31</sup> António Guterres, “Remarks to the Security Council Thematic Debate entitled Peacekeeping Operations Review”, United Nations, April 2017, [www.un.org/sg/en/content/sg/speeches/2017-04-06/secretary-generals-peacekeeping-operations-review-remarks](http://www.un.org/sg/en/content/sg/speeches/2017-04-06/secretary-generals-peacekeeping-operations-review-remarks).

<sup>32</sup> Working Group on Peacekeeping Operations, [www.un.org/sc/suborg/en/subsidiary/wgpk](http://www.un.org/sc/suborg/en/subsidiary/wgpk).

<sup>33</sup> “March 2018 Monthly Forecast: Peacekeeping Operations”, *Security Council Report*, February 2018.

<sup>34</sup> Interview (31) with Academic Expert, May 2018.

<sup>35</sup> Jenny Aulin, Charlotta Divin, “Towards Local Ownership of International Interventions in Mali”, GPPAC Policy Note, June 2017: <https://gppac.net/publications/towards-local-ownership-international-interventions-mali>.

mandates (see question 1).

Debate about the purpose of peace operations has often focused on the consent of the host state government; the Brahimi report set host nation consent out as a fundamental principle of peacekeeping. In 2016, the Venezuelan representative to the UN said that the “fundamental role of peacekeeping must be to support the host government.”<sup>36</sup> Host nation consent remains an integral pillar of UN<sup>37</sup> peacekeeping and the host nation has the power to refuse visas, limit access and request the withdrawal of peacekeeping troops.<sup>38</sup> However, that host nation government may not always represent or work in the interest of the local population. Former US Ambassador to the UN Nikki Haley raised this in 2018 when she said: “When a government stands in the way of a UN peacekeeping mission, we need to put real pressure on the government to change course. When a mission no longer supports a political solution, we need to get the parties back to the table or ask ourselves should the mission be there at all.” In contexts where the host nation acts against the interest of the population or of peace, the primacy of host nation consent may conflict with the fulfilment of the mandate.

Finally, the role of Member States and conflicting interests should be considered. According to one interviewee with experience working within UN missions:

How can a country support the mandate of a mission but on the other hand be working against the mandate with their own political influence and intelligence capability? In some cases, we see the pen holder both support the mission, but also supporting ‘spoilers’. Their support may run counter to the stated aim of the mandate. But there is little in place to ensure that these decisions are overseen or controlled, and few mechanisms to hold them to account for this if it goes outside of the mandate.<sup>39</sup>

## 5. Is there formal provision for effective oversight of operations (including initiation, operation and closure), and of the institutional bodies that carry out operations?

**Good practice: Processes are in place for Member States to oversee operations and the institutional bodies that implement them. Outcomes of deliberations and decisions are transparent.**

### Summary

**In general, processes are in place for oversight of operations and the parts of the UN responsible for their implementation. Member States are involved in some of these processes. There are concerns about the effectiveness of oversight, due to limited capacity, the complexity of peace operations, and the lack of effective fully independent oversight bodies. Interviewees drew attention to a lack of consistency in the quality and rigour of the oversight processes, particularly as to the potential to identify risks and incidents of corruption.**

The overarching oversight issue for UN peace operations is the persistent lack of genuinely independent, external mechanisms that can carry out these roles. There is an inbuilt lack of independence of the oversight institutions (see below). From the perspective of the civil society actors interviewed, the status of the UN as a state-based organisation means there are very limited ways in which its activities and actors can be held to account in an unbiased way.<sup>40</sup> Even

<sup>36</sup> “Attempts Made to Alter Mandates without Consulting Host States, Says Delegate, as Fourth Committee Continues Review of United Nations Peacekeeping”, United Nations, 21 October 2016, [www.un.org/press/en/2016/gaspd619.doc.htm](http://www.un.org/press/en/2016/gaspd619.doc.htm).

<sup>37</sup> Ambassador Nikki Haley, US Permanent Representative to the United Nations, “Remarks at a UN Security Council Open Debate on Peacekeeping”, US Mission to the United Nations, NYC, 28 March 2018, <https://usun.state.gov/remarks/8359>.

<sup>38</sup> Adam Day, “To Build Consent in Peace Operations, Turn Mandates Upside Down”, *United Nations University Center for Policy Research*, January 2017, <https://cpr.unu.edu/to-build-consent-in-peace-operations-turn-mandates-upside-down.html>.

<sup>39</sup> Interview (38, 39) with former UN staff member, July 2018.

<sup>40</sup> Interview (36) with civil society actor, June 2018.

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where there are no formal ties, there is the potential for political influence<sup>41</sup> and connections across different parts of the UN, for numerous different reasons, including conflicts of interest.

Oversight for the different elements of peacekeeping operations is the responsibility of different parts of the UN. Political oversight of peacekeeping operations comes from the Security Council (and to a limited degree from C34). The General Assembly has oversight of the budget for peace operations through its Fifth Committee and the work of the Advisory Committee on Administrative and Budgetary Questions (ACABQ).<sup>42</sup> Until the end of 2018, Peacekeeping Operations and Special Political Missions were carried out primarily by DPKO, DPA, and DFS, under the authority of the Security Council. They and other parts of the Secretariat, including DM, exercised internal oversight in various ways, under the overall authority of the Secretary-General. Logistical support for both was conducted through DFS and DM.

On 1 January, 2019, Peacekeeping Operations were placed under the remit of the newly established Department of Peace Operations, and Special Political Missions under that of the Department of Political and Peacebuilding Affairs. Under the new structure, administrative, support and oversight functions are provided by the newly formed Department of Management Strategy, Policy and Compliance (DMSPC) and the Department of Operational Support (DOS). It is too soon to tell what effect the new structure will have on oversight.

Detailed budget proposals are scrutinised by ACABQ, the members of which are elected by the GA. Then the Fifth Committee of the General Assembly considers and approves the budgets for peace operations and related oversight and support structures at UNHQ. When it comes to the Fifth Committee and ACABQ, the sheer volume of material they analyse, comment on and evaluate impacts the level of scrutiny that they are able to provide. ACABQ has three sessions a year, with a total meeting time of nine to ten months per year, according to its website.<sup>43</sup> However, it must examine all aspects of the UN Secretariat, which can mean six or seven organisations are considered in one three-hour session. ACABQ can also request written responses to questions as well as data from the Secretariat, often running to hundreds of pages.<sup>44</sup> This puts a lot of pressure on the committee's capacity to conduct rigorous due diligence and technical analysis.

DPKO, DFS and DPA (which had responsibility for implementing peacekeeping operations until the establishment of DPO and DPPA) were also subject to oversight by the following relevant bodies, which will now have oversight over DPO and DPPA:<sup>45</sup>

### 1. Office for Internal Oversight Services (OIOS)

- Established as an operationally independent office that assists the SG in fulfilling internal oversight of the organisation's staff and resources.
- Fulfills audit, investigations, inspection and evaluation functions.
- OIOS findings and recommendations are shared via reports to responsible programme managers directly or through the SG and the General Assembly. OIOS recommendations are classified as either critical or important, and followed up accordingly.
- In terms of oversight of peace operations, OIOS issues an annual peacekeeping report. During 2017, OIOS issued 204 reports relating to peace operations. Of these, 75 were carried out by the Internal Audit Division (on DFS, DM, DPKO and 17 peacekeeping operations) and included some 417 recommendations whose implementation is monitored by the Management Committee, OIOS and DFS. OIOS Investigations Division issued 125 reports. The Inspection and Evaluation division issued four reports along with risk assessments relating to peacekeeping operations and mandates.
- Internal audit reports issued by OIOS are available 30 days following issuance of the report.<sup>46</sup>

<sup>41</sup> Interview (35) with civil society actor, June 2018.

<sup>42</sup> The Advisory Committee on Administrative and Budgetary Questions (ACABQ) is made up of sixteen members elected by the General Assembly. Each member serves for three years, and is elected on the basis of broad geographic representation. Members serve in a personal capacity and not as representatives of Member States. See Advisory Committee on Administrative and Budgetary Questions, [www.un.org/ga/acabq/](http://www.un.org/ga/acabq/).

<sup>43</sup> Advisory Committee on Administrative and Budgetary Questions, [www.un.org/ga/acabq/](http://www.un.org/ga/acabq/).

<sup>44</sup> Communication (39) with Academic and Policy Expert, October 2018.

<sup>45</sup> Administrative and Budgetary Committee (Fifth Committee), [www.un.org/en/ga/fifth/ri.shtml](http://www.un.org/en/ga/fifth/ri.shtml). Note also the role of the Office of the United Nations Ombudsman and Mediation Services (UNOMS). Their main purpose is to listen to staff concerns, yet the annual reports they produce do report on internal issues within the UN.

<sup>46</sup> "Internal Audit Reports", Office of Internal Oversight Services, <https://oios.un.org/page?slug=report>.

Though OIOS has faced questions concerning whistleblowing, and criticism of its independence, efficiency and effectiveness,<sup>47</sup> one interviewee reported improvement in its reputation in recent years within the UN system and amongst Member States.<sup>48</sup> Two interviewees within the UN questioned OIOS capacity, and suggested that resources were needed to enable it to better carry out its functions.<sup>49</sup> One UN expert interviewee advocated a more decentralised role, a return to greater localised presence within peacekeeping operations, and less reliance on secondary data removed from context.<sup>50</sup>

## 2. UN Board of Auditors (BOA)

- Established as an independent strategic oversight body, which reports to the GA through ACABQ. Unlike OIOS, it does not have an operational focus.
- Its responsibilities are financial and compliance auditing.
- It also conducts performance audits, and makes observations with respect to the efficiency of financial procedures.
- BOA reports annually on peacekeeping. These reports are made public, and are accessible through the BOA website.

Interviewees within the UN, Member State missions, and external experts, rated the work of the Board of Auditors as generally credible, effective and well-respected by Member States and within the Secretariat. However, one Member State official interviewed commented that whilst the BOA is an effective audit body, audits are not sufficient for detecting corruption.<sup>51</sup>

## 3. Joint Inspection Unit (JIU)

- JIU is an external and independent system-wide inspection, evaluation and investigation capability for the UN system.
- JIU's stated objective is to improve the managerial practices of the UN, its efficiency, and its effectiveness. To this end it identifies best practices and facilitates information sharing.
- JIU reports are public and available.

## 4. Independent Audit Advisory Committee (IAAC)<sup>52</sup>

- An independent oversight advisory function of the UN, which works as a subsidiary body of the GA.
- It has an expert advisory capacity, assisting the GA in fulfilling oversight responsibilities, especially as related to OIOS.
- Meets for three-day sessions four times per year, issuing two reports on the budget of OIOS (available on the IAAC website) and an annual report on its own activities which is not accessible.

There are also additional bodies that play some degree of oversight role, for example the Committee on Program Coordination, which reviews and approves the departments' annual strategic objectives and workplans, as well as the Office of Peacekeeping Strategic Partnership, which reviews and provides advice to T/PCCs.

External interviewees reported limited impact by the oversight bodies listed above, stating, for example, that some were "completely ignored" and "not taken seriously."<sup>53</sup> Within DPKO/DFS, several management experts working in Permanent

<sup>47</sup> Interview (30) with Former Member State Official, April 2018, Interview (32) with former UN official, May 2018.

<sup>48</sup> Interview (15) with Member State Official, April 2018.

<sup>49</sup> Interview (9) with UN Official, March 2018, Interview (1) with two UN officials, March 2018, (11) with Academic Expert, March 2018.

<sup>50</sup> Interview (31) with Academic Expert, May 2018.

<sup>51</sup> Interview (23) with Member State Official, April 2018.

<sup>52</sup> Independent Audit Advisory Committee, [www.un.org/ga/iaac/](http://www.un.org/ga/iaac/).

<sup>53</sup> Interview (32) with external expert and former UN official.

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Missions<sup>54</sup> expressed that overall there have been recent improvements in oversight bodies regarding human resources (HR) and management, budgets and finance, procurement and IT.

Within specific operations, much of the current operational oversight depends on the SRSG, the Force Commander and the Head of Mission Support (both of whom report to the SRSG) and the priorities they and the mandate for the operation prescribe.<sup>55</sup> In the context of the SG's reform proposals, interviewees expressed concern that further delegation of responsibility for HR, Finance and ICT budgets to SRSGs will create considerable additional risk if not accompanied by relevant controls such as responsible delegation of authority and effective accountability mechanisms.<sup>56</sup> One interviewee called greater delegation of power to the SRSG a "disaster in the making," citing the limited oversight in place to control an SRSG who tolerates corruption within the mission or host nation.<sup>57</sup>

As an example specifically relating to the oversight of operations, in 2017 the Board of Auditors noted regarding the Department of Peacekeeping Operations Workplans (A/71/5 vol.II) that:<sup>58</sup>

- The workplans of the Asst. Secretary-Generals for Operations and Rule of Law and Security Institutions (OROLSI) and the Military Adviser for Peacekeeping were based in structure and content on the compacts (agreement/covenant) of the USG, yet for their own offices, divisions, sections and units, they followed different approaches.
- Therefore, these workplans were only partially suited to monitoring whether the activities of divisions, sections, and units were appropriate for achieving objectives set out in the compacts of the USG, ASG and Military Adviser.
- The transparency efforts of DPKO would be enhanced by restructuring and linking workplans to these compacts. Workplans could then be used as a management support tool.
- The Board of Auditors noted that DPKO workplans could be more effective in their monitoring and oversight functions.
- The DPKO concurred with this finding. This specific observation demonstrates the strategic oversight function of the Board of Auditors.

<sup>54</sup> Interviews (15) with Member State Official, April 2018, Interview (10) with two Member State Officials, March 2018.

<sup>55</sup> Interview (31) with Academic Expert, May 2018, Interview (32) with former UN official, May 2018; Note that implementation is underway of the 'three lines of defence' model, in which SRSGs will retain the responsibility for owning and managing the operational risks of their operations. There will be a second line of defence supporting them that will comprise the central management functions and oversee the risk assessment/management of the respective operation, internal controls and provide support and guidance in these areas. In addition, a third line of defence is represented by the Office of Internal Oversight Services (OIOS)—and its evaluation, audit and investigation functions. (Communication (33) with UN Official, October 2018).

<sup>56</sup> Communication (39) with Academic and Policy Expert, October 2018.

<sup>57</sup> Interview (32) with external expert and former UN official.

<sup>58</sup> For the 12-month period between 1 July 2015 and 30 June 2016, see "Report of the Board of Auditors Volume II—United Nations peacekeeping operations", United Nations General Assembly, A/31/5 (Vol. II), 2017, pp. 38-39, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/71/5\(Vol.II\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/71/5(Vol.II)).

## 6. Is strategy, policy and approach related to operations debated and publicly available? If there is public debate, do the relevant bodies within the organisation participate in this debate?

Good practice: Material is made available to allow informed debate about both general security policies of the institution and about individual operations. The organisation engages in regular debate with academia, opinion-formers, and CSOs about defence issues in collaborative ways. The organisation co-organises discussions with independent think tanks or civil society organisations, or through joint media briefings.

### Summary

Policy discussion documents are published and discussed, and UN representatives engage in regular debate with academia, think tanks, the media and diplomats. Details and documents on all peacekeeping and political missions can be found via <https://www.unmissions.org/>.

2017 and 2018 saw a number of UN engagements in public debate surrounding peacekeeping policy at the highest level. The Security Council Peacekeeping high-level open debate convened by the Netherlands in May 2018 in its capacity as President of the Security Council featured contributions from the UN SG, the Chair of the AU Commission, senior Member State representatives and CSOs, amongst others.<sup>59</sup>

The Secretariat has been forthcoming in producing and publicising reports on the SG's management and peacekeeping reform proposals. These have coincided with the release of a number of reports including the challenging Cruz report on operational aspects of peacekeeping; this was initially leaked in 2017, though the Secretariat subsequently engaged and debated it publicly.<sup>60</sup> Similarly, the launch of the 'Action for Peacekeeping' webpage included a link to the Global Observatory of the International Peace Institute (IPI) and relevant, tagged articles, critically engaging with the proposals.<sup>61</sup> This trajectory towards a willingness to create more space for dialogue and debate reflects the current SG's approach to reform and builds on the work of the HIPPO report, produced under the previous SG, and continued through the recent 'Action for Peacekeeping' agenda.

Within the Security Council, the Working Group on Peacekeeping Operations was established to enable consultation and dialogue between the Security Council and T/PCCs. In 2013 (SCR 2086), the SC reiterated its commitment to strengthening cooperation and consultations with T/PCCs, including through triangular cooperation between the SC, T/PCCs and the Secretariat.<sup>62</sup> The Working Group discussed this commitment in 2017 with Alexandra Novosseloff of the International Peace Institute, who made a number of recommendations concerning timings, approach, participants for meetings, and indicative of the challenges faced in terms of developing meaningful momentum.<sup>63</sup>

Reports from the Special Committee on Peacekeeping Operations (C34), established in 1965 to review and provide recommendations on United Nations Peacekeeping Operations,<sup>64</sup> are publicly available, as are outcomes from the General Assembly's Fourth and Fifth Committees (though not records of the proceedings).

The first public debate/hustings relating to SG candidates' views and intentions for the organisation were seen during the appointment process for the new SG in 2016, as well as for the President of the General Assembly and candidates for non-permanent seats on the UN Security Council. These events came out of UNA and civil society campaigning via [www.1for7billion.org](http://www.1for7billion.org). Dialogue sessions between CSOs and the Security Council and other high-level UN officials have been convened by the World Federation of United Nations Associations (WFUNA)<sup>65</sup>, including the collection of questions via social media and webcasting events to enable participation beyond New York.

UN officials regularly engage in debate and discussion on peacekeeping policy and approaches, for example during recent events at the IPI, the Center on International Cooperation (CIC) and Columbia University.

<sup>59</sup> "Unrealistic demands on UN peacekeeping costing lives and credibility – Guterres", UN News, March 2018, <https://news.un.org/en/story/2018/03/1006181>.

<sup>60</sup> Note that the Cruz report was not welcomed by T/PCCs (Interview (31) with Academic Expert, May 2018).

<sup>61</sup> "Action for Peacekeeping (A4P)", United Nations Peacekeeping, <https://peacekeeping.un.org/en/action-for-peacekeeping-a4p>.

<sup>62</sup> Working Group on Peacekeeping Operations, United Nations Security Council, <https://www.un.org/securitycouncil/subsidiary/wgpkp>.

<sup>63</sup> Fodé Seck, "Letter dated 21 December 2017 from the Permanent Representative of Senegal to the United Nations addressed to the President of the Security Council", United Nations Security Council. S/2017/1087, 21 December 2017, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2017/1087](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2017/1087).

<sup>64</sup> General Assembly and Peacekeeping, <https://peacekeeping.un.org/sites/default/files/sites/ctte/CTTEE.htm>.

<sup>65</sup> "CSO Dialogues with UNSC Presidents", World Federation of United Nations Associations, <https://wfuna.org/peace-security/cso-dialogues-unscc>.

## 7. Is there a policy, or is there evidence of, openness towards civil society organisations (CSOs) when dealing with issues of corruption?

Good practice: There is a policy that requires the organisation to be open towards CSOs (NGOs, think tanks, academia, media) and there are mechanisms established to enable this.

### Summary

In general terms, the Secretariat has demonstrated a willingness to work with think tanks, academic institutions and the media in recent years. UN staff regularly participate in debates and discussions on a range of issues relating to peacekeeping. A recent DPKO/DFS study, 'Understanding and Improving Engagement with Civil Society in UN Peacekeeping: from Policy to Practice', makes recommendations to engage a broader range of civil society and community actors.<sup>66</sup> NGOs and CSOs can make statements relating to SC and GA debates.

NGOs can apply for consultative status with ECOSOC (Economic and Social Council)<sup>67</sup> which enables them to provide input into its deliberations as well as other UN international conferences and their preparatory bodies. Currently around 3,500 NGOs hold consultative status,<sup>68</sup> including a number working on corruption and related issues,<sup>69</sup> though some countries attempt to veto the accreditation of particular NGOs.<sup>70</sup> The UN Global Compact, supported by the UN General Assembly, recognises the role of civil society in addressing corruption issues, and partners with the UN Office on Drugs and Crime (UNODC), the International Chamber of Commerce (ICC), the World Economic Forum Partnership against Corruption Initiative (WEF-PACI) and Transparency International (TI).

Civil society actors working to support whistleblowers report hostility in response to statements relating to corruption and the cover-up of misconduct, which they argue would otherwise not come into the public domain. One interviewee stated that the UN is more concerned with its ability to manage public relations, and control the message and any impact on the UN's reputation, than with resolving the matters raised by whistleblowers.<sup>71</sup> These CSOs report that there can be very limited, if any, communication from the UN in reply to requests for responses, information or action.<sup>72</sup> A former UN official stated that only prolonged media attention led to action from the UN in response to whistleblowers.<sup>73</sup>

UN bodies relating to peacekeeping (including DPKO, DFS, DPA, OIOS, EOSG and ACABQ) have generally been open to engaging in this TI research assessment and supportive of this process of understanding UN responses to corruption issues. It is worth noting, though, that the UN's reaction to TI's 2013 report on Corruption and Peacekeeping<sup>74</sup> resulted in significant challenges for TI in continuing its relationship and engagement with the UN.

Beyond peace operations, there have been attempts by some Member States to limit the transparency of the UN by withholding the names of countries criticising NGOs in discussions within the committee that oversees their accreditation. The motion was proposed by China (in 2015), supported by Cuba, Iran, Russia, Pakistan and Sudan, and although it was eventually dropped, could be seen as part of a pattern of some Member States pushing to limit civil society space.<sup>75</sup>

<sup>66</sup> "Understanding and Improving Engagement with Civil Society in UN Peacekeeping: from Policy to Practice", United Nations Department of Peacekeeping Operations/United Nations Department for Field Support, May 2017, <http://dag.un.org/handle/11176/400649>.

<sup>67</sup> Economic and Social Council, "Consultative relationship between the United Nations and non-governmental organizations", ECOSOC Resolution 1996/31, 25 July 1996, <https://www.un.org/documents/ecosoc/res/1996/eres1996-31.htm>.

<sup>68</sup> "ECOSOC and NGO Consultative Status", Conference of NGOs in Consultative Relationship with the United Nations, <http://ngocongo.org/membership/ecosoc-and-ngo-consultative-status>

<sup>69</sup> "Integrated Civil Society Organizations System", United Nations Department of Economics and Social Affairs NGO Branch, <http://esango.un.org/civilsociety>.

<sup>70</sup> Communication (39) with Academic and Policy Expert, October 2018.

<sup>71</sup> Interview (36) with civil society actor, June 2018.

<sup>72</sup> Private email communication, civil society actor, June 2018.

<sup>73</sup> Interview (32) with external expert and former UN official.

<sup>74</sup> Transparency International Defence & Security, "Corruption & Peacekeeping: Strengthening peacekeeping and the United Nations", 2013, <http://ti-defence.org/publications/corruption-peacekeeping-strengthening-peacekeeping-and-the-un/>.

<sup>75</sup> Bree Feng, "China's Proposal on NGOs Raises Transparency Concerns at U.N.", *New York Times*, 3 February 2015, <https://sinosphere.blogs.nytimes.com/2015/02/03/china-proposal-on-ngos-raises-transparency-concerns-at-u-n/>.

## 8. Is there an openly stated and actively implemented anti-corruption policy for operations?

**Good practice:** There is an openly stated and actively implemented anti-corruption policy for operations that takes into account, 1) corruption in the host nation space (including political and strategic risks); 2) corruption within the operation; and 3) matters affecting T/PCCs/PCCs.

### Summary

**The UN has a number of publicly available and publicly declared documents concerning anti-corruption and integrity measures, but there is no anti-corruption policy specifically for operations (though initial assessment relating anti-fraud and anti-corruption to peacekeeping is currently underway). Corruption risks are not addressed as a strategic issue in peacekeeping and political missions. Corruption risks are considered within specific categories (such as ethics and conduct) through training and possibly through elements of risk assessment and management, though this is dependent on the focus of the SRSG, Force Commanders and Mission Support leadership including Directors and Chiefs of Mission Support (DMS/CMS) in each operation.**

There are a large number of documents and considerable guidance available on anti-corruption, integrity and ethics generally, though not specifically related to operations. The Board of Auditors noted the development of the Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat<sup>76</sup> in relation to its recommendation that “urgent action be taken to strengthen counter fraud policies and procedures,” and stated that it is working to implement several measures to do so.<sup>77</sup> The Framework provides guidance for combating fraud and corruption. It is regularly reviewed and supports the Secretariat in its ‘zero-tolerance’ approach to fraud and corruption. It states that allegations of fraud and corruption will be vigorously pursued, and that staff have a duty to report fraudulent acts. OIOS is identified as the ‘main entity’ responsible for conducting investigations involving serious or complex fraud, with lower risk cases handled by programme managers and other investigative bodies.

However, the Board of Auditors cautioned in 2016 that the effectiveness of the Framework “would depend on the diligence with which it is implemented”<sup>78</sup> and noted that a “fraud risk assessment exercise is yet to be completed”.<sup>79</sup> Correspondence with UN officials as part of this TI research assessment has revealed that an assessment specific to peacekeeping is underway, with a view to developing a relevant UN-wide strategy.<sup>80</sup>

Also worth noting is the United Nations Chief Executive Board (CEB)’s 2015 Institutional Integrity Initiative: Practicing what we preach: the relevance of the United Nations Convention against Corruption to the UN System.<sup>81</sup> This Initiative makes a number of recommendations for aligning CEB members with the principles of the UN Convention against Corruption including the development of comprehensive policies and a full assessment of the corruption risks faced by each organisation.

Despite the scale of documentation and initiatives, there are indications that implementation is weak and the track record in response to concerns raised is poor. A leaked 2017 UN Staff Engagement Survey raised concerns about the degree to which staff feel that they are able to report possible cases of fraud and corruption.<sup>82</sup> The figures across the Secretariat revealed that:

- 50 per cent of staff doubt people at all levels are held accountable for ethical behaviour

<sup>76</sup> “Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat”, United Nations Secretariat, ST/IC/2016/25, 9 September 2016, <https://undocs.org/ST/IC/2016/25>.

<sup>77</sup> Board of Auditors’ Reports, available at [www.un.org/en/auditors/board/auditors-reports.shtml](http://www.un.org/en/auditors/board/auditors-reports.shtml).

<sup>78</sup> “Report of the Board of Auditors, Volume I”, Board of Auditors, A/72/5 (Vol. I), [https://undocs.org/en/A/72/5\(VOL.I\)](https://undocs.org/en/A/72/5(VOL.I)), p. 112.

<sup>79</sup> See question 11 on the place and role of corruption issues in risk assessments.

<sup>80</sup> Correspondence (40) with UN Officials, October 2018.

<sup>81</sup> “Practicing what we preach: The relevance of the United Nations Convention against Corruption to the UN System”, The Institutional Integrity Initiative, United Nations Office on Drugs and Crime, [www.unodc.org/unodc/en/corruption/tools\\_and\\_publications/institutional-integrity-initiative.html](http://www.unodc.org/unodc/en/corruption/tools_and_publications/institutional-integrity-initiative.html).

<sup>82</sup> “United Nations Staff Engagement Survey: UN Secretariat Survey Results”, CEB, February 2018, [www.pages.devex.com/rs/685-KBL-765/images/UN-Secretariat-Survey-Results-February-2018.pdf](http://www.pages.devex.com/rs/685-KBL-765/images/UN-Secretariat-Survey-Results-February-2018.pdf); Sophie Edwards, “Leaked UN staff survey shows fears over whistleblowing, ethical accountability”, Devex, 1 March 2018, [www.devex.com/news/leaked-un-staff-survey-shows-fears-over-whistleblowing-ethical-accountability-92234](http://www.devex.com/news/leaked-un-staff-survey-shows-fears-over-whistleblowing-ethical-accountability-92234)

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- 49 per cent of staff disagree that “people at all levels in the UN Secretariat are treated with respect”

Significantly, 55 per cent of staff were not confident that “UN staff members will be protected from retaliation for reporting misconduct or cooperating with an authorised audit or investigation” (28 per cent expressed a ‘neutral’ opinion, and 27 per cent an ‘unfavorable’ opinion in response to this statement).<sup>83</sup>

In terms of implementation, a JIU review “found that whistle-blowers alone account for the uncovering of more fraud and corruption than all other measures of fraud detection combined.”<sup>84</sup> It noted though that whistleblower instructions and reporting mechanisms were not easily accessible and were fragmented and complicated. In addition, a fear of retaliation is likely to discourage whistleblowing. Though the UN Ethics Office has the power to investigate cases of retaliation against UN whistleblowers, including those that blow the whistle on corruption, its record is poor.<sup>85</sup> The 2015 report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic, chaired by Marie Deschamps, found that the UN’s response to allegations was “seriously flawed,” and that “staff became overly concerned with whether the allegations had been improperly ‘leaked’ to French authorities, and focused on protocols rather than actions.”<sup>86</sup> It found that while “the UN has created several independent offices, such as OIOS and the Ethics Office, the fundamental independence and objectivity of these offices remain in doubt.”

Finally, we could find little evidence of strong policies to cover corruption risks that may affect T/PCCs and corruption risks within operations.

## 9. Are there independent, well-resourced, and effective institutions within the organisation tasked with building integrity and countering corruption in peace operations and political missions? How do these institutions communicate, influence and impact one another?

**Good practice:** There are well-resourced and effective institutions within the organisation tasked with building integrity and countering corruption in peace operations and political missions. These include institutions which are outside the chain of command of the body conducting the operation/mission. There is transparency and clarity regarding the roles of each.

### Summary

**Overall, the absence of a coherent focal point responsible for countering corruption within peacekeeping operations and political missions limits the effectiveness with which corruption can be considered as a strategic issue. There are a range of bodies within the organisation with functions and responsibilities related to building integrity, but interviewees reported concerns about their independence, resourcing and effectiveness.**

According to interviews with DPKO, they consider such issues as best dealt with across a range of functions, bodies and actors, rather than through a strategic approach across the UN.<sup>87</sup> This approach is reflected in structures: there are several bodies within the UN focused on issues relating to integrity and countering corruption (more detail in question 5).

The overarching oversight issue for UN Peacekeeping Operations is the persistent lack of genuinely independent, well-resourced, external mechanisms for carrying out effective oversight. The approach of considering corruption across functions, bodies and actors also dissipates accountability.

<sup>83</sup> “United Nations Staff Engagement Survey: UN Secretariat Survey Results”, CEB, February 2018.

<sup>84</sup> George A. Bartsiotas, Gopinathan Achamkulangare, “Fraud Prevention, Detection and Response in United Nations System Organizations”, JIU/REP/2016/4, United Nations Joint Inspection Unit, 2016, [www.unjui.org/sites/www.unjui.org/files/jiu\\_document\\_files/products/en/reports-notes/JIU%20Products/JIU\\_REP\\_2016\\_4\\_English.pdf](http://www.unjui.org/sites/www.unjui.org/files/jiu_document_files/products/en/reports-notes/JIU%20Products/JIU_REP_2016_4_English.pdf).

<sup>85</sup> See for example, Rasna Warah, “Revised whistleblower policy will reinforce impunity in UN”, *Daily Nation*, 26 February 2017, [www.nation.co.ke/oped/opinion/whistleblower-policy-reinforce-impunity-UN/440808-3828800-wvape4z/index.html](http://www.nation.co.ke/oped/opinion/whistleblower-policy-reinforce-impunity-UN/440808-3828800-wvape4z/index.html).

<sup>86</sup> Marie Deschamps (chair), Hassan B Jallow, Yasmin Sooka, “Taking Action on Sexual Exploitation and Abuse by Peacekeepers: Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic”, 17 December 2015, [www.slideshare.net/IMaxineMarcus/car-panel-final-report-independentreviewreport](http://www.slideshare.net/IMaxineMarcus/car-panel-final-report-independentreviewreport).

<sup>87</sup> Interview with DPKO officials, March/April 2018.

The Office of Internal Oversight Services (OIOS) has three branches of oversight – audit, investigations and evaluations. OIOS assists the SG in fulfilling his oversight responsibilities concerning the resources and staff of the UN. The Head of OIOS (USG for Internal Oversight Services) is appointed by the SG and approved by the General Assembly for one five-year term.<sup>88</sup>

The investigations division responds to complaints and allegations relating to sexual exploitation and abuse (SEA), sexual harassment, whistleblower retaliation and fraud and corruption. The unit consists of around 85 personnel and has seen its caseload increase from around 465 cases in 2015, to 660 in 2017 and likely over 1,000 in 2018. Whilst IT improvements may increase efficiency, the division is responding to the increased caseload with no increase in capacity.<sup>89</sup>

OIOS has faced questions concerning a lack of independence, poor responses to whistleblowers, inefficiency and a general distrust of its approach.<sup>90</sup> Interviewees within the UN system and Member States report some improvement in its reputation.<sup>91</sup> These interviewees do question OIOS capacity though, and suggest that resources should be found to enable it to better carry out its functions.<sup>92</sup> Others advocate a more decentralised role, a return to localised presence within peacekeeping operations, and less reliance on secondary data removed from context.<sup>93</sup> And an interviewee outside the UN system highlighted the failure of independence of OIOS as the fundamental problem.<sup>94</sup>

Operationally, the Department of Management plays a significant role in monitoring and evaluating activities relating to peacekeeping and political missions (along with DFS, both departments were reorganised as part of the SG's reforms into the Department of Management Strategy, Policy and Compliance and the Department of Operational Support, with a clearer delineation of responsibility). The development of a number of processes and tools (including the Umoja enterprise resource planning software introduced in 2013 to streamline record-keeping, communications and workflow across the whole UN system<sup>95</sup>) will, according to UN interviewees, increase DM's ability to effectively monitor contracts, transactions, poor performance, and supply chains and other procurement related matters. However, the Umoja system's implementation has itself been problematic – US\$100 million over budget, and two years delayed – leading the UN's financial oversight advisory committee to describe an “inadequacy of the project governance, oversight and reporting arrangements.”<sup>96</sup>

A number of UN interviewees acknowledged that the monitoring and evaluation of its own processes is not something that the UN does well as too often the monitoring and evaluation function is the last thing to get funded, and the budget can often be used to meet programming shortfalls.<sup>97</sup> The Department of Management Strategy, Policy and Compliance (DMSPC), which has replaced DM, is set to play a key role in the SG's reform proposals, which will include new accountability functions. This is part of the work to separate management accountability from operations, and is supported by influential Member States. However, interviewees from within the UN and within Member States expressed concerns over the necessary capacity and funding to make this viable.<sup>98</sup>

Within peacekeeping and political missions, corruption risks are not strategically addressed. Some interviewees within the UN suggested that corruption risks are often considered only to the extent that they present a reputational risk, and to some degree, insofar as they may undermine the effectiveness of the mission in achieving its mandate.<sup>99</sup> Whilst these are valid concerns, dealing with corruption within the UN's own ranks or within the host environment is not apparently treated as an operational priority.<sup>100</sup>

Within DFS, the Audit Response and Board of Inquiry section has worked to coordinate and ensure cooperation with OIOS and the relevant actors within DPKO and the peacekeeping missions. As well as facilitating access, documents,

<sup>88</sup> “About OIOS”, United Nations Office of Internal Oversight Services, <https://oios.un.org/page?slug=about-oios>.

<sup>89</sup> Interview (9) with UN Official, March 2018 and Interview (33) with civil society UN expert, June 2018.

<sup>90</sup> Interview (30) with Former Member State Official, April 2018, Interview (32) with former UN official, May 2018.

<sup>91</sup> Interview (15) with Member State Official, April 2018.

<sup>92</sup> Interview (9) with UN Official, March 2018, Interview (1) with two UN officials, March 2018, (11) with Academic Expert, March 2018.

<sup>93</sup> Interview (31) with Academic Expert, May 2018.

<sup>94</sup> Interview (32) with external expert and former UN official.

<sup>95</sup> Namie Di Razza, “People before Process: Humanizing the HR System for UN Peace Operations,” *International Peace Institute*, 3 October 2017, p. 10, [www.ipinst.org/2017/10/humanizing-hr-system-for-un-peace-operations](http://www.ipinst.org/2017/10/humanizing-hr-system-for-un-peace-operations).

<sup>96</sup> George Russell, “UNICEF tech chief quits after Fox News inquiry”, *Fox News*, 22 January 2015, [www.foxnews.com/world/unicef-tech-chief-quits-after-fox-news-inquiry](http://www.foxnews.com/world/unicef-tech-chief-quits-after-fox-news-inquiry).

<sup>97</sup> Interview (33) with UN Official, May 2018.

<sup>98</sup> Interview (1) with two UN Officials, March 2018, (15) with Member State Official, April 2018, (33) with UN Official, May 2018.

<sup>99</sup> Interview (1) with two UN Officials, March 2018.

<sup>100</sup> Interview (13) with UN Official, April 2018.

etc., it has followed up on audit recommendations and conducted the Board of Inquiry processes in response to serious incidents. It remains to be seen how exactly these functions will be covered since the management reforms took place in January 2019.

The role of the Ethics Office includes ensuring “coherent application of ethical standards within the United Nations” and offers ethics advice to all staff. It produces a number of documents pertaining to ethical staff conduct. These cover a wide range of topics, including the rights and duties of staff members, post-employment restrictions, financial disclosure and declarations of interest, protection against retaliation for reporting misconduct, and responding to gifts, favours, decorations and honours from government and non-government sources. In terms of operation-focused guidance, the Ethics Office has its “Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission”.<sup>101</sup>

## 10. Does the public in areas affected by peace/military operations trust the organisation to tackle the issue and risks of bribery and corruption in their operations?

**Good practice: The public in areas affected by peace/military operations believe that there is a clear commitment from the organisation that bribery and corruption are not acceptable and must be prosecuted, and that their efforts to tackle the problem are sincere and effective.**

### Summary

**Public perception in the areas of peace operations is under-researched, though anecdotal evidence suggests a lack of trust of the UN due to misconduct by peacekeepers. Recent years have seen a slew of stories in the media concerning the behaviour of UN Peacekeeping personnel – uniformed military and civilian – particularly relating to sexual exploitation and abuse (SEA) in a number of missions, and the high-profile case of cholera being introduced to Haiti.<sup>102</sup> Sharp criticism has been levied at responses to allegations and this has significantly damaged the perception of the UN which has taken steps<sup>103</sup> (e.g. Security Council Resolution 2272<sup>104</sup> and the appointment of a special coordinator for SEA<sup>105</sup>) to review and rectify the way it responds to such allegations.**

Some examples from major operations suggest that general trust in UN peacekeepers is low, though information related to corruption is very limited.

Local perceptions are difficult to compare and quantify, and paint an unsurprisingly complicated picture. An analysis of local perceptions of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), based on Malian newspapers and interviews with CSOs, suggests the UN force has low legitimacy from an ideological perspective and is seen as ambiguous from a pragmatic perspective (this is in contrast with French soldiers, who are valued pragmatically, and the regional force ECOWAS, which was seen as legitimate ideologically).<sup>106</sup>

A media article from 2016 reported that the local population viewed peacekeepers in the DRC with little faith; protests

<sup>101</sup> “Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission”, ST/SGB/2002/9, United Nations, 2002, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N02/434/58/PDF/N0243458.pdf?OpenElement>.

<sup>102</sup> Makini Brice, “Cholera blamed on U.N. peacekeepers surges in Haiti as funding vanishes”, *Reuters*, 9 September 2016, [www.reuters.com/article/us-haiti-cholera/cholera-blamed-on-u-n-peacekeepers-surges-in-haiti-as-funding-vanishes-idUSKCN11F20U](http://www.reuters.com/article/us-haiti-cholera/cholera-blamed-on-u-n-peacekeepers-surges-in-haiti-as-funding-vanishes-idUSKCN11F20U); Aaron Sidder, “How Cholera Spread So Quickly Through Haiti”, *National Geographic*, 18 August 2016, <https://news.nationalgeographic.com/2016/08/haiti-cholera-crisis-united-nations-admission/>; Rosa Freedman and Nicolas Lemay-Hébert, “As the UN finally admits role in Haiti cholera outbreak – here is how victims must be compensated”, *The Conversation*, 18 August 2016, <https://theconversation.com/as-the-un-finally-admits-role-in-haiti-cholera-outbreak-here-is-how-victims-must-be-compensated-64140>; “Secretary-General Apologizes for United Nations Role in Haiti Cholera Epidemic, Urges International Funding of New Response to Disease”, United Nations, 1 December 2016, [www.un.org/press/en/2016/sgsm18323.doc.htm](http://www.un.org/press/en/2016/sgsm18323.doc.htm).

<sup>103</sup> See “Preventing Sexual Exploitation and Abuse”, United Nations Secretariat, [www.un.org/preventing-sexual-exploitation-and-abuse/](http://www.un.org/preventing-sexual-exploitation-and-abuse/).

<sup>104</sup> United Nations Security Council “Resolution 2272 (2016) Adopted by the Security Council at its 7643<sup>rd</sup> meeting, on 11 March 2016”, S/RES/2272 (2016), [http://undocs.org/S/RES/2272\(2016\)](http://undocs.org/S/RES/2272(2016)).

<sup>105</sup> *Ibid.*

<sup>106</sup> Sophia Sabrow, “Local perceptions of the legitimacy of peace operations by the UN, regional organizations and individual states – a case study of the Mali conflict,” *International Peacekeeping* 24:1, 2016, pp. 159-186, <https://doi.org/10.1080/13533312.2016.1249365>.

had broken out following massacres that the population had expected peacekeepers to help prevent.<sup>107</sup> A report by Human Rights Watch in 2014 found that United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) forces had failed to respond to civilian calls for help,<sup>108</sup> and in South Sudan, United Nations Mission in South Sudan (UNMISS) forces reportedly abandoned their posts when fighting erupted in the capital Juba, and troops failed to protect civilians from attacks by government forces; “the negligent peacekeepers were eventually sent home but loss of public confidence in UN peacekeepers remains.”<sup>109</sup> These negative examples should be balanced against a more positive perception of UN troops in many other instances, of course. In Darfur, for example, local residents express gratitude for the UN’s presence, despite limitations, and resist a drawdown of troops, with one carpenter saying, “The refuge of the locals was where the troops of UNAMID [the United Nations-African Union Mission in Darfur] were stationed. The presence of UNAMID does still represent a safety valve amid the dire security situation in Darfur.”<sup>110</sup>

Scepticism in the media about corruption at headquarters level is exemplified by recent stories highlighting that the newly appointed head of a sexual abuse taskforce (as USG Management) was herself subject to a harassment enquiry at the time of her appointment.<sup>111</sup> The case was closed following an internal investigation.

These stories and views help generate wider perceptions that undermine trust in UN Peacekeeping Operations as ineffective in their aims.

## 11. Are there regular assessments of the areas of greatest corruption risk for staff and personnel on peace/military operations, including those of contributing countries, and are the findings used as inputs to the anti-corruption efforts?

**Good practice: Corruption risks are clearly identified. Individual departments and missions conduct their own risk assessments in a process that reflects a culture of corruption risk assessment. Assessments should be conducted in line with the requirements of a particular environment, but should take place at least on an annual basis. Risk assessment findings are used to develop and regularly update the anti-corruption policy and institutional action plans.**

### Summary

**Corruption risks are not considered a strategic priority, and form part of risk assessments only insofar as they fit with other priorities. The UN system is reportedly increasingly conscious of the need for risk management, however, and this includes within peacekeeping operations.**

The Risk Management Unit being set up in Somalia, which saw consideration of HR risks, vendor vetting, and a more integrated view of connections between risk and the mission mandate, is an example of innovation in risk assessment that addresses corruption. This approach has inspired further thinking on risk management, with several other operations drawing on the Somalia experience.<sup>112</sup>

Within DFS there existed a team of one (formerly two) supporting the UN enterprise risk management (ERM) systems and the establishment of risk measure registers; this is now a part of the mandate of the Department of Operational Support (DOS). The aim of this work is for ERM to be embedded in the planning and budgeting processes used in all missions, and to give missions a unified platform for risk management. One issue expressed by interviewees within the UN working on risk is the need for education and advocacy regarding the importance of risk management and its status as worth prioritising – whilst there is considerable risk management expertise within the Executive Office of the SG, much time is spent explaining how to integrate risk management into assessments and missions, and more capacity is needed

<sup>107</sup> Zahra Moloo, “UN peacekeepers in the DRC no longer trusted to protect”, *Al Jazeera*, 18 January 2016, <https://www.aljazeera.com/indepth/features/2016/01/peacekeepers-drc-longer-trusted-protect-160112081436110.html>.

<sup>108</sup> “DR Congo: Army, UN Failed to Stop Massacre”, *Human Rights Watch*, 2 July 2014, <https://www.hrw.org/news/2014/07/02/dr-congo-army-un-failed-stop-massacre>.

<sup>109</sup> Ann L. Phillips, “Losing Legitimacy? UN Peace Missions in Africa” *Africa Up Close*, 1 February 2017, <https://africaupclose.wilsoncenter.org/losing-legitimacy-un-peace-missions-in-africa/>.

<sup>110</sup> “Peacekeeping Cuts—A Decision for Darfur”, *UNA-UK*, 2016, <https://www.una.org.uk/peacekeeping-cuts-%E2%80%93-decision-darfur>.

<sup>111</sup> Rebecca Ratcliffe, “UN sexual misconduct chief was promoted while facing harassment claims”, *The Guardian*, 8 May 2018, <https://www.theguardian.com/global-development/2018/may/08/un-sexual-misconduct-chief-was-promoted-while-facing-harassment-claims>.

<sup>112</sup> Interviews (8), (5) and (10).

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to establish the framework. The ERM uses a Secretariat-wide methodology to capture the risk assessments from the missions, which feed up to, and are then approved by, management. This has the potential to improve awareness and understanding between HQ and operations. The process towards establishing risk registers across all missions is underway, and DFS is beginning to capture cross-cutting issues coming up in missions. Currently the mission risk register often considers risks relating to threats to the mission's mandate, and corruption risks are considered only in light of how they are judged to impact the mandate. Risk management (ERM) is not considered in mandate development.

The JIU's report on 'Fraud prevention, detection and response in United Nations system organizations' (JIU/REP/2016/4)<sup>113</sup> argues for the use of 'fraud risk assessments', and identified a lack of understanding of the impact of fraud on operations. Subsequently, steps have been taken to develop and disseminate a Secretariat-wide fraud and corruption risk register, circulated to peacekeeping operations in 2018.

Given that the peacekeeping and political mission context is very dynamic and reactive, some interviewees reported concerns that risk management, rather than increasing readiness, is instead seen to identify 'new' risks that require mitigation or management, which in turn requires additional funding.<sup>114</sup> Yet two civil society interviewees noted that certain challenges consistently impact UN Peacekeeping Operations, and indeed most international interventions. For example, they noted risks related to civilians visiting troops unofficially, and having the opportunity to move beyond security checkpoints and gather information about access.<sup>115</sup> These are just two examples, and several organisations including NATO, Transparency International, U4 Research Centre, and SIGAR, for instance, hold information on prevalent risks within international interventions and potential mitigation measures.

This disparity between the risks facing field staff and headquarters' understanding of them was echoed by a former UN staff member with experience at both the field and headquarters levels, who noted that, "if you get funds for a programmatic activity – such as to deliver a training or event – you'd have all sorts of documents, and they're not very flexible. For example, if you have a budget for water, but there isn't water available in the field, and you need to buy juice instead, you need to get the seller to write 'water' on the receipt. Strict templates don't always fit the realities in the field."<sup>116</sup> The interviewee felt that there was little guidance provided by the UN for field staff on how to deal with the risks inherent in operating in corrupt local political environments.

Across the UN, there is a perceptible increase in thinking on risk as it relates to corruption issues. According to one interviewee, part of the thinking within DFS is that when 45 per cent of UN operations are deployed in the 20 countries cited by the World Bank as most risky for doing business in, it is prudent to develop more effective compliance measures including an Anti-Fraud Register as well as a more general risk register. The Board of Auditors considered 'Managing the Risk of Fraud' in their Review of 2015 (A/71/5 (vol.1)), highlighting that across the UN there was consistent weakness in the way that the administration manages risks arising from fraud and corruption. This is particularly true in high-risk operational contexts and a concern from the report was an indication of "a high degree of complacency among senior managers with respect to managing fraud risks".<sup>117</sup>

We could find little evidence of strong policies to cover corruption risks that may affect T/PCCs, or how their work aligns with the broader mandate.

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<sup>113</sup> George A. Bartsiotas, Gopinathan Achamkulangare, "Fraud Prevention, Detection and Response in United Nations System Organizations", JIU/REP/2016/4, United Nations Joint Inspection Unit, 2016.

<sup>114</sup> Interview (1) with two UN Officials, March 2018.

<sup>115</sup> Interview (34) with non-UN researcher, June 2018 and Interview (35) with CSO, June 2018.

<sup>116</sup> Interview with former UN official with experience in headquarters and field level (40).

<sup>117</sup> United Nations Board of Auditors, "Report of the Board of Auditors Volume I", A/71/5 (Vol. I), 2016, para. 306, [https://undocs.org/en/A/71/5\(VOL.I\)](https://undocs.org/en/A/71/5(VOL.I)).

## 12. Is there a clear process for acquisition planning for operations, including provisions for oversight? Is the process publicly available?

**Good practice:** Processes are in place to forecast the organisation's requirements for equipment/services and how gaps will be filled (taking account of contingent-owned equipment). Connections between specific purchases and strategic requirements are made explicit. Information is publicly available, and includes justification of purchases, lines of responsibility, timelines, mechanisms, and outcomes.

There are strong external oversight functions that assess the acquisition plans, their legitimacy and the likelihood that plans are going to function properly. Member States are involved in oversight of acquisition planning

### Summary

**There are some processes in place to forecast the requirements for peacekeeping and political missions, though planning is limited and it was hard to identify links between the acquisition plans and broader strategic requirements. UN interviewees reported that this is due to the nature of the missions, though there are common needs across missions.**

Published in 2017, the Board of Auditors' report (A/71/5/vol.2) made recommendations for the development of acquisition planning and procurement management processes:

- Establish a procedure that allows for the evaluation and analysis of mission requirements, the development of a global acquisition plan and, on that basis, the development of a procurement strategy.
- Enhance the monitoring of the procurement sections of missions, in particular with regard to their organisation, the engagement of new procurement staff and the completion of training.<sup>118</sup>

In developing mandates for peacekeeping operations, the Security Council sets the strategic objective, but does not consider resource requirements related to equipment, services, etc.; these are established through the assessment processes carried out by the Secretariat following the adoption of the relevant resolution by the Council. Budget proposals were, until December 2018, developed by DFS/DM, and submitted for consideration by the General Assembly's Fifth Committee and ACABQ. Since January 2019, budget proposals appear to fall under the remit of DOS/DMSPC. Once a mission has been established, its mandate is typically up for consideration and renewal every 12 months, with a corresponding budget submitted to ACABQ and the Fifth Committee, including any revisions based on changed operational requirements.

Within the Procurement Division, the Acquisition Plan includes requirement projections for specific UN Peacekeeping Missions, Special Political Missions and UN Headquarters. It is worth noting that plans publicly available via the Procurement Division website for peacekeeping extend to June 2018, though plans for SPMs and HQ extend only to the end of 2017.<sup>119</sup> Each available plan includes details of the type of item/service to be acquired, estimated value, quantity and nature of the requirement (for example, ongoing). The process for developing the Acquisition Plan for each Mission is set out in detail in the Procurement Manual, emphasising the preference for long-term planning.<sup>120</sup> The manual includes examples in the form of annexes classified as internal documents and available only to staff. There is scrutiny of the proposed budget by Member States within the Fifth Committee; however, information on specific links between purchases and strategic requirements as part of the Acquisition Plan was not found. Though some items may be singled out, it is unclear whether the Fifth Committee experts have the expertise to evaluate the information provided.

Whilst peacekeeping operations and political missions arise in response to particular sets of circumstances, a degree of long-term planning is possible as most operations last a number of years and the nationality of troop contingents may not change often. According to interviewees, procurement can be carried out based on standard criteria in areas such as food and fuel. Better value can often be obtained if planned for in advance, and over multiple years (one interviewee

<sup>118</sup> United Nations Board of Auditors, "Report of the Board of Auditors Volume II", A/71/5 (Vol. II), p.18, [https://undocs.org/en/A/71/5\(Vol.II\)](https://undocs.org/en/A/71/5(Vol.II)).

<sup>119</sup> See "Acquisition Plan", United Nations Procurement Division, <https://www.un.org/Depts/ptd/business-opportunities/acquisition-plan>. It is understood the methodology is in the process of being updated.

<sup>120</sup> "United Nations Procurement Manual, Revision 7", United Nations Department of Management Office of Central Support Services, Procurement Division, July 2013, Chapter 8, <https://www.un.org/Depts/ptd/sites/www.un.org.Depts.ptd/files/files/attachment/page/pdf/pm.pdf>.

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cited that with motor vehicles, the best price could be attained with at least three to six months' notice of requirement – where possible frameworks are put in place to ensure this happens). In some contexts, need must be established by DFS on the ground, for example in the case of aviation.<sup>121</sup> The dynamic context of peacekeeping environments does require flexibility, and procurement can take up to a year. However, the UN has framework agreements for items such as vehicles, and commonly required items are kept in stock at the Global Service Centre in Brindisi, Italy.

T/PCCs are reimbursed for the use of their equipment in peacekeeping operations through the Contingent-Owned Equipment (COE) system whereby the T/PCC and the UN agree a binding MOU and set rates of reimbursement established (and reviewed) by the COE working group.<sup>122</sup> (See the section on Procurement risks for more).

### 13. Is the budget for peace/military operations transparent, showing key items of expenditure? Is it sufficiently detailed to be overseen by Member States?

**Good practice: The budget contains comprehensive and disaggregated information on expenditure across functions. Information includes personnel (salaries, allowances), training, construction, procurement/acquisitions, maintenance of equipment, disposal of assets, reimbursement to T/PCCs, and administrative expenses. Member States are given a budget proposal at least two months before the start of the budget year.**

#### Summary

**The Peacekeeping budget, as agreed by the Fifth Committee, with scrutiny from ACABQ, is published in disaggregated form for each Mission, including information on: military and personnel costs; civilian personnel costs; operational requirements (civilian electoral observers, consultants, official travel, facilities and infrastructure, ground transportation, air operations, naval transportation, communications, information technology, medical and special equipment, other supplies, services and equipment, quick impact projects); enterprise resource planning; information and systems security; global service delivery model. It does not include information on personnel (salaries/allowances), procurement, asset disposal, and the amount troops are paid by the T/PCCs. In contrast the SPM budget is a 'single envelope' and, being drawn from regular programme budgets, does not include similar levels of disaggregation.**

The draft budget for each peacekeeping operation (PKO) is drawn up by the Mission based on guidelines provided by HQ, and reviewed by the Controller's Office in DM. Once agreed it is passed to ACABQ, which makes recommendations for consideration by the UNGA Fifth Committee (5C). 5C then negotiates and agrees the final budget, usually below a ceiling considered acceptable by the major financial contributors. The budget proposal is circulated for negotiations to begin well in advance of the June deadline for its agreement. For example, the budget for 1 July 2017 to 30 June 2018 was initially proposed in Document A/71/809, distributed on 22 February 2017;<sup>123</sup> despite this, there have been delays in agreeing budgets, such as a ten-day delay in 2018.<sup>124</sup>

The usual process is that the Fifth Committee meets in May for a month to discuss and review the budget proposals for each peacekeeping operation. However, for the 2018 budget process, the Fifth Committee were also considering the Secretary-General's reform proposals.<sup>125</sup> Many Secretariat documents integral to this process arrived late. Some observers note the non-transparent Fifth Committee process enables Member States to covertly cut parts of the

<sup>121</sup> Interview (33) with UN Official, May 2018.

<sup>122</sup> "Deployment and Reimbursement", United Nations Peacekeeping, <https://peacekeeping.un.org/en/deployment-and-reimbursement>.

<sup>123</sup> "Overview of the financing of the United Nations peacekeeping operations: budget performance for the period from 1 July 2015 to 30 June 2016 and budget for the period from 1 July 2017 to 30 June 2018", Report of the Secretary-General, United Nations General Assembly, A/71/809, 22 February 2017, <http://undocs.org/A/71/809>.

<sup>124</sup> Fred Carver, "Peacekeeping Budget Approval and Cuts Leave Fundamental Questions Unaddressed", Fred Carver, *IPI Global Observatory*, 14 September 2018, <https://theglobalobservatory.org/2018/09/peacekeeping-budget-approval-cuts-questions-unaddressed/>.

<sup>125</sup> Susan Manuel, "UN Budget Committee OK's Major Reform of the UN, as Peacekeeping is Squeezed", *Pass Blue*, 1 July 2018, <http://www.passblue.com/2018/07/01/un-budget-committee-o-k-s-major-reform-of-the-un-as-peacekeeping-is-squeezed/>.

budget<sup>126</sup> and potentially undermine areas of peacekeeping activity, for example approaches to human rights.<sup>127</sup> For instance, during budget negotiations, “Russia allegedly pushed for cuts to the human rights budget, apparently as a negotiating ploy which could then be traded for other states backing off on cuts to the air operations budgets (Russian commercial contractors frequently being procured for these services).”<sup>128</sup>

## 14. Is there an appropriate body responsible for budget scrutiny and analysis in an effective way, and is this body provided with detailed, extensive, and timely information on the budget?

**Good practice:** There is a committee (or committees) or similar institution with extensive formal rights of scrutiny of the peace and security operations budget. The committee (or similar institutions) has the power to scrutinise any aspect of budget and expenditures. The committee(s) is in a position to require expert witnesses to appear in front of it.

### Summary

**Budget scrutiny and analysis is the preserve of ACABQ and the General Assembly Fifth Committee. Despite their formal rights to scrutinise the budget, however, there are concerns about their capacity to do so. OIOS and the Board of Auditors scrutinise and analyse implementation of the agreed peacekeeping budget.**

ACABQ has three sessions a year, with a total meeting time of 9 to 10 months per year, according to its website.<sup>129</sup> However, it must examine all aspects of the UN Secretariat, which can mean six or seven organisations are considered in one three-hour session. An interviewee with experience of budgetary scrutiny explained that it is possible to make certain deductions from the information provided – for example, concerning fuel and ration returns, and unexpected patterns of expenditure. The interviewee, though, said that the information is not presented in a way that brought the risks together and was clear for analysis, which the interviewee argued is a symptom of there being no cross-cutting strategic approach to corruption risks. Combined, these factors put pressure on the committee’s capacity to conduct rigorous due diligence and technical analysis. Interviewees felt that this presented a significant risk given the pivotal role that ACABQ approval can play.<sup>130</sup>

## 15. Is the approved budget for peacekeeping/military operations made publicly available? In practice can the public, civil society, and the media, obtain detailed information on the budget?

**Good practice:** The approved peace and security operations budget is proactively published for the public in disaggregated form. It is accompanied by an explanation of the budget intended for experts, as well as a concise summary with clear language for non-experts. Information requested by Member States and the media about the peace and security operations budget is provided in a timely fashion, without systematic and unjustifiable delays.

### Summary

**The approved budget for peacekeeping operations is made publicly available.**

Costs of peacekeeping operations are borne by Member States and all peacekeeping and political mission expenditure is recorded in the official budget agreed by the General Assembly following Member State scrutiny by the Fifth Committee and ACABQ. The approved budget for peacekeeping operations is made publicly available. For example,

<sup>126</sup> Fred Carver, “Peacekeeping Budget Approval Leaves Fundamental Questions Unaddressed”, *UNA-UK*, September 2018, <https://www.una.org.uk/news/peacekeeping-budget-approval-leaves-fundamental-questions-unaddressed>.

<sup>127</sup> Alison Giffen and Samuli Harju, “Follow the Money: Financing UN Peacekeeping Operations”, *Center for Civilians in Conflict*, 20 June 2018, <https://civiliansinconflict.org/blog/follow-the-money/>.

<sup>128</sup> Fred Carver, “Peacekeeping Budget Approval Leaves Fundamental Questions Unaddressed”, *UNA-UK*, September 2018.

<sup>129</sup> United Nations Advisory Committee on Administrative and Budgetary Questions, <https://www.un.org/ga/acabq/>.

<sup>130</sup> Interview (24) with Member State Official, April 2018; Interview (11) with Academic Expert, March 2018.

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see: <http://undocs.org/a/c.5/71/24> - Annex - Approved resources for peacekeeping operations for the period 1 July 2017 – 30 June 2018.<sup>131</sup>

Detailed budget proposals are usually available in a timely fashion, though the 2018 budget negotiation process was squeezed due to the additional consideration of the Secretary-General's peace and security, and management reform proposals. UN spokespersons are available to respond to questions on the budget discussions, though reserve discretion to respond as they see fit. See, for example, detailed reporting by Passblue<sup>132</sup>.

### 16. Do peacekeeping/military operations derive income from sources that are not sanctioned by Member States, and if so are they published and scrutinised?

**Good practice:** If such income exists, there is full publication of all sources of income, the amounts received, and the allocation of this income. Mechanisms of scrutiny are in place and administered centrally and by the internal audit office within the institution.

#### Summary

Interviewees reported that it is generally accepted that peacekeeping operations and/or political missions do not derive income from sources not sanctioned by Member States;<sup>133</sup> there was no documentary evidence found to the contrary.

### 17. Is there an effective internal audit process for expenditure on peacekeeping/military operations (HQ, operational)? Is this transparent, conducted by appropriately skilled individuals and subject to Member State oversight?

**Good practice:** The internal audit unit engages in ongoing reviews of peacekeeping/military operations expenditure and has the flexibility to build its own work programme for the year. Staff expertise is appropriate (e.g. there is low staff turnover rate). Its findings are valued by the leadership of the organisation. Oversight occurs for sensitive or critical issues. Member States are provided with non-redacted reports. The organisation regularly addresses audit findings in its practices.

#### Summary

Internal audit processes function across several levels in relation to peacekeeping and political missions. Internal audit mechanisms within all relevant Departments of the Secretariat are reported to be inconsistent in their efficacy. OIOS conducts internal audits which are scrutinised by Member States through the Fifth Committee of the General Assembly. Recommendations are followed up and are largely implemented.<sup>134</sup>

The JIU identifies UN internal audits as part of the oversight architecture including internal control activities, management oversight activities (such as enterprise risk management, see question 11) and independent assurance activities, of which the internal audit functions are a key component.<sup>135</sup>

<sup>131</sup> "Approved resources for peacekeeping operations for the period from 1 July 2017 to 30 June 2018", United Nations General Assembly Fifth Committee, A/C.5/71/24, 30 June 2018, <http://undocs.org/a/c.5/71/24>.

<sup>132</sup> Susan Manuel, "UN Budget Committee OK's Major Reform of the UN, as Peacekeeping is Squeezed", *Pass Blue*, 1 July 2018; Matthew Russell Lee, "With UN Peacekeeping Budget Expired Guterres Team Silence Trying to Get 'Reform'", *Inner City Press*, January 2018, <http://www.innercitypress.com/guterres21gsdm070218.html>.

<sup>133</sup> Interview (32) with former UN Official, May 2018, Interview (10) with Member State Officials, March 2018.

<sup>134</sup> Interview (1) with two UN Officials, March 2018; United Nations Board of Auditors, "Report of the Board of Auditors Volume II", A/72/5/ (Vol. II) [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/72/5%20\(Vol.%20II\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/72/5%20(Vol.%20II)).

<sup>135</sup> Joint Inspection Unit of the United Nations System, [www.unju.org](http://www.unju.org).

OIOS is responsible for conducting internal audits for peacekeeping operations, and will retain this responsibility under the new reforms. The internal audit function applies the International Standards for the Professional Practice of Internal Auditing. OIOS builds its programme of work through the year and publishes internal audit reports on the website within 30 days of their issue.

Member States are able to scrutinise and debate OIOS annual audit reports relating to peacekeeping and political missions in the Fifth Committee of the GA, following input from ACABQ. The detailed audit reports are made public via the OIOS website and include recommendations, which are followed up and overseen by DFS.

There are, however, concerns reported about OIOS. Interviewees pointed to a shift in approach from OIOS, with local field teams, able to have their ear to the ground within peacekeeping missions, being removed in favour of regional teams. One argument in favour of this model is that, because regional teams have more capacity, they may be better able to get to the root of any problems than small local teams, and interviewees commented that this could also help maintain a distance between those investigating and those being investigated. However, they also pointed out that it means that OIOS lacks an on-the-ground presence that can identify possible issues to inspect and investigate.

Within peacekeeping and political missions, internal audit processes are carried out at mission level, usually quarterly. The missions report to the Audit Response Unit. Internal audit functions within DFS, DPKO and DM – DOS, DPO and DMSPC since early 2019 – rely on data inputted at mission level by mission colleagues, a process that has improved with the introduction of Umoja, though some loopholes remain.<sup>136</sup> These mission audit reports ensure each mission has a focal point for compliance and enterprise risk management, an area that interviewees acknowledged the Secretariat needed to improve.<sup>137</sup> These focal points provide feedback from the field and counter what other interviewees from within the UN described as a distinct lack of appreciation for the operational context from management.<sup>138</sup>

The JIU reviewed internal audit processes and was positive in its assessment, though it urged that resources be set aside to extend audit processes to include staffing and staff performance measures, for example through Code of Conduct and conflict of interest reviews. Interviewees noted that internal audit, risk management and review processes were under-resourced, which has a negative impact.

One interviewee within the UN commented that internal risk management is overly focused on financial control.<sup>139</sup> Supporting this, another noted that more minor risks in programming were somewhat mitigated through detailed reporting requirements for field staff, but that there was little guidance and few controls in place to respond to non-financial risks that exist when operating in highly corrupt host nation environments, such as how to manage relationships with corrupt local government officials.<sup>140</sup> UN officials in the Secretariat responded that ERM guidance on areas such as safety and security, impact on operations, duration and scope of operations, was available, pointing possibly to the capacity issues raised in question 11.

Several interviewees referred to equipment shortfalls in operations which, whilst indicative of a problem, were reportedly generally picked up by internal audit processes.<sup>141</sup> There is a quarterly 'audit' process where missions determine whether units have full and functioning equipment.

<sup>136</sup> Interview (1) with two UN Officials, March 2018.

<sup>137</sup> Interview (22) (1)

<sup>139</sup> Interview (5) with two UN Officials, March 2018; see also "Uniting Our Strengths for Peace—Politics, Partnership and People," Report of the High-Level Independent Panel on United Nations Peace Operations ("the HIPPO Report"), p. 83.

<sup>140</sup> Interview with former UN official with experience in headquarters and field level.

<sup>141</sup> Interviews (10) with two Member State Officials, March 2018; Interview (5) with two UN Officials, March 2018.

## 18. Is there effective and transparent external auditing of expenditure on peace/military operations? If so, is this external to the organisation or a separate body within the institution? If the latter, does this body have independence from the decision-making body, and is this body, and its budget, protected?

Good practice: The external audit unit has the mandate to review peace operations and political missions, and regularly audits spending in a formal, in-depth process. Both financial audits and performance audits (value for money) of spending are conducted. The external audit unit is independent of the organisation's executive departments. It has its own budget (e.g. passed by Member States rather than the organisation's leadership). External audit information is published proactively and is accessible, and is provided within a reasonable timeline and in detail (e.g. including analysis on audited accounts, oral briefings, expert advice and investigative work). The organisation regularly addresses audit findings in its practices.

### Summary

External audit functions for UN Peacekeeping and political missions are carried out by the Board of Auditors. The Joint Inspection Unit carries out external evaluation and inspection across the UN system, which can include matters relating to peacekeeping and political missions.

The Board of Auditors (BOA) audits the accounts and performance of the management and administration of United Nations entities and projects, including Special Political Missions (SPM) and peacekeeping operations. The Board is made up of three external auditors appointed by the General Assembly (via the Fifth Committee), each of whom are the Auditor General (or equivalent) of a Member State. Each member has a term of six years, and provides audit staff from his/her national audit office to conduct audits at various UN locations. The Board is independent, though ACABQ may request specific examinations. The Auditors follow the International Standards of Auditing (ISA) and report annually on peacekeeping and SPM. Reports are public and accessible through the BOA website. Interviewees in the UN, Member State missions, and externally, consistently rated the work of the Board of Auditors as credible and effective, though some noted that quality could fluctuate depending on the individual conducting the audit.

The Joint Inspection Unit (JIU) carries out external oversight functions – it too is external and conducts system-wide inspection, evaluation and investigations.<sup>142</sup> It is responsible to Member States through the General Assembly. The JIU currently includes a total of 20 Secretariat staff, including the Executive Secretary, nine Evaluation and Inspection Officers, one Investigator, five Research Assistants dedicated to evaluations and inspections, and four support staff. The JIU focuses on UN managerial practices, efficiency, and effectiveness, and identifies best practices and facilitates information sharing. The programme of work is based on JIU observations and requests from UN organisations; the JIU regularly consults with OIOS and the Board of Auditors to prevent overlap. Their focus can be system-wide on a specific issue – particularly relevant, for example, are the 2017 'Review of mechanisms and policies addressing conflict of interest in the United Nations system' (JIU/REP/2017/9) and the 2016 report 'State of the Internal Audit Function in the United Nations System' (JIU/REP/2016/8).<sup>143</sup>

Two interviewees from civil society organisations raised their concern that the JIU is (like OIOS) de facto neither independent nor external, being subject, in their experience, to political pressure and potential conflicts of interest given the interconnected nature of relationships and workstreams relating to UN Peacekeeping.<sup>144</sup>

<sup>142</sup> Joint Inspection Unit of the United Nations System, [www.unjju.org](http://www.unjju.org).

<sup>143</sup> Rajab M. Sukayri, "Review of Mechanisms and Policies Addressing Conflict of Interest in the United Nations System", JIU/REP/2017/9, Joint Inspection Unit, 2017, [https://www.unjju.org/sites/www.unjju.org/files/jiu\\_rep\\_2017\\_9\\_english.pdf](https://www.unjju.org/sites/www.unjju.org/files/jiu_rep_2017_9_english.pdf); Rajab M. Sukayri, Cihan Terzi, "State of the Internal Audit Function in the United Nations System", JIU/REP/2016/8, Joint Inspection Unit, 2016, [https://www.unjju.org/sites/www.unjju.org/files/jiu\\_document\\_files/products/en/reports-notes/JIU%20Products/JIU\\_REP\\_2016\\_8\\_English.pdf](https://www.unjju.org/sites/www.unjju.org/files/jiu_document_files/products/en/reports-notes/JIU%20Products/JIU_REP_2016_8_English.pdf).

<sup>144</sup> Interview (35) and (36) with Civil Society actors, June 2018; Obi Anyadike, "Exclusive: Top UN whistleblower resigns, citing impunity and lack of accountability", *The New Humanitarian* (formerly IRIN News), 7 June 2016, <http://www.irinnews.org/news/2016/06/07/exclusive-top-un-whistleblower-resigns-citing-impunity-and-lack-accountability>.

## 19. Is there evidence of penetration (for example, through media investigations or other reports), of organised crime into relevant bodies, and at operational level? If no, is there evidence that the institution is alert and prepared for this risk?

Good practice: The organisation is aware of the risk of the penetration of organised crime in conflict areas and peace/military operations, and is taking action, or would be in a position to take action quickly, should organised criminal activity take place. The issue is included in the anti-corruption policy.

### Summary

In general, there is no evidence of the penetration of organised crime into peacekeeping related bodies at the headquarters level. However, organized crime has clearly impacted peacekeeping operations,<sup>145</sup> undermining peacekeeping and peace building efforts, and there is anecdotal evidence of peacekeepers turning a blind eye to such activities. In addition, in some fragile states, organized crime has access to, or control of, host governments. If UN Peacekeeping Operations support such a host government then there is a risk that they enable such activities.<sup>146</sup> The organisation is aware of many of these dangers. But where there are allegations that UN peacekeepers have been involved in organised crime, the UN's ability to take action against those peacekeepers found to be involved in organised crime is very limited, as jurisdiction remains with T/PCCs.

One interviewee<sup>147</sup> noted instances of organised crime within mission settings, for example the control of prostitution within IDP camps.

The threat of organised crime in peace operation contexts has been noted by the UN Security Council since 2010, and is reflected in a number of current mandates, for example:

- The United Nations Mission for Justice Support in Haiti (MINUJUSTH)'s mandate includes a recognition of the need to combat criminality, end impunity and secure the rule of law.
- The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) notes the need to address illicit exploitation and trafficking, and support the rule of law.
- MINUSMA's mandate expresses "continued concern over the serious threats posed by transnational organized crime in the Sahel region, and its increasing links, in some cases, with terrorism".
- MONUSCO mandates that the peace operation "support the Government's efforts and enhance its capabilities, along with international partners and neighbouring countries, to prevent the provision of support to armed groups, in particular support derived from illicit economic activities and illicit trade in natural resources".

Despite this, few operational solutions have been developed.<sup>148</sup>

For example, in Mali, the Security Council foresaw and emphasised the need to address the issue of organised crime, though provided no specific guidance to the UN Mission on how to combat this issue. Instead, the issue was delegated to a 'little resourced' expert panel, reflecting both the growing awareness that the issue of transnational organised crime cannot be ignored in peace operations, and the uncertainty from Member States about how to respond.<sup>149</sup> In addition, UNODC has a presence in Mali, working towards reducing organised crime in the country, though it does not look at the

<sup>145</sup> Walter Kemp, Mark Shaw, and Arthur Boutellis, "The Elephant in the Room: How Can Peace Operations Deal with Organized Crime", *International Peace Institute*, 3 June 2013, <https://www.ipinst.org/2013/06/the-elephant-in-the-room-how-can-peace-operations-deal-with-organized-crime>.

<sup>146</sup> Jair Van Der Lijn, "Multilateral Peace operations and the Challenges of Organized Crime", SIPRI Background Paper, February 2018, [https://www.sipri.org/sites/default/files/2018-02/multilateral\\_peace\\_operations\\_and\\_the\\_challenges\\_of\\_organized\\_crime.pdf](https://www.sipri.org/sites/default/files/2018-02/multilateral_peace_operations_and_the_challenges_of_organized_crime.pdf).

<sup>147</sup> Interview (9) with UN Official, March 2018.

<sup>148</sup> Arthur Boutellis and Stephanie Tiéles, "UN peace operations and organized crime: 'serious risk but little strategic guidance'", *The Global Initiative Against Transnational Organized Crime*, 6 February 2018, [http://globalinitiative.net/un-toc\\_watch\\_5/](http://globalinitiative.net/un-toc_watch_5/), citing Walter Kemp, Mark Shaw, and Arthur Boutellis, "The Elephant in the Room: How Can Peace Operations Deal with Organized Crime", *International Peace Institute*, 3 June 2013.

<sup>149</sup> Arthur Boutellis and Stephanie Tiéles, "UN peace operations and organized crime: 'serious risk but little strategic guidance'", *The Global Initiative Against Transnational Organized Crime*, 6 February 2018.

UN's potential involvement.

The threat of organized crime has been exacerbated by the recent trend of an increase in UN peacekeepers coming from countries neighbouring the state in which the peacekeeping operation is taking place. These countries are more likely to have political and economic interests in the host country, and, sharing a border, may be at greater risk of smuggling/trafficking, etc. The requirement to obtain peacekeepers has in such cases overridden the principle that sought to avoid deployment from neighbours due to risks associated with national interests and porous borders.<sup>150</sup>

One interviewee highlighted the difficult balance between sustaining a positive relationship with host nation authorities and responding to organised crime. The interviewee described a situation in which there were “allegations of illegal tax collection, arms trafficking, and medical supplies being sold illegally” by an interim local government authority, as well as conflicts of interest with a local NGO, but no official proof due to the lack of witnesses and sources. The interviewee stated: “I was very stuck: how do I report this? There were allegations of the individual being involved in illegal activities, but they were part of the local authority in the host nation so I couldn't cut them out, and lessening the authority in any way was very delicate.”<sup>151</sup>

The Anti-Corruption and Anti-Fraud Framework stipulates that OIOS will typically conduct investigations considered to be high-risk, complex matters and serious criminal cases, including serious or complex fraudulent acts. These ‘category 1’ cases include serious or complex fraud, other serious criminal acts or activity, the abuse of authority or staff, conflicts of interest, gross mismanagement, the waste of substantial resources, cases involving the risk of loss of life to staff or to others, and substantial violations of United Nations regulations, rules or administrative issuances. Such cases should be brought to the attention of, and investigated by, OIOS, though interviewees noted that OIOS does not have the capacity to investigate organised crime effectively. Credible allegations of criminal wrongdoing can then be referred to the relevant national authorities as appropriate. The Secretary-General reports the number and nature of such cases to the General Assembly on a yearly basis.<sup>152</sup>

## 20. Is there a body that conducts investigations of corruption and organised crime within the bodies responsible for peace/military operations? Is there a process for this body to refer cases to law enforcement bodies, and is this process effective?

**Good practice: There is a capability within the organisation and its missions to investigate corruption and involvement with organised crime. The organisation/missions have the capability to refer cases to law enforcement bodies, either in the host nation or the troop contributing country. The host nation/troop contributing countries have the judicial and law enforcement capability to process the case in accordance with international norms. The organisation/mission follows up on cases to track progress and outcomes.**

### Summary

**There is a capability, in OIOS and JIU, to investigate corruption and involvement with organised crime. T/PCCs retain jurisdiction over criminal or civil charges against their troops, and the UN's actions are limited to repatriation of troops. There have been numerous cases in which, following repatriation, no action against the accused was taken.**

In terms of investigation, the role of OIOS is to provide the capability to investigate suspected corruption and involvement with organised crime. Whilst OIOS has the authority to conduct such investigations, interviewees highlighted a number of areas of concern about the UN's ability to respond to organised crime on missions, including that the jurisdiction for the pursuit of criminal justice remains solely with the T/PCCs, concerns over the immunity of other UN personnel, and concerns over the capacity and independence of OIOS (see question 16).<sup>153</sup>

<sup>150</sup> Paul D. Williams and Thong Nguyen, “Neighborhood Dynamics in UN Peacekeeping Operations, 1990–2017”, *International Peace Institute*, 11 April 2018, <https://www.ipinst.org/2018/04/neighborhood-dynamics-in-un-peacekeeping-operations>.

<sup>151</sup> Interview with former UN official with experience in headquarters and field level.

<sup>152</sup> “Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat”, United Nations Secretariat, ST/IC/2016/25, 9 September 2016, pp. 14-19, [https://www.un.org/es/ethics/pdf/anti\\_fraud\\_framework.pdf](https://www.un.org/es/ethics/pdf/anti_fraud_framework.pdf).

<sup>153</sup> Interviews (1) (6) (9), with UN Officials, March 2018.

A JIU report into the OIOS investigative function highlighted concern from stakeholders that investigations take too long. Equally the length of time taken by management to review investigative reports and determine and impose disciplinary action has been a cause of concern. This protracted process gives the impression of impunity amongst perpetrators of fraud within the UN system.

It is highly likely that investigations of allegations concerning organised crime would be prompted by whistleblowers, who are vulnerable to retaliation (for more information, see question 37). One interviewee stated: "I've witnessed misconduct – and that was rarely followed up – so I can't imagine corruption being taken up."<sup>154</sup>

Though terms like "investigation" and "establish credibility" are regularly used, suggesting a judicial approach, the UN can only take forward human resources-based disciplinary responses, rather than criminal or civil ones.

Taking action following investigations is limited by the UN's jurisdiction and the lack of political will in T/PCCs to address wrongdoing. In the case of peacekeeping operations, T/PCCs retain jurisdiction over pursuing criminal or civil charges against their own contingent troops. Once allegations are substantiated by OIOS or Conduct and Discipline Teams (if the allegation is of a less serious nature), the T/PCC will be informed and may then pursue investigations itself. Disciplinary action from the UN can include repatriation of troops<sup>155</sup>, though whether the troops are subject to criminal/civil investigation is at the discretion of the T/PCC, and there have been numerous instances where no charges have been brought.<sup>156</sup> In addition, the United Nations Association has found that, in cases of SEA, there have been few efforts to coordinate with criminal justice mechanisms in T/PCC and host states.<sup>157</sup>

The failure by T/PCCs to hold individuals to account was an area of considerable concern for two interviewees, who cited the lack of independent and external accountability as undermining attempts to carry out impartial investigations.<sup>158</sup> Part of the risk is that cases taken up by OIOS may receive only an administrative response when they need a criminal justice response from the relevant state, which OIOS can recommend, though not enforce itself.<sup>159</sup> One interviewee stated that, "If you've done something wrong at a HQ level, you'll be placed in a field office for a while until the situation calms down, and then moved onto a different position."<sup>160</sup> A lacklustre approach was also noted concerning OIOS responses to issues in the Mission context, partly due to capacity, which could impact the ability to collect the necessary quality of evidence.<sup>161</sup>

Finally, one interviewee stated that responses to allegations about civilian staff on missions are "even worse" than for peacekeeping troops, noting that they have functional immunity, which does not cover criminal conduct but "nevertheless the UN's practice has always been to claim immunity anyway, at least initially, and conduct their own internal investigation before even considering a referral to criminal authorities."<sup>162</sup> The interviewee stated that "while political pressure to get T/PCCs to prosecute troops isn't as strong as it should be, political pressure to get the home states of civilian staff on mission to prosecute civilian staff is almost non-existent. For the past 12 years and counting the 6th Committee has been debating a draft treaty for criminal accountability for civilian staff and UN experts on mission. It shows no sign of being agreed any time soon."<sup>163</sup>

<sup>154</sup> Interview with former UN official with experience in headquarters and field level (40).

<sup>155</sup> Thalif Deen, "UN Cracks Down on Peacekeeping Troops over Human Rights Abuses", *Inter Press Service*, 13 April 2018, <http://www.ipsnews.net/2018/04/un-cracks-peacekeeping-troops-human-rights-abuses/>.

<sup>156</sup> Benoît Morenne, "No Charges in Sexual Abuse Case Involving French Peacekeepers", *New York Times*, 6 January 2017, <https://www.nytimes.com/2017/01/06/world/africa/french-peacekeepers-un-sexual-abuse-case-central-african-republic.html>; Michelle Nichols, Louis Charbonneau, "U.S. pushing for repatriation of U.N. peacekeepers over sex abuse", *Reuters*, 4 March 2016, <https://www.reuters.com/article/us-un-peacekeepers-usa-idUSKCN0W624P>.

<sup>157</sup> "Written evidence to International Relations Committee, regarding Sexual exploitation and abuse in the aid sector inquiry", *UNA-UK*, 26 April 2018, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/international-development-committee/sexual-exploitation-and-abuse-in-the-aid-sector/written/82025.pdf>.

<sup>158</sup> Interviews (35) and (36) with Civil Society actors, June 2018.

<sup>160</sup> Interview with former UN official with experience in headquarters and field level (40).

<sup>161</sup> Interview (1) with two UN Officials, March 2018.

<sup>162</sup> Interview (34) with Civil Society UN expert.

<sup>163</sup> Interview (34) with Civil Society UN expert.

## 21. External lobbying: If this occurs (e.g. by businesses or other outside actors) in relation to peace operations policy and mandate decision-making, is this well recorded and transparent?

**Good practice:** The organisation's relevant departments are required to regularly publish and update records of lobbying meetings by specifying the details and frequency of interactions with lobbyists. They are also required to publish any conflicts of interest risks that have been identified and the mitigating actions taken. Oversight bodies are able to investigate conflicts of interest.

### Summary

Numerous interviewees from within the UN and outside commented that lobbying does go on, particularly relating to procurement. It can be very difficult to monitor both the lobbying and the impact of lobbying. There appears to be no register of lobbying activity that is kept or published. In terms of peace operations policy and mandate decision-making, the UN Security Council operates on the basis of negotiation between Member States representing their own national interest as well as wider, shared principles embodied in the UN Charter. As such, diplomatic activity can blur the lines between lobbying and negotiation.

There is limited transparency regarding possible connections between voluntary contributions and expectations of influence. One example, reported in 2015, concerned Morocco lobbying DPKO to 'turn a blind eye' to the humanitarian situation in Western Sahara. The 'lobbying' activity exposed by leaked emails included financial donations in exchange for preferential treatment in decision-making around the UN's work in the region.<sup>164</sup> This is a single story, but suggests Member States making donations to departments contingent on decisions that support their national interests.

OIOS's Investigation Division are able to investigate possible conflicts of interest relating to peacekeeping operations, and such cases regularly feature in their annual activity reports for the General Assembly<sup>165</sup> and also in the OIOS Audit Division reports.<sup>166</sup> However, interviewees highlighted the lack of OIOS capacity to conduct the volume of investigations necessary, particularly given the priority within the investigations division to focus on whistleblower retaliation, SEA and human rights violations.<sup>167</sup>

## 22. Are senior positions within peace/military operations filled on the basis of objective selection criteria, and are appointees subject to investigation of their suitability and prior conduct?

**Good practice:** Senior positions within peace/military operations are subject to objective selection criteria. There is no opportunity for intervention by third parties that may result in selection bias or undue influence in the selection of candidates. There is full investigation of candidates' suitability through vetting of their prior conduct.

### Summary

There are clear systems and criteria for appointments at all levels of the UN. However, senior positions can be subject to political influence by Member States, rather than being based entirely on objective criteria. The Secretary-General has the exclusive power to appoint UN Special Representatives. T/PCCs retain discretion as to the appointment of personnel within their own contingent. Vetting processes for peace operations personnel, where the responsibilities lie with T/PCCs, have failed to adequately assess personnel's suitability; for example, Sri Lankan troops accused of war crimes having served in Darfur, South Sudan, Lebanon and Mali.

<sup>164</sup> Joe Sandler Clarke and Katherine Purvis. "Leaked cables: Morocco lobbied UN to turn blind eye to Western Sahara in 'House of Cards' operation". *The Guardian*. 17 June 2015. <https://>

<sup>165</sup> See for example, "Report on the activities of the Office of Internal Oversight Services for the period from 1 July 2015 to 30 June 2016", United Nations General Assembly, A/71/337 (part I) Add.1/Rev.1, 16 September 2016, <https://oios.un.org/resources/2016/10/ehbjHkfo.pdf>.

<sup>166</sup> "Audit of local procurement in the United Nations Multidimensional Stabilization Mission in the Central African Republic", 2016/050, United Nations Office of Internal Oversight Services, [https://oios.un.org/page?slug=report&mod=article\\_inline](https://oios.un.org/page?slug=report&mod=article_inline).

<sup>167</sup> Interviews (1) (6) (9), with UN Officials, March 2018.

Regulations concerning appointments and promotions are set out in Article IV of the Staff Regulations and Rules of the United Nations.<sup>168</sup> The regulations set out the provision of Senior and Central review bodies to provide advice on recommendations for the selection of staff in the Senior, Professional, Field Service (including peacekeeping), and General Service categories. Recruitment and promotion processes include competitive examinations.<sup>169</sup> These regulations set out the processes by which salaries are established, and the award of increments based on satisfactory performance.<sup>170</sup>

Primary responsibility for vetting processes lies with Member States. T/PCCs have, since 2015, been required to certify that individuals deployed have not committed, or been alleged to have committed, violations of international human rights law and international humanitarian law, or been repatriated on disciplinary grounds from a UN operation.<sup>171</sup> Since 2012, the Policy on Human Rights Screening of UN Personnel, which applies to all personnel in the Secretariat, as well as to those on peace operations, requires that the UN should “neither select nor deploy for service in the Secretariat any individual who has been involved in violations of international human rights or humanitarian law”.<sup>172</sup> Primary responsibility for screening individuals lies with Member States.<sup>173</sup>

Vetting processes are in place to guard against individuals guilty of corruption or bribery from serving in further peacekeeping operations. These processes have been enhanced in recent years, allowing larger numbers and a wider range of personnel to be vetted against records of prior misconduct before they are able to serve.<sup>174</sup> Those now vetted include national civilian staff, consultants and contractors, military contingents, formed police units, individual military officers, individual police officers and UN Volunteers.<sup>175</sup>

Recruitment processes remain at the discretion of each individual T/PCC. An interview with the military advisor to a large T/PCC set out an example of the process of recruitment, stating that units were selected very carefully about a year in advance of deployment.<sup>176</sup>

But there have been significant cases in which vetting at a troop contributing state level failed, and UN processes were inadequate. In 2018 it emerged that several Sri Lankan troops were serving in Lebanon, Mali, Darfur and South Sudan who had been accused of war crimes and should not have been allowed through the vetting process.<sup>177</sup> ‘Enhanced vetting’ had been carried out by OHCHR in 2016 in the case of Sri Lankan troops serving in Mali, which some observers thought was effective.<sup>178</sup> However, funds were only in place for this to be carried out in this case, and subsequent deployments have not benefitted from the same process. Vetting was handed back to Sri Lanka, where the responsibility rested with the national Human Rights Coalition. According to the International Truth and Justice Project,

concerns remain about pushing this enormous task (vetting up to 3,500 individuals) on to one body with little experience of screening and vetting in what is a very challenging environment, and where this is not their main priority. Some observers have also raised concerns about whether the Human Rights Commission has vetted its own staff, some of whom were reported by human rights activists to be closely connected to members of the Armed Forces or participants in pro-government events even under the Rajapaksa period.<sup>179</sup>

This case highlights the risk of relying on Member States to vet the personnel they send on operations.

<sup>168</sup> “Staff Regulations and Rules of the United Nations”, Secretary-General’s bulletin, ST/SGB/2017/1, 30 December 2016, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=ST/SGB/2017/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=ST/SGB/2017/1).

<sup>169</sup> *Ibid.*, pp. 38-43.

<sup>170</sup> *Ibid.*, see Annex 1, pp.97-100.

<sup>171</sup> “Peacekeeping Initiatives in Action”, Conduct and Discipline, March 2017, [https://conduct.unmissions.org/sites/default/files/factsheet\\_v\\_8\\_march\\_2017.pdf](https://conduct.unmissions.org/sites/default/files/factsheet_v_8_march_2017.pdf).

<sup>172</sup> “Decision No. 2012/18 – Human Rights Screening of United Nations Personnel”, United Nations Office of Human Resources, 11 December 2012, <http://dag.un.org/handle/11176/387395>.

<sup>173</sup> *Ibid.*, sections 4.4 and 5.1.

<sup>174</sup> “Combating sexual exploitation and abuse”, United Nations General Assembly, A/37/97, 23 June 2016, <http://undocs.org/a/71/97>.

<sup>175</sup> “Peacekeeping Initiatives in Action”, Conduct and Discipline, March 2017. Numbers have increased - for example, in 2017 on average over 8,000 were vetted each month, up from 2,270 per month in 2016 and 208 per month in 2013 (there is no record of figures in 2008).

<sup>176</sup> Interview (18) with T/PCC Military Advisor, April 2018.

<sup>177</sup> “Sri Lanka’s Special Task Force”, *International Truth and Justice Project*, April 2018, <http://www.itjpsl.com/assets/STF-report-online.pdf>; Mark Townsend, “Sri Lankan ‘war criminals’ deployed as UN peacekeepers”, *The Guardian*, 21 July 2018, <https://www.theguardian.com/world/2018/jul/21/sri-lanka-war-criminals-un-peacekeeping-missions-darfur-mali-south-sudan>.

<sup>178</sup> Interview (34) with civil society actor, June 2018.

<sup>179</sup> “Sri Lanka’s Special Task Force”, *International Truth and Justice Project*, April 2018.

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A number of interviewees expressed concerns over HR corruption risks at headquarters level as, despite the reform in much of field support, those responsible for hiring retain significant discretion as to who they appoint and, at times, have an overwhelming number of applicants from which to select. Interviewees from a permanent mission claimed that these factors can shape appointments.<sup>180</sup>

For many senior positions, the nationality of an appointee can play a role. For example, in recent years, DPA, DPKO and OCHA have been run by US, French and UK nominees respectively, “solidifying an informal practice of particular posts ‘belonging’ to particular nationalities to a greater extent than any time since the Cold War”.<sup>181</sup> A Joint Inspection Unit report suggested that if the SG decides a post should be given to a candidate from a specific country, rather than choosing a nominee, a range of candidates from that nation will be requested. A recent example of this practice was the rejection of a particular UK nominee for USG of OCHA in 2015, and the insistence on a range of candidates – all UK nationals – from which an alternative was duly selected.<sup>182</sup> One interviewee noted an increase in appointments subject to Member State lobbying to include roles at grade D and even down to P4 and P5 level.<sup>183</sup> Whilst this does not necessarily imply that hiring managers act on such lobbying, it remains a risk.

Civil society groups, including the UN Association (UNA), have advocated greater transparency in senior appointments within the UN system. In 2015, the International Council of Voluntary Agencies tried to offer candidates a questionnaire they could respond to publicly. Despite an interest from most candidates for the post of UN High Commissioner for Refugees, the UN Secretariat was resistant, citing confidentiality.<sup>184</sup>

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<sup>180</sup> Interview (10) with two Permanent Mission Officials, March 2018

<sup>181</sup> Thant Myint-U, “The Next Secretary-General, Secretariat Reform and the Vexed Question of Senior Appointments”, *New York University Centre on International Cooperation* (2016), [https://cic.nyu.edu/sites/default/files/publication\\_sec\\_general\\_vexed\\_thant\\_min\\_u\\_apr11.pdf](https://cic.nyu.edu/sites/default/files/publication_sec_general_vexed_thant_min_u_apr11.pdf).

<sup>182</sup> *Ibid.*, quoting “Transparency in the Selection and Appointment of Senior Managers at the United Nations Secretariat”, Joint Inspection Unit, 2011.

<sup>183</sup> Interview (31) with Academic expert, May 2018. For salary scales, see “Salaries & Post Adjustment”, United Nations Salaries, Allowances, Benefits and Job Classification, [http://www.un.org/depts/OHRM/salaries\\_allowances/salary.htm](http://www.un.org/depts/OHRM/salaries_allowances/salary.htm).

<sup>184</sup> Nan Buzard, “12. Appointment of UNHCR chief and other senior roles could learn from recent Secretary-General process”, *UNA-UK*, <https://www.una.org.uk/12-appointment-unhcr-chief-and-other-senior-roles-could-learn-recent-secretary-general-process>.

# **FINANCIAL RISKS**

## 23. How effective are controls over the disposal of assets, and is information on these disposals, and the proceeds of their sale, transparent? Do these processes and controls cover asset disposal by host nations, T/PCs, and Member States that have donated equipment or supplies?

Good practice: There is a clear policy or regulatory process related to disposal of assets, and there is an internal unit responsible for advising or overseeing the procedures. There is a coordinating body within the organisation that is responsible for aggregating disposal database reports. Comprehensive information is published, including specific details on the items that are being sold (location, timing, type of item, etc.) The financial results of disposals are publicly available, and they are comprehensive.

### Summary

The Financial Regulations and Rules of the UN (ST/SGB/2013/4) set out the management processes for assets and property. Regulation 5.14<sup>185</sup> sets out clear rules for asset disposal following the liquidation of a peacekeeping operation. The implementation of these processes is within the scope of OIOS internal audit reporting. Some corruption risks and bureaucratic delays have been identified.

DM – now DMSPC – is ultimately responsible for the management of property, including asset disposals, delegated through DFS – DOS, since January 2019 – to the Director of Mission Support in an operational setting. Suitable equipment is redeployed to other peacekeeping operations or placed in reserve for use by future missions. Other equipment may be redeployed to other UN activities, provided there is demonstrated need, or sold to other UN agencies, international organisations or NGOs. If equipment is in poor condition, or is not required, it will be subject to commercial disposal. Assets installed in a country deemed essential for the rehabilitation of that country are provided to the government of that country (particularly relating to infrastructure). A report on the final disposition of assets for closed/liquidated peacekeeping operations is submitted to the General Assembly.

Until December 2018, DM was also responsible for establishing Property Survey Boards to record and communicate loss, damage or other discrepancies regarding UN property. The sale or disposal of property was to be based on competitive bidding unless transferred to another mission, written off, or given to a host government, non-profit or other intergovernmental organisation. These boards seem likely to now come under the remit of DMSPC.

OIOS is mandated to provide assurance and advice on the adequacy and effectiveness of the UN's internal control system. This includes the safeguarding of assets to ensure efficient and effective operations, accurate financial reporting, and compliance with mandates, regulations and rules. (More information on the standard and findings of audits is included below, question 24).

Several interviewees from within the UN and Member State missions, as well as external commentators, acknowledged the corruption risk inherent in asset disposal processes. It was suggested that controls and practices had improved in recent years, though the bureaucracy associated with the process was slow, with some cases taking over two years.<sup>186</sup>

<sup>185</sup> "Financial Regulations and Rules of the United Nations", United Nations Secretary-General's bulletin, ST/SGB/2013/4, 1 July 2013, pp. 27-28, <https://undocs.org/ST/SGB/2013/4>.

<sup>186</sup> Interviews (12) with UN Official, April 2018, (33) with UN Official, May 2018.

## 24. Is independent and transparent scrutiny of asset disposals conducted by the organisation, and are the reports of such scrutiny publicly available?

**Good practice: An audit body independent of the departments overseeing asset disposals scrutinises asset disposals that take place, and comprehensive audit reports detailing findings are made public and accessible.**

### Summary

**OIOS conducts audits of asset disposals and is independent of the departments responsible for asset disposals. Further external audits are carried out on an annual basis by the Board of Auditors. Reports are made public and accessible.**

OIOS is mandated to provide assurance and advice on the adequacy and effectiveness of the UN's internal control system, including the safeguarding of assets to ensure efficient and effective operations, accurate financial reporting, and compliance with mandates, regulations and rules.

The OIOS Internal Audit Division conducts audits into various elements of peacekeeping operations including property management in specific United Nations Missions. Recent audits (2016-2018) relevant to asset disposal have included a focus on the following peacekeeping operations:<sup>187</sup> United Nations Mission in Liberia (UNMIL),<sup>188</sup> United Nations Stabilization Mission in Haiti (MINUSTAH),<sup>189</sup> United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), United Nations Operation in Côte D'Ivoire (UNOCI) and African Union-United Nations Hybrid Operation in Darfur (UNAMID). OIOS audit reports on asset disposal and management in a number of peacekeeping operations have addressed issues like the administrative aspects of the liquidation of the Stabilization Mission in Haiti, in which OIOS identified that the Mission had not adequately planned and established a liquidation budget. This meant that there were a number of liquidation tasks outstanding.<sup>190</sup>

On the audit of assets disposal in United Nations Mission in Liberia, OIOS concluded: "there was a need to strengthen controls over disposal of scrap metal, monitor transfer of assets to other missions and finalize investigation reports." OIOS made three recommendations:

- *Obtain the accurate weight of scrap metal before disposal.*
- *Monitor to ensure that all transfers of assets are acknowledged in a timely manner by the receiving missions.*
- *Complete investigation reports into lost and damaged assets and take appropriate action against staff found to be negligent.*

UNMIL accepted the recommendations, implemented one and has initiated action to implement the remaining two.<sup>191</sup>

Each audit report identifies specific areas as satisfactory, partially satisfactory, or unsatisfactory.<sup>192</sup> These ratings carry a corresponding recommendation and action and are categorised as critical or important. OIOS introduced this distinction to allow critical deficiencies in need of urgent treatment to be addressed. For example, in the case of the UN Mission in Liberia (see question 25), the OIOS audit recommended that the mission should, "complete investigation reports into lost and damaged assets and take appropriate action against staff found to be negligent."<sup>193</sup> An implementation date was

<sup>187</sup> "Internal Audit Reports", Office of Internal Oversight Services, <https://oios.un.org/page?slug=report>.

<sup>188</sup> "Audit of property management at the United Nations Mission in Liberia", Office of Internal Oversight Services, 2016/110, 30 September 2016, available at <https://oios.un.org/page?slug=report>; "Audit of assets disposal in the United Nations Mission in Liberia", 2018/020, 29 March 2018.

<sup>189</sup> "Audit of assets disposal during the liquidation of the United Nations Stabilization Mission in Haiti", Office of Internal Oversight Services, 2018/10 22 February 2018.

<sup>190</sup> "Audit of the financial and other administrative aspects of the liquidation of the United Nations Stabilization Mission in Haiti", Office of Internal Oversight Services, 2018/051, 29 May 2018.

<sup>191</sup> "Audit of assets disposal in the United Nations Mission in Liberia", Office of Internal Oversight Services, 2018/020, 29 March 2018.

<sup>192</sup> OIOS uses three audit report ratings (see "Audit Report Ratings", Office of Internal Oversight Services, <https://oios.un.org/resources/2014/09/HI9CHDhX.pdf>). "A rating of 'satisfactory' means that governance, risk management, and control processes are adequately designed and operating effectively to provide reasonable assurance regarding the achievement of control and/or business objectives under review. A rating of 'partially satisfactory' means that important (but not critical or pervasive) deficiencies exist in governance, risk management or control processes, such that reasonable assurance may be at risk regarding the achievement of control and/or business objectives under review. A rating of 'unsatisfactory' means that one or more critical and/or pervasive important deficiencies exist in governance, risk management or control processes, such that reasonable assurance cannot be provided with regard to the achievement of control and/or business objectives under review."

<sup>193</sup> "Audit of property management at the United Nations Mission in Liberia", Office of Internal Oversight Services, 2016/110, 30 September 2016, available at <https://oios.un.org/page?slug=report>; "Audit of assets disposal in the United Nations Mission in Liberia", 2018/020, 29 March 2018.

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included, which was followed up by the DFS Audit Response and Boards of Inquiry section, situated within the Office of the Peacekeeping Strategic Partnerships (OPSP) – as of 2019, the Office is situated within DPO.

The Board of Auditors considers assets and property disposal within their annual auditing function and makes recommendations based on detailed audits of individual peacekeeping operations and political missions.<sup>194</sup>

Interviewees from within the UN and external experts pointed to limitations in the capacity of OIOS, as well as that of ACABQ and the Fifth Committee.<sup>195</sup>

## 25. What, if any, percentage of expenditure in the budget year is dedicated to spending on secret items relating to peace operations?

**Good practice: One per cent or less of expenditure is dedicated to secret items.**

### Summary

The budget and spending for UN Peacekeeping Operations are subject to scrutiny from the General Assembly's Advisory Committee on Administrative and Budgetary Questions (ACABQ). Given this, and the nature of the organisation and its funding, we did not identify spending on secret items (for example, relating to security and intelligence). Though unlikely, this could change in the coming years with ongoing discussions on the gathering and use of intelligence to enhance security in peacekeeping operations.

Reported discussions of the Security Council Working Group on Peacekeeping Operations emphasised the need to collect information in order to guarantee the safety and security of peacekeepers and protect civilians.<sup>196</sup> This has also been the subject of Lieutenant General Cruz's recently published high level review, 'Improving the Security of United Nations Peacekeepers', which makes a number of recommendations including the need for tactical intelligence capabilities, some of which, such as tactical portable drones, are already in use.<sup>197</sup> It is possible that these developments could lead to spending on 'secret items' in future years, depending on whether this falls within the remit of reimbursements to T/PCCs, or is funded through other mechanisms.

## 26. Are Member States or appropriate oversight bodies given full information for the budget year regarding spending on all secret items (if any) relating to operations? Are they given information on all spending?

**Good practice: Member States or appropriate oversight bodies are provided with extensive information on all spending on secret items, if any, which includes detailed, line item descriptions of all expenditure, and disaggregated data.**

### Summary

The budget and spending for UN Peacekeeping Operations are subject to scrutiny from the General Assembly's Advisory Committee on Administrative and Budgetary Questions (ACABQ). Given this, and the nature of the organisation and its funding, we did not identify spending on secret items.

<sup>194</sup> "Report of the Board of Auditors Vol. II", United Nations General Assembly, A/71/5 (Vol. II), p.19, para. 1, [https://undocs.org/en/A/71/5\(Vol.II\)](https://undocs.org/en/A/71/5(Vol.II)).

<sup>195</sup> Interviews (11) with Academic expert, March 2018, (9) with UN Official, March 2018, (31) with Academic expert, May 2018, (33) UN Official, May 2018 (1) with two UN Officials, March 2018.

<sup>196</sup> Fodé Seck, "Letter dated 21 December 2017 from the Permanent Representative of Senegal to the United Nations addressed to the President of the Security Council", United Nations Security Council. S/2017/1087, 21 December 2017, paras. 16-20.

<sup>197</sup> Carlos Alberto dos Santos Cruz, "Improving Security of United Nations Peacekeepers: We need to change the way we are doing business", ("The Cruz Report"), 19 December 2017, [https://peacekeeping.un.org/sites/default/files/improving\\_security\\_of\\_united\\_nations\\_peacekeepers\\_report.pdf](https://peacekeeping.un.org/sites/default/files/improving_security_of_united_nations_peacekeepers_report.pdf).

## 27. Are audit reports of the annual accounts of bodies related to peace/military operations subject to Member State scrutiny and debate?

**Good practice:** Member States are provided with detailed audit reports related to peace/military operations. Audit reports examine all expenditure (major and minor), compare expected to actual impact, and include strategic recommendations linked to weaknesses or challenges. Member States debate and ask questions about the findings and the incorporation of audit recommendations.

### Summary

**Audits are conducted by OIOS and the Board of Auditors. Member States are able to scrutinise and debate annual audit reports relating to peacekeeping and political missions in the Fifth Committee of the GA, following input from ACABQ.<sup>198</sup> Some concerns were raised over the capacity of ACABQ to subject such reports to the detailed analysis they merited.<sup>199</sup>**

Audit reports from OIOS and the Board of Auditors are detailed and include recommendations which are followed up. Internal audit responsibilities for peacekeeping operations are exercised by OIOS (who will retain this responsibility under the planned new reforms). External audit responsibilities are the responsibility of the UN Board of Auditors who report on thematic issues. The Board of Auditors coordinates with OIOS in order to avoid unnecessary duplication.<sup>200</sup>

Interviewees from within the UN, Member State missions and external experts expressed respect for the quality and relevance of the work produced by the Board of Auditors, though did note that this was often subject to the personal abilities and qualities of the individuals holding the chair. OIOS has faced questions in recent times concerning whistleblowing, as well as criticism of its independence and efficiency, and a general sense of distrust,<sup>201</sup> though according to one interviewee, in recent years, there has been some improvement in its reputation.<sup>202</sup> Interviewees questioned OIOS capacity, and suggested that more resources were needed.<sup>203</sup>

## 28. Are off-budget expenditures permitted within, and for the initiation of, peace/military operations? If so, are they exceptional occurrences that are well controlled? In practice are there any off-budget military/peacekeeping expenditures? If so, does evidence suggest this involves illicit (economic) activity?

**Good practice:** All peace/military operation expenditure is recorded in the official budget. If there are exceptions (for example, for emergency expenditure), there is a clearly stated manner in which they are recorded. In practice, off-budget expenditures are rare.

### Summary

**The Secretary-General's discretionary fund includes US\$150 million, which will be increased; current proposals may enable off-budget spending of up to US\$20m by the SG on peace and security matters. Other than this spending, off-budget expenditures on peace operations are rare, though there is some limited off-budget spending. Peacekeeping and political mission expenditure is recorded in the official budget agreed by the General Assembly, following scrutiny by the Fifth Committee and ACABQ.**

<sup>198</sup> ACABQ—The Advisory Committee on Administrative and Budgetary Questions—is made up of sixteen Members elected by the General Assembly. Each member serves for three years and is elected on the basis of broad geographic representation. Members serve in a personal capacity and not as representatives of Member States. See <https://www.un.org/ga/acabq/>.

<sup>199</sup> Interviews (3) with Member State Official, March 2018, (11) with academic expert, March 2018, (15) Member State Official, April 2018, (23) Member State Official, April 2018.

<sup>200</sup> "Report of the Board of Auditors Vol. II", United Nations General Assembly, A/71/5 (Vol. II), chapter 2, section A, para 6.

<sup>201</sup> Interview (30) with Former Member State Official, April 2018, Interview (32) with former UN official, May 2018.

<sup>202</sup> Interview (15) with Member State Official, April 2018.

<sup>203</sup> Interview (9) with UN Official, March 2018, Interview (1) with two UN officials, March 2018, (11) with Academic Expert, March 2018.

Spending through the SG's discretionary fund, whilst subject to the Financial Regulations and Rules applicable across the Secretariat, is less transparent to outside scrutiny. A number of management reforms are currently in the process of being approved by the General Assembly's Fifth Committee, and ACABQ in particular. These include increasing the SG's discretionary 'working capital' fund from US\$150 million to US\$350 million and increasing the SG's ability to make other discretionary changes to budgets mid-year in response to "unforeseen and extraordinary expenses."<sup>204</sup> ACABQ supports the proposal that the SG could enter into commitments of up to US\$20 million for the maintenance of international peace and security.<sup>205</sup>

### 29. Are mechanisms for classifying and accessing information about operations (including mandate process, funding, budget, audit, impact) effective?

**Good practice:** There is a policy and guidelines that clearly stipulate: 1) how the public can access or request peace/military operations related information produced by UN bodies 2) what information is and is not available 3) how those decisions are reviewed internally by the organisation 4) how classified information is categorised 5) how the public can appeal those decisions 6) that there is an active, accessible, independent appeal or review body to review access to information decisions. The organisation operates a system of classification of information under a clear regulatory framework to ensure that information is adequately protected. The public is able to access information regularly, within a reasonable timeline, and in detail.

#### Summary

**As set out across this document, much of the information about operations is available via UN websites. However, getting a clear sight of processes and procedures, and developing an understanding of an operation (mandate process, funding, budget, audit, impact) without existing knowledge of relevant documents is much more difficult.**

The UN Peacekeeping website contains details of all current and past peacekeeping operations.<sup>206</sup> The site includes, for each operation, an overview (with the relevant Security Council Resolution), details on the personnel, contributing countries, fatalities and funding, and any relevant UN documents relating to the mission. In the example of UNAMID, these documents number some 500 and include resolutions, reports and letters, hosted by UNBISNET– the United Nations Bibliographic Information System. The page setting out details of the MINUSCA operation in the Central African Republic boasts some 187 documents, and MONUSCO in the Democratic Republic of Congo, 400 documents. Whilst the breadth of available information is positive, the volume of available material and the inherent difficulty in navigating complex search engines can, in itself, limit practical accessibility. The operation specific pages give a helpful overview, though they do not directly contain links or information relating to audits, impact, or details of the mandate process. There are some notable publishing gaps – for example, Memoranda of Understanding (MOUs) and Status of Forces Agreements (SOFAs) are published on occasion, though not always. In summary, information is largely available, but the challenges in accessing and navigating the various online repositories and search engines can make accessing information very difficult.

The United Nations policy concerning the management of sensitive or classified information is set out in the SG's bulletin on information sensitivity, classification and handling.<sup>207</sup> The bulletin emphasizes that the basis for classifying information is that the work of the UN should be "open and transparent," except for that information deemed confidential as per the

<sup>204</sup> "UN briefings: UN reform", *UNA-UK*, 14 February 2018, <https://www.una.org.uk/news/un-briefings-un-reform?page=1>.

<sup>205</sup> Ana Maria Lebeda, "Fifth Committee Discusses Secretary-General's Management Reform Proposals", *International Institute for Sustainable Development*, 19 December 2017, <http://sdg.iisd.org/news/fifth-committee-discusses-secretary-generals-management-reform-proposals/>.

<sup>206</sup> United Nations Peacekeeping, [www.peacekeeping.un.org](http://www.peacekeeping.un.org).

<sup>207</sup> "Secretary-General's bulletin: Information sensitivity, classification and handling", United Nations Secretariat, ST/SGB/2007/6, 12 February 2007, <http://undocs.org/ST/SGB/2007/6>.

guidelines in the bulletin.<sup>208</sup> It contains three classifications:

1. Strictly Confidential: “information or material whose unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to or impede the conduct of the work of the United Nations.”
2. Confidential: “information or material whose unauthorized disclosure could reasonably be expected to cause damage to the work of the United Nations.”
3. Unclassified: “information or material whose unauthorized disclosure could reasonably be expected not to cause damage to the work of the United Nations.”<sup>209</sup>

There is no process (such as freedom of information) by which the public can request access to confidential material.

It is not possible to analyse the nature of information that is classified, nor does it seem that there is a clear means by which this process is transparent and open to scrutiny by Member States. Some classified material is designated ‘need to share’, meaning it is made available for colleagues’ use. Examples include former DPKO After Action Reviews, which analyse actions, activities or projects in order to reflect and learn, or DPKO End of Assignment Reports, to glean lessons learned. Declassification can occur when information loses sensitivity over time, following a particular event, or if there is a need to share it with the public.<sup>210</sup> In a number of cases, internal process documents are considered to be not for public access, for example concerning procurement timelines and Enterprise Risk Management documents.

In terms of audit, the Board of Auditors and OIOS’s audit function both carry the relevant reports on their respective websites. OIOS’s procedures are guided by General Assembly Resolution A/Res/67/258 of 2013,<sup>211</sup> which requested that “the Secretary-General ... entrust the Office with publishing audit reports on the website of the Office, on an experimental basis, by no later than 1 July 2013, until 31 December 2014.” Whilst this has since become standard practice, the guidance also includes reference to General Assembly resolution 59/272 which “approved the modification or withholding of specific internal audit reports, at the discretion of the Under-Secretary-General for OIOS, when access to them was inappropriate for reasons of confidentiality or due to the risk of violating the due process rights of individuals”.<sup>212</sup> One civil society actor cited this discretion as an example of why UN Peacekeeping urgently needs truly independent and external oversight mechanisms.<sup>213</sup>

**208** Sensitive information may be classified as ‘confidential’ or ‘strictly confidential’, and includes:

“1.2 Information deemed sensitive shall include the following:

- (a) Documents created by the United Nations, received from or sent to third parties, under an expectation of confidentiality;
- (b) Documents whose disclosure is likely to endanger the safety or security of any individual, violate his or her rights or invade his or her privacy;
- (c) Documents whose disclosure is likely to endanger the security of Member States or prejudice the security or proper conduct of any operation or activity of the United Nations, including any of its peacekeeping operations;
- (d) Documents covered by legal privilege or related to internal investigations;
- (e) Internal inter-office or intra-office documents, including draft documents, if disclosure would undermine the Organization’s free and independent decision-making process;
- (f) Documents containing commercial information, if disclosure would harm either the financial interests of the United Nations or those of other parties involved;
- (g) Other kinds of information, which because of their content or the circumstances of their creation or communication must be deemed confidential.”

**209** “Understanding information Sensitivity”, United Nations Archives and Record Management Section, [https://archives.un.org/sites/archives.un.org/files/quick\\_reference\\_information\\_sensitivity.pdf](https://archives.un.org/sites/archives.un.org/files/quick_reference_information_sensitivity.pdf).

**210** “Information Sensitivity Toolkit Version 1”, United Nations Department of Management and Department of Peacekeeping Operations, 24 February 2010, [https://archives.un.org/sites/archives.un.org/files/information\\_sensitivity\\_toolkit\\_2010.pdf](https://archives.un.org/sites/archives.un.org/files/information_sensitivity_toolkit_2010.pdf).

**211** “Resolution adopted by the General Assembly on 12 April 2013”, United Nations General Assembly, A/RES/67/258, 3 June 2013, <https://undocs.org/A/RES/67/258>.

**212** “Standard operating procedures for the posting of internal audit reports on OIOS’ website”, United Nations Office of Internal Oversight Services, [https://oios.un.org/resources/2014/09/final\\_audit\\_reports\\_web\\_v2.pdf](https://oios.un.org/resources/2014/09/final_audit_reports_web_v2.pdf).

**213** Interview (36) with Civil Society actor, June 2018.

**30. Is there evidence that actors/bodies within the organisation (and/or personnel and/or Member States) have beneficial ownership of commercial businesses that relate to peace/military operations (e.g. suppliers of equipment to the organisation, or major companies in host nations)? If so, how transparent are details of the operations and finances of such businesses? Are these interests publicly stated and subject to scrutiny?**

Good practice: There is no beneficial ownership of commercial businesses that relate to peace/military operations by actors within the organisation, or where beneficial ownership exists, the beneficial owners subject their financial statements to an independent external audit, based on relevant international auditing standards. Full audit details are available to Member States.

**Summary**

**No evidence was found that actors/bodies within UN and UN Peacekeeping at HQ level have beneficial ownership of commercial businesses that relate to peace/military operations**

**31. Are businesses or private sector links with the organisation's actors/institutions subject to transparent independent scrutiny at a recognised international standard? If so, what is this standard, what form does the scrutiny take, and how is it effective?**

Good practice: There are no businesses or private sector links with actors/departments in the organisation responsible for peace/military operations, or where these links exist, the relevant actors subject their financial statements to an independent external audit, based on relevant international auditing standards. Full audit details are available to the public.

**Summary**

**Business and private sector contractors and suppliers are subject to financial probity checks, but there appears to be an over-reliance on self-certification and there is a lack of clarity on whether the UN conducts checks on suppliers, and how.**

A significant area in which the UN comes into contact with business and/or private sector links is through procurement. Within procurement, the UN Supplier Code of Conduct<sup>214</sup> integrates the principles of the UN Global Compact<sup>215</sup> into UN operations. The Code addresses areas of human rights, labour, environment and anti-corruption, and includes all "suppliers, employees, parent, subsidiary or affiliate entities and subcontractors."<sup>216</sup>

However, whilst suppliers for the UN have to commit to the Code, it initially relies on self-certification processes and there is some discrepancy in the two latest versions of the Code as to whether the UN will manage, monitor or evaluate the Code's application. Version 5 suggested the UN "may monitor that milestones have been set and management systems put in place," that they "may take supporting initiatives to review progress of suppliers and subcontractors," and "in some cases ... conduct on site evaluations and inspections of supplier facilities and those of their subcontractors."<sup>217</sup> Whilst this version of the Code is available on the UN Global Marketplace, the latest version (Revision 6)<sup>218</sup> on UN Procurement, does not include these monitoring, management and evaluation activities. Commenting on the procurement process, interviewees within the UN noted that all vendors selected as suppliers are subject to background

<sup>214</sup> "UN Supplier Code of Conduct" Revision 6, [https://www.un.org/Depts/ptd/sites/www.un.org.Depts.ptd/files/files/attachment/page/pdf/unscoc/conduct\\_english.pdf](https://www.un.org/Depts/ptd/sites/www.un.org.Depts.ptd/files/files/attachment/page/pdf/unscoc/conduct_english.pdf).

<sup>215</sup> United Nations Global Compact, <https://www.unglobalcompact.org/>.

<sup>216</sup> "UN Supplier Code of Conduct" Revision 6, Section 1, 'Scope,' p. 1, [https://www.un.org/Depts/ptd/sites/www.un.org.Depts.ptd/files/files/attachment/page/2014/February%202014/conduct\\_english.pdf](https://www.un.org/Depts/ptd/sites/www.un.org.Depts.ptd/files/files/attachment/page/2014/February%202014/conduct_english.pdf).

<sup>217</sup> "UN Supplier Code of Conduct" Revision 5, pp. 1-2.

<sup>218</sup> "UN Supplier Code of Conduct" Revision 6.

checks carried out by a specialist company engaged by the UN. Continued contract management has improved with the introduction of the integrated Umoja IT system. However, interviewees stated that internal monitoring and evaluation was an area that could be improved, both through ensuring availability of resources and through the SG's proposed reforms that further separate management/accountability functions from operations.

### 32. Is there evidence of unauthorised private enterprise by the organisation's employees or contractors on peace operations, and is there guidance to control against their engagement in such enterprises? If so, what is the organisation's response? How does it audit, monitor and identify such behaviour?

**Good practice:** The organisation strictly forbids any unauthorised private enterprise, with appropriate sanctions in place to deal with offenders. Unauthorised private enterprise does not occur.

#### Summary

**Unauthorised private enterprise is forbidden by the 'Staff Rules and Staff Regulations of the United Nations – Secretary-General's bulletin'.<sup>219</sup> Despite this, there have been incidents of unauthorised private enterprise by peacekeeping personnel, and some criminal activities relating to misuse of supplies.**

There have been numerous incidents of unauthorised private enterprise by UN Peacekeeping troops. Notable examples have occurred in eastern DRC, where troops from Pakistan and India have been found to have traded gold, ivory and weapons with rebel troops<sup>220</sup>; a MONUSCO staff member in 2011 was caught attempting to smuggle one tonne of Cassiterite Ore into Rwanda in a UN vehicle.<sup>221</sup>

Within peacekeeping missions there have been instances of procurement related fraud concerning, for example, the illicit selling of fuel of UN stocks sold on to local restaurants.<sup>222</sup> Some responses to activities of this nature have been technical, for example using tailor-made bar-code systems relating to fuel levels, as well as changing the dye colour in UN mission fuel. Other responses, according to interviewees, have included shifting responsibility onto other individuals, or in some instances a refusal to respond to allegations.

Enforcing UN policies on conduct was the responsibility of DPKO and DFS for peacekeeping operations, and DPA and DFS for political missions. Their enforcement is now the responsibility of DPO and DOS for peacekeeping operations, and DPPA and DOS for political missions. Initial complaints are heard by the Conduct and Discipline Teams on the ground within each mission. If the complaint is deemed routine (category 2), including simple theft, contract disputes, basic mismanagement or misuse of equipment or staff, then it can be investigated within the peacekeeping or political mission. Complaints deemed serious (category 1), which include serious fraud, complex criminal activity, SEA, gross mismanagement, a risk of loss of life, conflicts of interest and procurement violations, are investigated by OIOS.<sup>223</sup>

<sup>219</sup> "Staff Rules and Staff Regulations of the United Nations", United Nations Secretary-General's bulletin, ST/SGB.2014/1, reg 1.2, p. 11, January 2014, <https://undocs.org/ST/SGB/2014/1>.

<sup>220</sup> Roxanne Escobales, "UN peacekeepers 'traded gold and guns with Congolese rebels'", *The Guardian*, 28 April 2008, <https://www.theguardian.com/world/2008/apr/28/congo.unitednations>.

<sup>221</sup> "Investigation launched into reported attempt to smuggle Cassiterite Ore by MONUSCO staff member", United Nations Organization Stabilization Mission in the DR Congo, 22 August 2011, <https://monusco.unmissions.org/en/investigation-launched-reported-attempt-smuggle-cassiterite-ore-monusco-staff-member>.

<sup>222</sup> Interview (9) with UN Official, March 2018 and Interview (14) with UN Official, April 2018.

<sup>223</sup> "Investigations Manual," United Nations Office of Internal Oversight Services, December 2015, <https://oios.un.org/resources/2015/12/7KKtL7ld.pdf>.

# PERSONNEL RISKS

### 33. Does the organisation publicly commit through, for example, speeches, media interviews, or political mandates, to anti-corruption and integrity measures?

**Good practice:** There is a clear commitment to anti-corruption and integrity measures by the leadership of the organisation. Internal commitment is demonstrated through proactive anti-corruption measures, and regular communications about integrity from top level officials. Public commitment is demonstrated through interviews with journalists and CSOs, and statements at events and conferences. Anti-corruption is part of public talking points for top level officials, with explicit reference to integrity and good peacekeeping/military governance, and management of corruption risks. These activities are supported by Member States.

#### Summary

The UN has a number of publicly available and publicly declared documents relating to anti-corruption and integrity measures. There is a commitment to anti-corruption and integrity from the UN leadership, and the Secretary-General's proposed reform plans are in part a response to the need for "enhanced accountability and transparency".<sup>224</sup>

Public statements have called for states to act on corruption and integrity, with the SG committing the UN to support leaders of Member States to "install a culture of integrity from the top down... It all begins with setting an example."<sup>225</sup> The UN Peacekeeping website sets out various public statements in support of mission-specific anti-corruption efforts, for example the peacekeeping operation in Liberia (UNMIL) calling for a, "united front against corruption in Liberia."<sup>226</sup>

How UN leadership reacts to integrity issues, such as sexual exploitation and abuse, and sexual harassment, may be a useful indicator as to responses to corruption and broader misconduct. There have been a number of recent statements relating to sexual harassment within the UN system<sup>227</sup> and to widely reported sexual exploitation and abuse scandals.<sup>228</sup> In the wake of the SEA revelations concerning peacekeeping operations – involving both troops and civilian staff – the Security Council passed Resolution 2272 (R2272)<sup>229</sup> in an attempt to prevent further misconduct. Responsibility for the implementation of R2272 lay with DPKO and DFS; it is now under the remit of DPO and DOS, and it calls for strengthened accountability for T/PCCs in relation to SEA.<sup>230</sup> A wide-ranging public information campaign seeks to convey the message of zero tolerance for SEA within UN Peacekeeping.<sup>231</sup> A dedicated website hosts information on the combined activities of the UN in response to the pledge to eliminate SEA.<sup>232</sup> Yet whilst there are numerous committed and clear statements of zero tolerance for SEA, campaigners argue that the sense of the immunity and impunity of UN personnel needs to be addressed.<sup>233</sup> Civil society interviewees argue that accountability for SEA and human rights violations requires external, independent accountability mechanisms, and that calling for 'zero tolerance' leads to an emphasis on moving the perpetrators on, rather than on pursuing justice.<sup>234</sup>

The Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat<sup>235</sup> issues guidance for combating fraud and corruption. It states that allegations of fraud and corruption will be "vigorously pursued", and that staff have the duty to report any fraudulent acts.

<sup>224</sup> See, for example, "Secretary-General's remarks to Security Council High-Level Debate on Collective Action to Improve UN Peacekeeping Operations", 28 March 2018, <https://www.un.org/sg/en/content/sg/statement/2018-03-28/secretary-generals-remarks-security-council-high-level-debate>.

<sup>225</sup> António Guterres, "Remarks at High-level Debate Marking 15th Anniversary of Adoption of United Nations Convention Against Corruption," 23 May 2018, <https://www.un.org/sg/en/content/sg/speeches/2018-05-23/15th-anniversary-adoption-un-convention-against-corruption-remarks>.

<sup>226</sup> "UNMIL calls for united front against corruption in Liberia", United Nations Peacekeeping, 21 June 2017, <https://unmil.unmissions.org/unmil-calls-united-front-against-corruption-liberia>.

<sup>227</sup> "UN leaders vow to stamp out workplace sexual harassment", *UN News*, 4 May 2018, <https://news.un.org/en/story/2018/05/1008962>.

<sup>228</sup> See for example, "World leaders pledge to eliminate sexual exploitation and abuse; UN chief outlines course of action", *UN News*, 18 September 2017; during the meeting in September 2017, the Secretary-General stated, "We will not tolerate anyone committing or condoning sexual exploitation and abuse. We will not let anyone cover up these crimes with the UN flag", <https://news.un.org/en/story/2017/09/565172-world-leaders-pledge-eliminate-sexual-exploitation-and-abuse-un-chief-outlines>.

<sup>229</sup> UN Security Council Resolution 2272, S/Res/2272, 11 March 2016, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2272\(2016\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2272(2016)).

<sup>230</sup> "Serving with Pride: Key Initiatives to Prevent and Address Misconduct in United Nations Peace Operations", UN Secretariat, May 2018, [https://conduct.unmissions.org/sites/default/files/serving\\_with\\_pride\\_final\\_31\\_may\\_2018\\_0.pdf](https://conduct.unmissions.org/sites/default/files/serving_with_pride_final_31_may_2018_0.pdf).

<sup>231</sup> See for example, Conduct in UN Field Missions, <https://conduct.unmissions.org>.

<sup>232</sup> "Preventing Sexual Exploitation and Abuse", <https://www.un.org/preventing-sexual-exploitation-and-abuse/>.

<sup>233</sup> "Primer: Privileges and Immunities of the United Nations", Code Blue, <http://www.codebluecampaign.com/primer-privileges-and-immunities-of-the-united-nations/>.

<sup>234</sup> Interview (35) with civil society actor, June 2018.

<sup>235</sup> "Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat", United Nations Secretariat, ST/IC/2016/25, 9 September 2016, <https://undocs.org/ST/IC/2016/25>.

### 34. Are there effective measures in place for personnel found to have taken part in forms of bribery and corruption, and is there evidence of these measures being carried out? This includes oversight and leadership roles.

Good practice: Cases are investigated through formal processes and without political influence. There are a range of clearly defined offences that clearly apply to all personnel. These offences cover (at a minimum) offering, giving, receiving, or soliciting of any item of value to influence the actions of an official or other person in charge of a public or legal duty. Possible sanctions include dismissal, and referral to law enforcement bodies in host nation/troop countries.

#### Summary

There are clear measures in place to formally respond to situations in which personnel have engaged in bribery and corruption. Codes of conduct set out expected and acceptable behaviour, and reporting processes are in place. Vetting processes are in place to guard against individuals guilty of corruption or bribery serving in further peacekeeping operations. But in practical terms, interviewees indicated that implementation and enforcement can be weak, and that, in the case of peacekeeping personnel (troops or police), the penalties in response to substantiated allegations largely depend on the troop contributing country from which the individual(s) is/are from.

The shared nature of responsibility for conduct within missions between the UN and Member States raises challenges in ensuring credible allegations are investigated and appropriate action taken. In practice, the response to substantiated allegations largely depends on the troop contributing country which the individual(s) is from. Personnel can be repatriated by the UN to their T/PCC, but while some are then prosecuted for their crimes, this has seldom been the case.<sup>236</sup> For example, according to an internal UN report obtained as part of an Associated Press investigation, at least 134 Sri Lankan peacekeepers were repatriated, with 21 found to have exploited nine children in a sex ring in Haiti from 2004 to 2007. AP's investigation found that, in the wake of the report, 114 peacekeepers were sent home. None was ever imprisoned.<sup>237</sup>

There are responsibilities and processes relating to conduct on UN Peacekeeping Missions that rest with the UN Secretariat. DPKO and DFS – now DPO and DOS – are responsible for enforcing UN policies on conduct in peacekeeping operations, via the Conduct and Discipline Unit (CDU), based at UNHQ in New York, and the Conduct and Discipline Teams (CDTs), based in each mission/operation.<sup>238</sup>

The CDU, formed in the wake of earlier revelations around SEA in 2005, leads overall direction for conduct and discipline issues in PKOs, focusing on policy formulation, developing training and awareness-raising activities, and ensuring oversight of the handling of allegations of misconduct. The CDU liaises with Member States on allegations of misconduct involving their uniformed personnel and advises USG and ASG for Field Support on all aspects of the implementation of a three-pronged strategy on conduct: prevention, enforcement, and remedial action.

The Conduct and Discipline Teams (CDTs):

- Advise/support the Head of Mission (HoM) on conduct/misconduct within mission(s) – HoM is responsible for awareness-raising, training and engaging with managers and commanders in order to have measures in place to prevent and respond to misconduct
- Provide training for PK personnel on UN rules and regulations
- Are responsible for outreach and awareness-raising for host country populations
- Receive and assess allegations, and refer them (via HoM) to investigative authorities
- Record, track and follow up on all cases of misconduct relating to their mission
- Coordinate victim assistance for victims of SEA (with other UN and civil society partners)
- Notify OIOS when they receive complaints involving OIOS category 1 matters

<sup>236</sup> Interviews with peacekeeping experts at permanent missions. See also Paisley Dodds, "UN peacekeepers in Haiti implicated in child sex ring", *Independent*, 14 April 2017, <https://www.independent.co.uk/news/world/americas/un-haiti-peacekeepers-child-sex-ring-sri-lankan-underage-girls-boys-teenage-a7681966.html>; Katy Daigle and Paisley Dodds, "UN Peacekeepers: How a Haiti child sex ring was whitewashed", *Associated Press*, 26 May 2017, <https://apnews.com/96f9ff66b7b34d9f971edf0e92e2082c>.

<sup>237</sup> Paisley Dodds, "UN peacekeepers in Haiti implicated in child sex ring", *Independent*, 14 April 2017.

<sup>238</sup> "Who Is Involved", Conduct in UN Field Missions, <https://conduct.unmissions.org/who-is-involved>.

There are clear processes in place for receiving complaints.<sup>239</sup> However, OIOS in part relies on these CDTs to report misconduct requiring investigation, but as a UN Official pointed out, these CDTs do not have any investigative capacity or remit to conduct investigations.<sup>240</sup>

Recent cases and reports have raised some questions about the role of the CDTs in notifying OIOS and other relevant investigative bodies of serious allegations/complaints. Given their role in prevention (rather than investigation), CDTs could be perceived as having an interest in reducing the number of misconduct reports. Allegations by whistleblowers have been made that witnesses identified by CDTs can be discredited, bribed or intimidated, which can impact OIOS's possibilities when investigators arrive on the ground.<sup>241</sup> A report into recent cases of UN officials reporting misconduct within UN agencies suggests that those who blow the whistle have suffered as a result of their decision to report, and that fear of reprisals is preventing others from coming forward. One whistleblower said that her life had "deteriorated" since reporting; another that she had been "ostracized" within the aid community. A senior analyst at the Government Accountability Project, described, "evidence of retaliation against whistleblowers" at the UN as "persuasive, voluminous and current."<sup>242</sup>

An interview with a former member of staff on UN missions said: "I raised concerns about [corruption related issues] to my senior on the mission and was assured that the issue was known about and being dealt with at headquarters level in New York. There didn't seem to be any other way for me to report these concerns independently other than through my manager, or to find out the results of any investigations that may or may not have taken place." He added that, "Whistleblowing is not encouraged in the UN. Anyone who you talk to will tell you that the way to build a career in the UN is through loyalty."<sup>243</sup>

According to one interviewee with experience in UN Missions, operationally the CDTs are very limited in their capacity with, for example, one staff member (based at HQ) covering four offices (battalions of over 800 soldiers plus civilian staff) at separate geographic locations. The interviewee went on to suggest that in working in the interests of the Member States, the CDTs are at risk of compromising their effectiveness, coming under, "external pressure to [advise investigators to] abort investigations... with investigations missions (OIOS) cancelled last minute", owing to the suspected influence of governments.<sup>244</sup>

The Board of Auditors speak annually with CDTs with reference to fraud allegations, a practice which offers the possibility of identifying trends and developing cross-operation responses. However, there are suggestions that limited resources limit the capacity to develop this work across DFS.

OIOS has responsibility for oversight and investigation but has come under sharp criticism in recent years concerning its effectiveness and response to political pressure (see question 5). Civil society actors cite examples of possible conflicts of interest, and report concerns that OIOS can focus on process, policy and procedure at the expense of pursuing accountability.<sup>245</sup>

The identification of corruption in the field through mission-level audit processes can be difficult. An interviewee with extensive audit experience described the limited capacity for investigation and evidence gathering. This can be problematic when the standard of proof required for the administration of justice is 'clear and convincing evidence'. Interviewees described limited capacity to gather, manage and process evidence to this standard, which has an impact on processes moving forward.<sup>246</sup>

Some T/PCCs interviewed spoke of strict systems for dealing with allegations of corruption in the field, subject to their own judicial system standards and processes. Other T/PCCs spoke of rigorous discipline and little opportunity for soldiers to interact with local communities due to their remote position, and stated that allegations were investigated by the country's own Defence Ministry. If there were grounds to suspect guilt, then the troops would be repatriated and dealt with under their domestic law. Yet, there are instances where it is not clear that the individuals subject to allegations

<sup>239</sup> "Complaints", Conduct in UN Field Missions, <https://conduct.unmissions.org/enforcement-complaints>.

<sup>240</sup> Interview (37) with UN Official, July 2018.

<sup>241</sup> Peter Gallo, Statement before the House Committee on Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Hearing on UN Peacekeepers: Abuse and Accountability, Washington, DC, 13 April 2016.

<sup>242</sup> Sophie Edwards, "The high price of being a UN whistleblower", *Devex*, 24 May 2018, <https://www.devex.com/news/the-high-price-of-being-a-un-whistleblower-92752>.

<sup>243</sup> Interview (38) with Former UN Mission staff member, July 2018.

<sup>244</sup> Interview (38) with Former UN Mission staff member, July 2018.

<sup>245</sup> Interview (35) with Civil Society actor, June 2018.

<sup>246</sup> Interview (1) with two UN Officials, March 2018.

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and investigation have also been subject to criminal justice or other appropriate justice/accountability processes when returned to their home country, for example, the Sri Lankan peacekeepers sent home after reports of the exploitation of children who were not brought to justice once they were back in their home country.<sup>247</sup>

Since 2012, the Policy on Human Rights Screening of UN Personnel, which applies to all personnel in the Secretariat, as well as to those on peace operations, requires that the UN should “neither select nor deploy for service in the Secretariat any individual who has been involved in violations of international human rights or humanitarian law”.<sup>248</sup> Primary responsibility for screening individuals lies with Member States.<sup>249</sup> The primary responsibility for vetting peacekeeping troops and police lies with the T/PCCs. Since 2015 they have been required to certify individuals deployed have not committed, or been alleged to have committed, violations of international human rights law and international humanitarian law, or been repatriated on disciplinary grounds from a UN operation.<sup>250</sup>

DPKO/DFS vetting processes are in place to guard against individuals guilty of corruption or bribery from serving in further peacekeeping operations. These processes have been enhanced in recent years allowing larger numbers and a wider range of personnel to be vetted against records of prior misconduct before they are able to serve.<sup>251</sup> Those now vetted include national civilian staff, consultants and contractors, military contingents, formed police units, individual military officers, individual police officers and UN Volunteers.<sup>252</sup> Since January 2019, it's likely that vetting processes have been carried out by DPO/DOS.

Sri-Lankan troops serving in Mali (MINUSMA) have been subject to ‘enhanced vetting’, which civil society observers thought effective.<sup>253</sup> However, funds were only in place for this to be carried out in this single incident, and subsequent deployments have not benefitted from the same process. In February 2018 it emerged that several Sri Lankan troops were serving in Lebanon who had been subject to allegations of human rights violations, including abductions, torture, killings and extrajudicial executions.<sup>254</sup> Similarly, the media reported that senior Sri Lankan troops (not named) accused of war crimes during the latter stages of the Sri Lankan civil war, are serving in missions in Mali, Lebanon, Darfur and South Sudan.<sup>255</sup> In October 2018, the UN requested that the Government of Sri Lanka repatriate the commander of its contingent in Mali in connection with a review of his human rights record.<sup>256</sup> Media reports quote the Sri Lankan army spokesman as stating that the government will comply with the request, though they believe he has done nothing wrong so will “appeal and send him back.”<sup>257</sup>

## 35. Is whistleblowing encouraged and are whistleblowers in operations, and at headquarters, afforded adequate protection from reprisal for reporting evidence of corruption, in regulations and in practice?

**Good practice: Internal regulations on whistleblowing and reporting corruption exist and are applicable to military and official personnel. There is explicit reference to protection of whistleblowers, including: protection of identity, protection against retribution, reversed burden of proof regarding retaliation, waiver of liability for the whistleblower, no sanctions for misguided reporting, right of the whistleblower to refuse participation in wrongdoing. Whistleblowing is actively encouraged through training, information, and guidance on the reporting of corruption and protections for whistleblowers. There is a well-resourced independent unit that handles claims, and institution-wide campaigns about whistleblowing that cover personnel at all levels. Officials and personnel are confident that adequate protections (and protection of identity) are provided for whistleblowers and individuals reporting corruption claims.**

<sup>247</sup> Interview (18) with T/PCC Official and Interview (19) with T/PCC Official, both April 2018.

<sup>248</sup> “Decision No. 2012/18 – Human Rights Screening of United Nations Personnel”, United Nations Office of Human Resources, 11 December 2012.

<sup>249</sup> *Ibid.*, sections 4.4 and 5.1.

<sup>250</sup> “Peacekeeping Initiatives in Action”, Conduct and Discipline, March 2017.

<sup>251</sup> “Combating sexual exploitation and abuse”, United Nations General Assembly, A/37/97, 23 June 2016.

<sup>252</sup> “Peacekeeping Initiatives in Action”, Conduct and Discipline, March 2017. Numbers have increased - for example, in 2017 on average over 8000 were vetted each month, up from 2270 per month in 2016, and 208 per month in 2013 (there is no record of figures in 2008).

<sup>253</sup> Interview (34) with civil society actor, June 2018.

<sup>254</sup> “Sri Lanka’s Special Task Force”, *International Truth and Justice Project*, April 2018.

<sup>255</sup> Mark Townsend, “Sri Lankan ‘war criminals’ deployed as UN peacekeepers”, *The Guardian*, 21 July 2018.

<sup>256</sup> Edith M. Lederer, “UN asks Sri Lanka to repatriate commander in Mali”, *Washington Times*, 19 October 2018, <https://www.washingtontimes.com/news/2018/oct/19/un-asks-sri-lanka-to-repatriate-commander-in-mali/>.

<sup>257</sup> Bharatha Mallawarachi, “Sri Lanka to recall peacekeeping commander on UN request”, *Associated Press*, 21 October 2018, [www.apnews.com/c68ca3b6023246fe89fff70ed8e29822](http://www.apnews.com/c68ca3b6023246fe89fff70ed8e29822).

## Summary

**UN policy formally encourages whistleblowing and states that all UN staff have a duty to report possible fraudulent activity. However, staff surveys and interviewees, as well as high profile cases concerning retaliatory behaviour against UN officials who have exposed corruption, show that these systems are not effective and there remains more to be done to protect whistleblowers.**

Whistleblowing is formally encouraged (recently enhanced by the SG,<sup>258</sup> see below), and reporting possible fraudulent acts is cited as a duty of all UN staff in the Anti-Fraud and Anti-Corruption Framework:<sup>259</sup>

- Staff members have the duty to report any and all possible cases of fraudulent acts to the Head of Office/Mission or responsible officer, the ASG for Human Resources Management, or to OIOS, which has a dedicated hotline for confidential reporting.<sup>260</sup>
- The Secretariat is obliged to protect the confidentiality of those reporting alleged cases of fraudulent acts – a “protection against retaliation policy that applies to all staff, interns and UN Volunteers who have reported misconduct.”

The UN Peacekeeping website, on the ‘Conduct in UN Field Missions’ pages, reflects this: “It is the duty of all United Nations personnel, whether they are civilian, military and police, to report misconduct to the officials whose responsibility it is to take appropriate action. Any UN personnel who fail to comply with this obligation may be considered as having engaged in misconduct themselves.”<sup>261</sup>

Yet concerns about confidentiality and protection against retaliation for whistleblowers, and a number of ongoing and unresolved cases, indicate that the protections for UN staff who raise possible instances of corruption, fraud or misconduct are inadequate.<sup>262</sup> A recent high-profile case is that of Anders Kompass, who in 2014 exposed the abuse of minors by French and African peacekeepers in the Central African Republic by passing a confidential internal report to French authorities after the UN failed to act.<sup>263</sup> The UN response was to focus not only on the alleged abuses, but also to open an OIOS investigation into Kompass, accusing him of misconduct leading to his suspension. Civil society interviewees who work with whistleblowers suggest that there was a concerted effort to undermine and silence Kompass, which some of the highest-ranking officials from UN Ethics, OIOS, OHCHR and the Executive Office of the Secretary-General orchestrated.<sup>264</sup> An independent panel, convened following public pressure, cleared Kompass of any wrongdoing and raised serious questions about the conduct of the senior UN officials involved, citing “gross institutional failure,” and finding three senior figures had abused their power, including the then USG for OIOS.<sup>265</sup> Kompass ultimately resigned in 2016, citing the “lack of accountability [...] entrenched in the United Nations.”<sup>266</sup>

Growing public and internal concern about protection against retaliation for whistleblowers<sup>267</sup> has led to enhanced and updated provisions in line with Board of Auditor recommendations.<sup>268</sup> The Secretary-General’s bulletin (20 January 2017)

<sup>258</sup> “Secretary-General Guterres approves updated UN whistleblower protection policy”, UN News, 23 January 2017, <https://news.un.org/en/story/2017/01/550032-secretary-general-guterres-approves-updated-un-whistleblower-protection-policy>.

<sup>259</sup> “Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat”, United Nations Secretariat, ST/IC/2016/25, 9 September 2016.

<sup>260</sup> “Reporting Wrongdoing”, United Nations Office of Internal Oversight Services, <https://oios.un.org/page?slug=reporting-wrongdoing>.

<sup>261</sup> “Accountability”, Conduct in UN Field Missions, <https://conduct.unmissions.org/enforcement-accountability>.

<sup>262</sup> For example, see Peter Gallo, Statement before the House Committee on Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Hearing on UN Peacekeepers: Abuse and Accountability, Washington, DC, 13 April 2016, and Anders Kompass, “EXCLUSIVE: The ethical failure – Why I resigned from the UN”, *The New Humanitarian (formerly IRIN News)*, 17 June 2016, <https://www.irinnews.org/opinion/2016/06/17/exclusive-ethical-failure-%E2%80%93-why-i-resigned-un>; see also the work of the Government Accountability Project, [www.whistleblower.org](http://www.whistleblower.org).

<sup>263</sup> Obi Anyadike, “Exclusive: Top UN whistleblower resigns, citing impunity and lack of accountability”, *The New Humanitarian*, 7 June 2016.

<sup>264</sup> Luke Coffey, “UK Must Block Susana Malcorra From Becoming the Next Secretary-General of the UN”, *Huffpost*, 24 June 2017, [https://www.huffingtonpost.com/luke-coffey/uk-must-block-susana-malc\\_b\\_10633378.html?guccounter=1](https://www.huffingtonpost.com/luke-coffey/uk-must-block-susana-malc_b_10633378.html?guccounter=1).

<sup>265</sup> Marie Deschamps (Chair), Hassan B. Jallow, Yasmin Sooka, “Taking Actions on Sexual Exploitation and Abuse by Peacekeepers: Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic”, 17 December 2015, <http://www.un.org/News/dh/infocus/centafricrepublic/Independent-Review-Report.pdf>.

<sup>266</sup> Obi Anyadike, “Exclusive: Top UN whistleblower resigns, citing impunity and lack of accountability”, *The New Humanitarian*, 7 June 2016.

<sup>267</sup> For example, the leaked 2017 UN Staff Engagement Survey found that 55% (28% neutral, 27% ‘no’) are not confident that “UN staff members will be protected from retaliation for reporting misconduct or cooperating with an authorised audit or investigation”. For survey report, see “United Nations Staff Engagement Survey”, February 2018, <https://pages.devex.com/rs/685-KBL-765/images/UN-Secretariat-Survey-Results-February-2018.pdf>, and Sophie Edwards, “Leaked UN staff survey shows fears over whistleblowing, ethical accountability”, *Devex*, 1 March 2018.

<sup>268</sup> Board of Auditors 2016 Report, Appendix 1, on status of implementation of recommendation 83 – that the Administration update and enhance its whistleblowing policies and procedures to cover the risk of both internal and external wrongdoing – noted that an updated policy was promulgated on 20 January 2017: “Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations”, United Nations Secretary-General’s bulletin, ST/SGB/2017/2, <https://undocs.org/ST/SGB/2017/2>.

on 'Protection against retaliation for reporting misconduct...' <sup>269</sup> includes provision for those who report misconduct through both established internal (Section 3), and external (Section 4), mechanisms. (This was further revised on 28 November 2017 to afford protections to consultants and contractors). <sup>270</sup> One consequence of these policy developments in the context of the high public profile of whistleblowing, particularly relating to cases of sexual exploitation and abuse, has been to increase the pressure on the investigation mechanisms, which are required to deal with possible cases of retaliation within 120 days. The relatively low bar for bringing such cases could be good for increasing staff trust in the institution, though only if the necessary resources are allocated. There are suggestions that the recent enhanced protection for whistleblowers amounts in practice to little more than window dressing, with OIOS staff retaining a large degree of discretion in deciding on the credibility of evidence used to determine whether a case can be considered for tribunal outside of the Ethics office. <sup>271</sup> The SG has committed to reviewing and revising the terms and implementation of this policy annually.

In the case of the Peacekeeping operations themselves, robust national whistleblower protection measures need to be put in place by the T/PCCs if the system is to be effective.

One interviewee stated: "Whistleblowing is not encouraged in the UN. Anyone who you talk to will tell you that the way to build a career in the UN is through loyalty." <sup>272</sup> The interviewee explained that: "the problem is that if you raise an issue as an individual, [...] I think it will be much more detrimental to your career than helpful to it. It would not be safe and secure, particularly in a field office. In a field office, a lot depends on the head of office. Even if you've got a great head of office, there just aren't that many capable staff available, and it's hard to replace them. So people tend to be reluctant to take actual, real action. People could get warnings, but I don't feel that there would be a broader process going ahead." <sup>273</sup>

### 36. Is special attention paid to the selection, time in post, and oversight of personnel in sensitive positions, including officials and personnel in procurement, contracting, financial management, and commercial management?

**Good practice: Special attention is paid to personnel in sensitive positions, i.e., individuals with significant autonomy over personnel, resources, and the policies/plans that determine them. This includes decision-making power in procurement, recruitment, contracting, financial and commercial management. There is an open recognition that certain positions are sensitive, and procedures limit conflicts of interest with revolving door limitations and stringent vetting. Standard appointment/recruitment processes are followed for particular technical competencies. There is internal oversight in the organisation to scrutinise appointment and promotion decisions for personnel in sensitive positions.**

#### Summary

**There are clear systems and criteria for appointments at all levels of the UN. The SG has responsibility for the appointment of the most senior positions within peace/military operations. The most senior positions are subject to political considerations, however. T/PCCs retain discretion as to the appointment of personnel within their own contingent.**

For peacekeeping operations, the SG appoints the Head of Mission (typically a Special Representative) to direct the operation (who reports through the Under-SG for PKO at UNHQ), as well as the Force Commander, Police Commissioner, and senior staff. According to a civil society actor, in 2016, the SG requested that several countries including the UK nominate four individuals for a pool from which he could appoint SRSGs and DSRSGs. Following the UK's nominations, questions including who was chosen and how they were selected went unanswered, raising questions as to the appointment process within the highest levels of the Secretariat. <sup>274</sup> Other civilian staff of peacekeeping missions are employed by the missions on temporary, renewable contracts.

<sup>269</sup> "Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations", United Nations Secretary-General's bulletin, 20 January 2017.

<sup>270</sup> "Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations", United Nations Secretary-General's bulletin, 20 January 2017.

<sup>271</sup> Interview (36) with civil society actor, June 2018.

<sup>272</sup> Interview (38) with former UN staff member, July 2018.

<sup>273</sup> Interview (38) with former UN staff member, July 2018.

<sup>274</sup> Interview (34) with Civil Society Actor.

Until December 2018, some personnel within DM held sensitive positions relating to peacekeeping operations; as of January 2019, these should be under the remit of DMSPC. Within the human resources function there are clear recruitment processes in place including assessments of technical competency. Staff from DM until December 2018, DMSPC since January 2019, with a managerial and monitoring role, as well as all staff D1 and above, are subject to annual financial disclosure checks to identify possible conflicts of interest. Staff on tender boards considering procurement related to peacekeeping are rotated from among different departments (non-DM) to help ensure their impartiality and receive specific training in order to carry out their roles.<sup>275</sup>

Interviewees within the UN identified the development of performance management frameworks as having improved the ability of the UN to pay attention to the behaviour of its personnel.<sup>276</sup> This is managed through the 'Electronic Performance Appraisal System (e-PAS)'. The 'Management Handbook for UN Field Missions', developed by IPI in conjunction with DFS, DPKO and DPA, highlights significant organisational limitations to the effective use of e-PAS:

The weaknesses of the UN's administrative justice system make it difficult for managers to address clear cases of gross underperformance through the e-PAS tool. For good performers, there is a lack of correlation between e-PAS outcomes and career advancement. Given the often centralized UN recruitment system and anonymous testing procedures, the actual implications of e-PAS reviews are limited. As a consequence, e-PAS evaluations tend to be carried out as a formality, with evaluations generally positive and uncritical.<sup>277</sup>

The Security Council adopted SCR2436 (2018) calling for the improved performance of peacekeeping personnel at HQ and in operations. The resolution calls for capable and accountable leadership, including the request that the SG's reports to the SC on individual peacekeeping operations include a summary of actions taken to improve mission performance and address related challenges.<sup>278</sup>

For posts considered sensitive in terms of their seniority and influence, the responsibility for appointments rests solely with the SG, quite separate from the Member States who have no formal role in specific appointments. Informally, political considerations (including nationality) can influence sensitive appointments.<sup>279</sup> For example, as one commentator notes, during the appointment of Kofi Annan as SG in 1997, "the French insisted on the Under-Secretary-General for Peacekeeping post and this was accepted, with Bernard Miyet as the new head of DPKO (and later Jean-Marie Guéhenno). It has remained in 'French hands' ever since."<sup>280</sup> Similar observations can be made with regard to some other Member States, for example the US and the UK and the Department of Political Affairs and OCHA, respectively,<sup>281</sup> as well as Russia (Head of UN Office in Vienna, since 2010). Whether and how this might change since the Secretariat was reorganised in January 2019 remains to be seen.

On the deployment of consultants and contractors in peacekeeping operations, the Board of Auditors noted in 2015 that, "compliance with the relevant rules and regulations needed to be enhanced". They made recommendations<sup>282</sup> for this including the following:

- Work assignments needed to be described in greater detail – and duration appraised more realistically
- Missions should examine whether staff could carry out required functions
- Cases had been observed where justification of temporary duty assignments was not convincing and hard to monitor, as such staff were considered to be on official travel.

<sup>275</sup> Interview (8) with UN Official, March 2018. See also, for example, "Performance Management", United Nations HR Portal, <https://hr.un.org/page/performance-management-home>.

<sup>276</sup> *Ibid.*

<sup>277</sup> "The Management Handbook for UN Field Missions", International Peace Institute (2012) p. 104, [https://www.files.ethz.ch/isn/151466/management\\_handbook\\_linked.pdf](https://www.files.ethz.ch/isn/151466/management_handbook_linked.pdf).

<sup>278</sup> "Security Council Stresses Need to Improve Behaviour, Leadership, Accountability in Peacekeeping, Unanimously Adopting Resolution 2436 (2018)", United Nations, <https://www.un.org/press/en/2018/sc13518.doc.htm>.

<sup>279</sup> Interview (30) with former Permanent Mission Official.

<sup>280</sup> Thant Myint-U, "The Next Secretary-General, Secretariat Reform and the Vexed Question of Senior Appointments", *New York University Centre on International Cooperation* (2016). Note also that Russia and Japan could be said to have similarly 'tied' posts: see Thalif Deen, "Big Powers Set to Grab High Level UN Posts", 18 October 2016, *Inter Press Service*, <http://www.ipsnews.net/2016/10/big-powers-set-to-grab-high-level-un-posts/>.

<sup>281</sup> *Ibid.*

<sup>282</sup> United Nations Board of Auditors, "Report of the Board of Auditors Volume II", A/71/5 (Vol. II), p. 16.

### 37. Is the number of personnel related to peace/military missions accurately known and publicly available?

Good practice: The number of civilian and military personnel is updated on at least a quarterly basis and made available publicly, disaggregated by rank bracket.

#### Summary

The number of personnel related to all UN Peacekeeping Operations and some Special Political Missions is updated monthly and publicly available on the UN Peacekeeping website.<sup>283</sup>

The UN Peacekeeping website includes regularly updated data on the number of peacekeeping operations, uniformed personnel (including a breakdown of type), civilian personnel and UN volunteers, as well as figures regarding fatalities and the financial aspects of operations. The data can also be sorted and accessed by Operation. Details of T/PCCs can be found on the site,<sup>284</sup> and the breakdown of personnel by gender is available online as well.<sup>285</sup> The Conduct and Discipline Unit (CDU) website also makes data related to conduct available. There are some gaps in the data and its disaggregation however, in particular on the CDU website, and neither platform makes the data easily searchable, thus complicating tracking.

There are exceptions. Staff that are participating in Peacekeeping Operations as Temporary Duty Assignments are considered as on official travel, and so it is difficult to have complete data for them. The UN Board of Auditors identified that the Secretariat did not therefore have complete information on staff working under such temporary duty assignments and the associated costs. Work has been done to analyse temporary duty assignments at missions in East and Central Africa, though beyond this, the data is missing.<sup>286</sup>

### 38. Are pay rates and allowances for civilian, military and other personnel working in peace/military operations (HQ and operations) openly published?

Good practice: Pay rates for all civilian and military personnel are openly published and publicly accessible, disaggregated by rank. Allowances for all civilian and military personnel are openly published, including criteria for eligibility and calculation methods.

#### Summary

Pay scales for UN staff at HQ and operations are openly published and accessible. Peacekeeping soldiers are paid by their own governments according to national rank and salary scales. Countries are reimbursed at a set rate, approved by the General Assembly.

Pay scales for UN staff at HQ and on operations are openly available online.<sup>287</sup> According to the website, in terms of the professional and higher categories,

<sup>283</sup> "Data", United Nations Peacekeeping, <https://peacekeeping.un.org/en/data-0>.

<sup>284</sup> "Troop and Police Contributors", United Nations Peacekeeping, <https://peacekeeping.un.org/en/troop-and-police-contributors>.

<sup>285</sup> "Gender", United Nations Peacekeeping, <https://peacekeeping.un.org/en/gender>.

<sup>286</sup> United Nations Board of Auditors, "Report of the Board of Auditors Volume II", A/71/5 (Vol. II), p.16.

<sup>287</sup> "Salaries & Post Adjustment", United Nations Salaries, Allowances, Benefits, and Job Classification, [http://www.un.org/depts/OHRM/salaries\\_allowances/salary.htm](http://www.un.org/depts/OHRM/salaries_allowances/salary.htm).

The level of salaries for Professional staff is determined on the basis of the Noblemaire Principle which states that the international civil service should be able to recruit staff from its Member States, including the highest-paid. Therefore, the salaries of Professional staff are set by reference to the highest-paying national civil service. The federal civil service of the United States of America has to date been taken as the highest paid national civil service.<sup>288</sup>

It goes on to describe the categories for salary scales, based on five professional grades (P-1 to P-5), director levels (D-1 and D-2) and the levels of Assistant and Under-Secretary-General. It also sets out the field service category, which has a similar salary structure to that for professional staff, and the general service and related categories, which are paid on a local basis in accordance with the 'Flemming Principle' that local salaries should be in line with the best prevailing conditions for similar work.

The salaries of peacekeeping soldiers and police are paid by their own governments according to their national salary scales and any special national arrangements for those participating in UN operations. Countries are reimbursed by the UN on a per soldier/per month universal rate set according to the reimbursement framework for T/PCCs. As of 2018, reimbursement to the T/PCC was set at US\$1428 per person per month. This figure is paid to the government, not directly to the troops serving in peacekeeping operations (meaning that in some instances T/PCCs make a financial gain through peacekeeping, whereas others make a loss).

Member States are reimbursed for providing equipment, personnel and support services to military or police contingents through the Contingent-Owned Equipment (COE) system and relevant MoU. (See Procurement section for more on COE).

### 39. Do personnel receive the correct pay on time, and is the system of payment well established, routine and published?

**Good practice: Personnel receive pay on time. Personnel receive the correct pay. The payment and allowances system is openly published. It includes all of the following, at a minimum:**

- Pay brackets for all ranks, disaggregated by seniority.
- Details on how individual pay is calculated, including time starting in post / away from post
- A list of all permitted allowances and expenses, the entitlement criteria, and caps on entitlement
- Separated administrative, unit and audit responsibilities.

#### Summary

**Peacekeeping soldiers are paid by their own governments according to national rank and salary scales. Therefore, the system of payment, including timing and accuracy, is dependent on the national system in question and not uniform across all T/PCCs. Overall, the system of payment for UN personnel is well-established and uniformly applied. Details of salaries, allowances and benefits are set out on the HR Portal website.<sup>289</sup>**

The majority of UN payroll is run globally by DM, with DFS executing payroll functions for peace operations. According to interviews with UN officials, this system is administered with little problem. One interviewee noted that where problems have arisen in the past, these were in an operational setting, and if needed the UN would hire a local payroll company, or sometimes UNOPS, to administer these services.<sup>290</sup> Since January 2019, these duties appear to be carried out by DMSPC, with support from DOS for peace operations.

<sup>288</sup> Though UN salaries and benefits exceed those received by the UN civil service; see Communication (39) with Academic and Policy Expert, October 2018.

<sup>289</sup> HR Portal, <http://hr.un.org>.

<sup>290</sup> Interview (12) with UN Official, March 2018.

The payment of troops is the responsibility of T/PCCs and varies from country to country. An example was given by an interviewee who worked on UN missions: "While the T/PCC receives US\$1,410 (US\$1428 from July 2018) per peacekeeper, the amount that the individual actually receives may be much lower than this, even as low as US\$200 dollars. Peacekeepers I spoke to from one T/PCC were happy with the amount they received, whilst others were a lot less happy."<sup>291</sup>

One area of possible risk concerns managing data around attendance and absenteeism. There is a reported challenge with managing data and a limited ability to cross-check, which can result in discrepancies, for example between instances of absenteeism and the continued payment of field-specific allowances. Two interviewees within the UN noted that the introduction of the Umoja IT system saw a reported 30 per cent increase in attendance, which has led to the identification of data-input loopholes through audit/enterprise risk processes.<sup>292</sup>

## 40. Is there an established, independent and objective appointment system for the selection of personnel (troops, police, civilian) at middle and top management level?

**Good practice: The system for appointment of mission personnel at middle and top management levels applies objective job descriptions and standardised assessment processes. Appointments are subject to external scrutiny for high profile positions, which includes both process audits and a sample of individual promotions. Member States scrutinise decisions for very high-level appointments. The system for appointment of military personnel at middle and top management levels applies objective job descriptions and standardised assessment processes. Promotion boards are open and representatives from other departments are invited and regularly sit on the board.**

### Summary

**There are clear systems and criteria for appointments at all levels of the UN, but evidence that enforcement of HR processes is weakened by bureaucracy and opacity. The SG has responsibility for the appointment of the most senior positions within peace/military operations. The most senior positions are considered sensitive and are subject to political considerations and 'ownership' by certain countries. T/PCCs retain discretion as to the appointment of personnel within their own contingents.**

Regulations concerning civilian UN appointments and promotions are set out in Article IV of the Staff Regulations and Rules of the United Nations, Secretary-General's bulletin 30 December 2016.<sup>293</sup> The regulations set out the provision of Senior and Central review bodies to provide advice on recommendations for the selection of staff in the Senior, Professional, Field Service (including peacekeeping), and General Service categories. Recruitment and promotion processes set out in the policy include competitive examinations.<sup>294</sup> These regulations set out the processes by which salaries are established and increments are awarded based on satisfactory performance.<sup>295</sup>

Concerns over HR corruption risks remain, as (despite the reform of field support) those responsible for hiring retain significant discretion as to who they appoint, and there is at times an overwhelming number of applicants from which to select. Interviewees from a permanent mission claimed that these factors can shape appointments.<sup>296</sup> Recent research by the International Peace Institute suggests that "HR processes remain opaque, lengthy, and largely inefficient", particularly recruitment.<sup>297</sup> One interviewee said: "In one case, someone started working with us, and his job advertisement was posted online a week later. On paper, the processes look rigorous, but in practice, if you want to get someone in particular in, you can usually find a way to do so."<sup>298</sup>

<sup>291</sup> Interview (38) with Former UN Mission staff member, July 2018.

<sup>292</sup> Interview (1) with two UN Officials, March 2018.

<sup>293</sup> "Staff Regulations and Rules of the United Nations", Secretary-General's bulletin, ST/SGB/2017/1, 30 December 2016.

<sup>294</sup> *Ibid.*, pp. 38-43.

<sup>295</sup> *Ibid.*, see Annex 1, pp.97-100.

<sup>296</sup> Interview (10) with two Permanent Mission Officials, March 2018

<sup>297</sup> Namie Di Razza, "People before Process: Humanizing the HR System for UN Peace Operations," *International Peace Institute*, 3 October 2017, p. 10.

<sup>298</sup> Interview (38) with Former UN Mission staff member, July 2018.

For many senior positions, the nationality of an appointee plays a role (see question 36). For example, in recent years DPA, DPKO and OCHA were run by US, French and UK nominees respectively.<sup>299</sup> One interviewee noted an increase in appointments subject to Member State lobbying to include posts at Director (grade D) and even down to P4 and P5 level.<sup>300</sup>

The recruitment of peacekeeping troops remains the responsibility of the contributing country. One interviewee – the military advisor to a large T/PCC<sup>301</sup> – set out an example of the process of recruitment, stating that units were selected very carefully about one year in advance of deployment.

## 41. Are personnel within the organisation promoted through an objective, meritocratic process?

**Good practice: Personnel promotions are conducted through formal appraisal processes and promotions boards for all personnel. Promotions to senior ranks are open to scrutiny by Member States. Service members from separate departments sit on the boards as independent observers. Details of postings and promotions are published regularly (normally at least annually) within the system, and in advance of their effective date. Name, rank, new post and effective date are publicly declared at least one month ahead for all senior level positions.**

### Summary

**There are clear publicly available regulations for the appointment and promotion of staff within the UN (with the exception of national appointments within T/PCC contingents). As with appointments discussed in questions 42 and 38, the SG has responsibility for appointing the most senior roles within a peacekeeping operation (SRSG, Force Commander etc.). There are clear and objective processes set out to govern all other promotions, though there are concerns that the number of appointments subject to Member State lobbying has increased.<sup>302</sup>**

Regulations concerning appointments and promotions are set out in Article IV of the Staff Regulations and Rules of the United Nations.<sup>303</sup> The regulations set out the provision of Senior and Central review bodies to provide advice on recommendations for the selection of staff in the Senior, Professional, Field Service (including peacekeeping), and General Service categories. Recruitment and promotion processes set out in the policy include competitive examinations.<sup>304</sup> These regulations set out the processes by which salaries are established and increments are awarded based on satisfactory performance.<sup>305</sup> The SG has recently paused the UN staff Mobility Framework in the context of the ongoing Management Reform in order to review its benefits and challenges.<sup>306</sup>

Whilst this policy is clear in its intentions, it is well known that for the most senior jobs within the UN system, geography and nationality can play a role, and there remains a significant gender imbalance (see questions 36 and 40 above).

On specific questions of promotion and performance management within peacekeeping operations, members of different departments spoke well of recently introduced performance indicators.<sup>307</sup> At the same time, a military commentator identified a need for improvement in personal evaluations which were not delivering an accurate reflection of the personnel in question.<sup>308</sup>

Interviewees also reflected that the sheer number of applicants for externally advertised roles can lead to a subjective

<sup>299</sup> Thant Myint-U, "The Next Secretary-General, Secretariat Reform and the Vexed Question of Senior Appointments", *New York University Centre on International Cooperation* (2016).

<sup>300</sup> Interview (31) with Academic expert, May 2018. For salary scales, see "Salaries & Post Adjustment", United Nations Salaries, Allowances, Benefits and Job Classification, [http://www.un.org/depts/OHRM/salaries\\_allowances/salary.htm](http://www.un.org/depts/OHRM/salaries_allowances/salary.htm).

<sup>301</sup> Interview (18) with T/PCC Military Advisor, April 2018.

<sup>302</sup> Interview (31) with Academic/Expert, May 2018.

<sup>303</sup> "Staff Regulations and Rules of the United Nations", Secretary-General's bulletin, ST/SGB/2017/1, 30 December 2016.

<sup>304</sup> *Ibid.*, pp. 38-43.

<sup>305</sup> *Ibid.*, see Annex 1, pp.97-100.

<sup>306</sup> "Staff Selection and Managed Mobility Framework", HR Portal, <https://hr.un.org/page/mobility>.

<sup>307</sup> Interview (5) with two UN Officials, March 2018.

<sup>308</sup> Interview (14) with UN Official, April 2018.

sifting based on a variety of non-objective factors.<sup>309</sup> Recent research points to a largely inefficient HR system across the UN, with an “organisational culture based on a narrow vision of the staff profiles needed for peace operations, the sacred principle of competitiveness and a lack of accountability when it comes to performance”.<sup>310</sup>

## 42. Are the processes by which T/PCCs are engaged clear, transparent, and based on a clear assessment of needs and requirements?

**Good practice: Processes by which T/PCCs are engaged are clear and transparent. Publicly accessible and detailed needs and requirements assessments inform and drive the selection and engagement of T/PCCs..**

### Summary

**T/PCCs are engaged following the adoption of a mandate for a peacekeeping operation by the Security Council. The process of engagement is a negotiation between what T/PCCs have available, their willingness to deploy to the location and the requirements of the operation as DPKO takes on the implementation process. Detailed needs and requirements assessments are not publicly available.**

The development of the mandate for a peacekeeping operation and the passing of the relevant resolution by the Security Council does not formally reflect or consider troop contributing countries (T/PCCs), nor does it take a view on detailed operational needs and requirements from a military perspective. The adoption of a mandate is a diplomatic negotiation, and engagement with T/PCCs follows this process. In general, though not exclusively, the Security Council members are not the same Member States that make up the bulk of the T/PCCs. Of the five permanent members (P5), the US and Russia do not contribute troops, though they do supply a limited number of police and civilian experts. The UK has historically contributed a low number of troops, which stood at 532 troops out of 561 personnel as of March 2019<sup>311</sup> (although the number of specialist contributions by the UK is now rising), and France has also consistently contributed as a low/mid-level T/PCC. Potentially significant is the increase in China’s contribution to peacekeeping operations – it has become the largest P5 contributor with 2,419 troops out of a total of 2,512 personnel, and is one of the top ten T/PCCs.<sup>312</sup> The historic divide between T/PCCs and members of the Security Council creates tensions and frustration on both sides – the T/PCCs feeling that they are not given enough information and input into shaping mandates (what is realistic and achievable, what is expected, what are the risks troops will face), and the Security Council frustrated at a perceived ‘lack of engagement’.<sup>313</sup>

One of the contextual issues out of which the Cruz report<sup>314</sup> emerged is the increasing uptake of assertive peacekeeping mandates by the Security Council, though without clear unified political engagement from the Council and clarity in crafting mandates with clear and achievable goals and the resources to match. This reflects the changing face of peacekeeping operations, where tasks, processes and mandates have developed and evolved beyond recognition over the last 70 years. With the exception of long-standing ‘legacy’ missions deployed under Chapter VI, UN peacekeepers are rarely deployed to monitor ceasefires or peace agreements between two clearly defined opponents. Instead, they are engaged in complex and undefined ongoing situations of violent insecurity without clear exit strategies.<sup>315</sup> This raises the very relevant question of potential for overstretch, particularly where peacekeeping missions are increasingly engaging in situations where there is very little, if any, peace to keep, and they can very quickly find themselves as protagonists in a conflict, neither seen as neutral nor impartial, and therefore subject to attack by one or more armed actors.<sup>316</sup>

One interviewee, commenting from a military perspective, noted that the relatively small number of military staff engaged

<sup>309</sup> Interview (10) with two Permanent Mission Officials.

<sup>310</sup> Namie Di Razza, “People before Process: Humanizing the HR System for UN Peace Operations,” *International Peace Institute*, 3 October 2017, p. 10.

<sup>311</sup> “Troop and Police Contributors”, United Nations Peacekeeping, <https://peacekeeping.un.org/en/troop-and-police-contributors>.

<sup>312</sup> “China”, United Nations Peacekeeping, <https://peacekeeping.un.org/en/china>; Michael Kovrig, “China Expands Its Peace and Security Footprint in Africa”, *International Crisis Group*, 24 October 2018, <https://www.crisisgroup.org/asia/north-east-asia/china/china-expands-its-peace-and-security-footprint-africa>.

<sup>313</sup> Interview (4) with former UN official, March 2018.

<sup>314</sup> Carlos Alberto dos Santos Cruz, “Improving Security of United Nations Peacekeepers: We need to change the way we are doing business”, (“The Cruz Report”), 19 December 2017.

<sup>315</sup> Louise Arbour “Doctrines Derailed?: Internationalism’s Uncertain Future”, *International Crisis Group*, 25 October 2013, <https://www.crisisgroup.org/global/doctrines-derailed-internationalism-s-uncertain-future>.

<sup>316</sup> John Karlsrud, *The UN at War: Peace Operations in a New Era*, (New York: Palgrave MacMillan, 2017) pp. 162-163.

at the UN Secretariat can lead to limited capacity to match troops to tasks. This could increase the risk that operations are developed that are not in line with the capacity of T/PCCs, what they are willing to offer and the availability of equipment.<sup>317</sup>

A further element to consider concerning the availability of troops to fulfil peacekeeping missions is that of ‘market forces’. UN and non-UN interviewees described the prevailing situation as more of a ‘seller’s market’, using this to explain difficulties in ensuring troop quality and performance. Others suggested that with the recent involvement of Canadian and French troops, alongside the drawdown on missions in Darfur, Haiti and Liberia, there is a shift towards a ‘buyer’s market’.<sup>318</sup> However, even with potential increased troop availability, many T/PCCs place restrictions on the roles and degree to which their troops can be in harm’s way. Recent developments (including SCR2436) have increased the demand and political cover for DPKO to insist on standards, and for T/PCCs to respond to these standards.<sup>319</sup>

The Security Council’s Working Group on Peacekeeping Operations<sup>320</sup> has made some progress in increasing cooperation to improve relations between T/PCCs and the Security Council, though the group is limited to reporting on general issues and not specific challenges. Mission assessments vary in focus and can be helpful in developing mandate options, and then in operationalising an agreed mandate. Yet there is scope for these assessments to be carried out and shared in a more strategic and transparent manner (see question 11).

### 43. Are chains of command separate from chains of payment within the organisation’s peace/military operations personnel? And does the organisation ensure that funds provided to T/PCCs are distributed to troops effectively and separately from their command chains?

**Good practice: Chains of command are strictly separated from chains of payment throughout the organisation’s peace/military operations. The organisation sets clear conditions for funds provided to T/PCCs, requiring that payment is distributed to troops separately from their chains of command.**

#### Summary

**The chain of command within peacekeeping operations has differing control and command elements that can lead to ambiguity that reflects the challenges of the UN – T/PCC relationship in the mission context. Chains of command within a peacekeeping operation are separate from chains of payment. The UN reimburses T/PCCs in line with General Assembly-agreed rates, and the T/PCC pays its personnel according to its own national salary scale.**

Countries are reimbursed based on a uniform reimbursement framework, currently set at US\$1428 per person per month.<sup>321</sup> Peacekeeping soldiers are paid by their own governments according to national rank and salary scales. However, there is evidence that some T/PCCs fail to appropriately remunerate their troops, which may indicate corruption in the payment chain (see question 38 for more information).

Peacekeeping personnel and units are under the operational control of the UN and report to the UN Secretary-General. At the same time, the chain of command/chain of authority in effect flows from the UN Security Council to the UN Secretariat, to the Force Commander, to contingent commanders, and then to individual troops, with each link in the chain effectively wielding a veto over robust action. These ‘national caveats’ can be both real/general and ‘hidden’. In either case the Force Commander may not become aware of the limitations on how troops will act until on the ground in the midst of a crisis situation.<sup>322</sup> In the case of MONUSCO, for example, troops from several contributing governments are under strict instructions not to put themselves at risk. This means that the leadership of the mission are unsure

<sup>317</sup> Interview (16) with Permanent Mission Official, April 2018.

<sup>318</sup> Interview (19) with T/PCC Official, April 2018.

<sup>319</sup> Communication (39) with Academic and Policy Expert, October 2018; Communication (34) with Civil Society actor, September 2018.

<sup>320</sup> Working Group on Peacekeeping Operations, [www.un.org/sc/suborg/en/subsidiary/wgpk](http://www.un.org/sc/suborg/en/subsidiary/wgpk).

<sup>321</sup> “How We Are Funded”, United Nations Peacekeeping, <https://peacekeeping.un.org/en/how-we-are-funded>.

<sup>322</sup> Alexandra Novosseloff, “No Caveats Please?: Breaking a Myth in UN Peace Operations”, *Global Peace Operations Review*, 12 September 2016, <https://peaceoperationsreview.org/thematic-essays/no-caveats-please-breaking-a-myth-in-un-peace-operations>.

whether they will engage in combat, or defend territory, which can see much of the work of the operation undone.<sup>323</sup> In extending MONUSCO through Resolution 2409, the Security Council highlighted the need to declare all such caveats lest they negatively impact mandate implementation.<sup>324</sup>

As the 'Capstone Doctrine'<sup>325</sup> states, national contingents are placed under the operational control of the UN Force Commander, though are not under UN command. Orders and instructions of the Force Commander must be transmitted to the contingent through the national contingent commander, as appointed by the T/PCC state. However, these troops, once assigned under UN operational control, "should not act on national direction, particularly if those actions might adversely affect implementation of the mission mandate or run contrary to United Nations policies applicable to the mission. Member States may withdraw their contributed personnel from the mission through advice to United Nations Headquarters."<sup>326</sup> The ambiguity of this system has real and realised risks of confusion and inaction as T/PCCs essentially retain a veto over their troops' action, while simultaneously apparently placing them under UN command (though note that variants of this exist in most international military operations).

### 44. Is there a code of conduct for all military/peacekeeping personnel that includes, but is not limited to, guidance with respect to bribery, gifts and hospitality, conflicts of interest, and post-separation activities? Is there evidence that breaches of the code of conduct are effectively addressed?

**Good practice:** The organisation has a code of conduct for all military/peacekeeping personnel, which comprehensively explains bribery, gifts and hospitality, conflicts of interest, and post-separation activities. It provides specific guidance on how to proceed in the face of these events. The code of conduct is available to the public and effectively distributed to all personnel. Guidance on the code of conduct is included in induction training. Breaches of the code are effectively addressed based on the code.

#### Summary

**The UN Standards of Conduct apply to all personnel deployed in UN missions at all times, but there are concerns about implementation and enforcement.**

The Standards of Conduct are based on three key principles:

1. Highest standards of efficiency, competence and integrity
2. Zero tolerance policy on sexual exploitation and abuse
3. Accountability of those in command and/or leadership who fail to enforce the standards of conduct.<sup>327</sup>

Documents incorporating the UN Standards of Conduct are accessible online and include:

- UN Charter
- Policy on Accountability for Conduct and Discipline in Field Missions
- UN Staff Regulations and Rules, regulations applicable for all UN staff – includes regulations relating to bribery, gifts, hospitality, conflicts of interest etc.
- UN Financial Rules and Regulations
- Revised draft model Memorandum of Understanding between the UN and Troop contributing countries, incorporating the annex 'We are the UN Peacekeeping Personnel'

<sup>323</sup> Peter Fabricius, "Is the Force Intervention Brigade still justifying its existence?", *Institute for Security Studies*, 22 June 2017, <https://issafrica.org/iss-today/is-the-force-intervention-brigade-still-justifying-its-existence>.

<sup>324</sup> United Nations Security Council Resolution 2409, S/RES/2409, 27 March 2018, paras. 51 and 59, <http://unscr.com/en/resolutions/doc/2409>.

<sup>325</sup> "United Nations Peacekeeping Operations Principles and Guidelines" ("The Capstone Doctrine"), Department of Peacekeeping Operations, 2008, <https://www.un.org/ruleoflaw/blog/document/united-nations-peacekeeping-operations-principles-and-guidelines-the-capstone-doctrine/>.

<sup>326</sup> *Ibid*, pp.68-69.

<sup>327</sup> "Overview", Conduct in UN Field Missions, <https://conduct.unmissions.org/standards-overview>.

- Directives for disciplinary matters involving Civilian Police Officers and Military Observers
- Ten Rules/Code of Personal Conduct for Blue Helmets.<sup>328</sup>

Beyond the specifics of peacekeeping operations and Special Political Missions, the Staff Regulations and Rules of the United Nations set out regulations applicable for all UN staff, including regulations relating to bribery, gifts, hospitality and conflicts of interest.<sup>329</sup>

The command and control structure within UN Peacekeeping Missions, whereby soldiers are under the operational control of the UN yet remain under the command of their national contingent, can contribute to a lack of clarity regarding conduct and its consequences. Different militaries have different operating procedures, and whilst they operate under the UN Force Commander, T/PCCs retain the authority to withdraw troops and in effect veto action they deem unacceptable through national caveats (see question 43). This can cause some confusion in addressing breaches of the Code of Conduct as the reporting, accountability and disciplinary lines can differ within each Member State and may lead to contradictory responses. Essentially, the UN lacks jurisdiction when it comes to the behaviour of Member States' troops within peacekeeping operations, for example regarding the enforcement of UN standards on sexual abuse and exploitation.

Given this, DPKO, and now DPO, have requested that each T/PCC provide the legal framework applicable to its contingent when deployed to a UN Mission in order to increase transparency around the handling of misconduct.<sup>330</sup> This request has been answered by close to 60 countries, though many more have not responded.

Breaches of the Code as identified by CDTs (see question 34) can be subject to T/PCC, field missions or OIOS investigations. Within the mission context, serious allegations could result in withdrawal of the personnel concerned or, in extremis, their contingent, for example the dismissal of the SRSG in CAR<sup>331</sup> and the Force Commander in South Sudan (subject to much controversy).<sup>332</sup> However, one former UN official with experience in a mission environment stated: "I've witnessed misconduct – and that was rarely followed up – so I can't imagine corruption being taken up."<sup>333</sup> There are concerns raised by a number of civil society organisations that perpetrators of such activities are too rarely held to account, leading to a sense of impunity.<sup>334</sup> This raises questions as to the effectiveness of OIOS as an independent investigative mechanism and an institutional culture that does not encourage whistleblowing.<sup>335</sup>

## 45. Does regular anti-corruption training take place for military and civilian peacekeeping personnel? At both operational and headquarters level?

**Good practice: Anti-corruption training addresses the connection between corruption and the following topics: organisational values and standards, impact of the organisation, military effectiveness, identification and reporting of corruption, and risk management. Anti-corruption training is delivered upon induction, once a year and upon entry to high-risk positions and environments, and once a year for high-risk personnel. It is also woven into promotion courses at all levels.**

### Summary

**The UN Standards of Conduct apply to all personnel deployed in UN missions at all times, but there are concerns about implementation and enforcement.**

<sup>328</sup> "Documents", Conduct in UN Field Missions, <https://conduct.unmissions.org/documents-standards>.

<sup>329</sup> "Staff Regulations and Rules of the United Nations", Secretary-General's bulletin, ST/SGB/2017/1, 30 December 2016.

<sup>330</sup> See "Standards of Conduct", United Nations Peacekeeping, <https://peacekeeping.un.org/en/standards-of-conduct>.

<sup>331</sup> "UN's CAR envoy Gaye sacked over peacekeeper abuse claims", *BBC News*, 12 August 2015, <https://www.bbc.co.uk/news/world-africa-33890664>.

<sup>332</sup> Ben Quinn, "South Sudan peacekeeping commander sacked over 'serious shortcomings'", *The Guardian*, 2 November 2016, <https://www.theguardian.com/global-development/2016/nov/02/south-sudan-peacekeeping-chief-sacked-alarm-serious-shortcomings-ondieki>. Questions have been raised about the context and motivation for this dismissal: see for example, Lauren Spink, "Accountability for Peacekeeping Failures Must Be Shared by the UN in New York", *Global Peace Operations Review*, 8 December 2016, <https://peaceoperationsreview.org/commentary/accountability-for-peacekeeping-failures-must-be-shared-by-the-un-in-new-york/>.

<sup>333</sup> Interview with former UN official with experience in headquarters and field level.

<sup>334</sup> Marco Odello & Róisín Burke (2016) "Between immunity and impunity: peacekeeping and sexual abuses and violence", *The International Journal of Human Rights*, 20:6, 839-853, <https://www.tandfonline.com/doi/abs/10.1080/13642987.2016.1176810?journalCode=fjhr20>.

<sup>335</sup> See Code Blue, [www.codebluecampaign.com](http://www.codebluecampaign.com).

On training in anti-corruption issues, pre-deployment training follows strict Department of Policy, Evaluation and Training (DPET) guidelines and includes important sections on Conduct and Discipline and Ethics. Ethics and compliance issues were the subject of the latest Secretary-General's Dialogue, a mandatory series of 'guided conversations' with staff that were cascaded down throughout the organisation, which managers at all levels were required to certify they had undertaken.

Core Pre-deployment Training (revised in 2017) includes an Ethics and Conduct and Discipline module, and other anti-corruption and governance issues may be covered in the mandate-specific part of pre-deployment training. Corruption is not, however, specifically covered.

The time taken for pre-deployment training is around three to six months, dependent on the T/PCC. One concern is that because T/PCCs are responsible for training and self-certifying, the effectiveness of such training is dependent on the approach to corruption within the norms and institutional culture of the T/PCC. Another concern is the sheer breadth and complexity of subjects that make up the two-week pre-deployment core training materials – 21 in the example of UNAMID, Darfur. Not only are the subjects complex, but the training is also expected to completely transform the behaviour of troops trained for warfighting in order to equip them for the peacekeeping context.<sup>336</sup>

## **46. Is there a policy to make public outcomes of the investigation/ disciplinary action of military/peacekeeping personnel (operational and at HQ) for corrupt activities, and is there evidence of effective investigations/disciplinary action in recent years?**

**Good practice: There is a formal policy of the organisation to make outcomes of investigations publicly available. Cases are investigated through formal processes and without political influence.**

### **Summary**

**Investigations into the possible corrupt activities of military/peacekeeping personnel by OIOS and the activities of Boards of Inquiry are generally not made public, particularly when they investigate the conduct of individuals. Where reports and investigations identify trends, or examine areas of possible corruption risk, for example the OIOS Inspection and Evaluation report into re-hatting in the UN missions in Mali and the Central African Republic, they are published and available online.**

The UN Dispute Tribunal, which "hears and decides cases filed by or on behalf of current and former staff members appealing administrative decisions alleged to be in non-compliance with their terms of appointment or contract of employment,"<sup>337</sup> makes its judgements available to be viewed in English, and occasionally other UN languages.<sup>338</sup> Its oral hearings are public unless the judge decides otherwise.

Whilst T/PCCs speak of their approach to discipline meaning those found guilty are sent home and punished, no evidence was found to suggest the UN proactively identifies and share these outcomes. One T/PCC representative stated that its own Defence Ministry would carry out investigations into specific allegations, and the subsequent report would be made available to the UN.<sup>339</sup>

Some investigations have been made publicly available on WikiLeaks.<sup>340</sup>

<sup>336</sup> Anne Flaspöler, "Peacekeeping Training: Torn Between Complexity and Time", *United Nations University*, 13 March 2017, <https://www.merit.unu.edu/peacekeeping-training-torn-between-complexity-and-time/>.

<sup>337</sup> See "System Chart", UN Internal Justice System, <https://www.un.org/en/internaljustice/overview/system-chart.shtml>.

<sup>338</sup> See "UN Dispute Tribunal Judgements and Orders", United Nations Dispute Tribunal, <https://www.un.org/en/internaljustice/undt/judgments-orders.shtml>.

<sup>339</sup> Interview (19) with T/PCCTCC Official.

<sup>340</sup> "United Nations confidential reports", WikiLeaks, 14 January 2008, [https://wikileaks.org/wiki/United\\_Nations\\_confidential\\_reports](https://wikileaks.org/wiki/United_Nations_confidential_reports).

## 47. Are there effective measures in place to discourage facilitation payments (which are illegal in almost all countries)?

Good practice: Facilitation payments are strictly and clearly prohibited. Cases are investigated or prosecuted through formal processes. There is little substantive concern expressed from independent commentators over undue political influence. Facilitation payments are rare.

### Summary

The United Nations Convention Against Corruption prohibits facilitation payments, which it calls bribes. There is clear guidance and regulations for all UN staff and for uniformed personnel in peacekeeping missions. UN staff are subject to the Staff Regulations and Rules of the United Nations<sup>341</sup> which are applicable to all UN staff and include regulations relating to bribery, gifts, hospitality and conflicts of interest. However, anecdotal evidence suggests that facilitation payments occur despite these regulations being in place.

The Code of Conduct for 'blue helmets'<sup>342</sup> includes rules on caring and accounting for UN funds, not soliciting or accepting material reward, honour or gift, and respecting the law of the land of the host country. If CDTs identify possible facilitation payments in the context of peacekeeping operations, investigations by OIOS can be launched, leading to possible disciplinary action, dismissal and/or repatriation.<sup>343</sup>

Anecdotally, one UN Official referred to the issue of paying bribes to militias in order to allow UN patrols to pass safely as having been live for many years and currently acute in South Sudan. This was justified as a necessary step for peacekeepers to more effectively carry out their duty.<sup>344</sup> Another former UN official said that corruption was sometimes seen as "a way that things get done" in extremely difficult environments, and that due to a shortage of staff, misconduct seen as minor tended to be ignored.<sup>345</sup>

<sup>341</sup> "Staff Regulations and Rules of the United Nations", Secretary-General's bulletin, ST/SGB/2017/1, 30 December 2016.

<sup>342</sup> "Documents", Conduct in UN Field Missions, <https://conduct.unmissions.org/documents-standards>.

<sup>343</sup> "Activities of the Office of Internal Oversight Services on peace operations for the period from 1 January to 31 December 2016", United Nations General Assembly, Report of the Office of Internal Oversight Services, A/71/337(part II), 21 February 2017, <https://oios.un.org/resources/2017/03/6kWHtHm9.pdf>.

<sup>344</sup> Interview (14) with UN Official, April 2018. See also, Colum Lynch, "South Sudan's Attacks on U.N. Could Imperil Future Peacekeeping", *Foreign Policy*, 10 October 2016, <https://foreignpolicy.com/2016/10/10/south-sudans-attacks-on-u-n-could-imperil-future-peacekeeping/>.

<sup>345</sup> Interview with former UN official with experience in headquarters and field level.

# **OPERATIONAL RISKS**

## 48. Does organisational doctrine address corruption as a strategic issue on peacekeeping/military operations?

**Good practice:** There is doctrine in place that addresses corruption as a strategic issue on operations. The doctrine addresses corruption issues for peace and conflict operations at strategic, operational and tactical levels. The doctrine recognises that international actors can contribute to increasing corruption risks and offers guidance on mitigating these risks. Issues addressed by the doctrine include support for political actors, contracting, interaction with local population, partnering with local forces, and security sector reform in operational contexts. The doctrine also details the practicalities of implementation. It is made publicly available.

### Summary

**Corruption is not currently addressed as a strategic issue on peacekeeping/military operations. Concern regarding corruption issues relates primarily to reputational risk, perceptions of the mission, and the impact corruption may have on the mission's ability to meet its mandate commitments. There are sometimes constraints due to the need to maintain a positive relationship with the host nation.**

DPKO approached corruption issues individually, as part of other considerations across the processes involved in planning and implementing a mandate, arguing that corruption risks need not be considered under a standalone 'corruption' heading as part of mission analysis, mandate planning and training; a similar approach is likely to be adopted by the newly formed DPO.<sup>346</sup> For example, corruption-related issues would be covered in the conflict analysis undertaken by the Secretariat before a mandate is approved; this function would filter down to the field afterwards. Core Pre-deployment Training (revised in 2017) includes Ethics, and Conduct and Discipline modules. And, while corruption is not covered specifically, UN interviewees argued that relevant issues would be covered in the mandate-specific part of the Pre-deployment Training. Similarly, from a military perspective, considerable effort has been put into issues such as SEA and human rights.<sup>347</sup> However, there was agreement from interviewees across the various bodies related to UN Peacekeeping that corruption risks were not addressed strategically at the beginning of an operation and weren't part of the "management consciousness".<sup>348</sup>

The move towards a more integrated UN Enterprise Risk Management (ERM) system since 2010 has increased the consideration of risk across peacekeeping planning and operations.<sup>349</sup> A Secretariat-wide Fraud and Corruption Risk Register was developed in 2018 with input from DFS and missions.<sup>350</sup> Across the Secretariat there has been broad engagement with fraud and anti-corruption issues as part of the Anti-Fraud and Anti-Corruption Framework, developed to follow the best practice set out by the Institute of Internal Auditors (IIA). Around this process ethics and compliance issues were the subject of the latest Secretary-General's Dialogue,<sup>351</sup> a mandatory series of guided conversations with staff throughout the organisation. Similarly, an ethics dialogue looked at the topic of fraud and corruption.<sup>352</sup>

One concern, given the T/PCC responsibility for training and self-certification of blue helmets, is that the effectiveness of such training can be dependent on the institutional culture and norms within a T/PCC. Some civil society actors argue that the reliance on training misunderstands the corruption and SEA issues at hand.<sup>353</sup> The two-week training on core materials is inadequate to create the correct mindset and expectations for military personnel to approach peacekeeping tasks, such as the protection of civilians and issues of corruption and accountability, particularly given the high-risk environments in which the UN operates.

Within T/PCCs, previous TI research notes that none of the 25 highest contributing T/PCCs have any military doctrine that addresses corruption as a strategic threat to operations:

<sup>346</sup> Interview (13) with two UN Officials, April 2018.

<sup>347</sup> For details of training, see "Peacekeeping Training", United Nations Peacekeeping Resource Hub, <http://research.un.org/en/peacekeeping-community/training>.

<sup>348</sup> Interview (1) with two UN Officials, March 2018, Interview (4) with Former UN Official, March 2018, and Interview (5) with two UN Officials, March 2018.

<sup>349</sup> Interview (1) with two UN Officials, March 2018.

<sup>350</sup> Communication (40) with UN Officials, October 2018.

<sup>351</sup> The fourth Leadership Dialogue launched by the Executive Office of the Secretary-General and the Ethics Office, on the topic "Fraud awareness and prevention: how do I fit in?" was mandatory for all staff members at all levels, approximately 27,784 personnel participated in the exercise; Communication (2018) with UN Department of Management Official.

<sup>352</sup> Communication with UN Official (33), September 2018.

<sup>353</sup> Interview (35) with Civil Society actor, June 2018.

Some of the armed forces in these countries have good awareness of the negative effects of corruption in the governance and performance of the armed forces. In Ethiopia, for example, ethics and anti-corruption officers are allocated to each army division, coordinated under the Ethics Directorate of the Ministry of Defence. However, in none of the top 25 T/PCCs is corruption explicitly recognised as a threat to the success of military operations, including UN peacekeeping.<sup>354</sup>

## 49. Do mandates for individual peace/military missions properly reflect governance and corruption challenges in the intervention context?

**Good practice: Mandates for interventions reflect corruption as a strategic issue specific to the local context. Where relevant, they address corruption in the host nation space, and make accountability and good governance an aim of the mission. Mandates are made publicly available.**

### Summary

**Mandate development processes do not systematically include consideration of corruption risks.<sup>355</sup> Mandates are publicly available, and there has been a push towards more realistic and focused mandates to support implementation.**

UN Security Council Resolutions creating and extending mandates are publicly available. A UN official interviewed observed that while the Security Council has the authority to set the mandate, the UN is increasingly not in the political driving seat regarding many of the issues for which operations are currently mandated, with an increased emphasis on supporting regional and sub-regional organisations' efforts to resolve disputes or to undertake peace enforcement operations.<sup>356</sup> Without a commitment on the part of the political leadership of those organisations to address corruption issues, it would be difficult to get Security Council members to consider corruption issues within mandates. Peacekeeping operations can reflect governance and corruption challenges if these areas are considered in the assessment and planning stages following a UN Security Council Resolution. The question then becomes whether corruption risks/challenges are reflected in the assessment processes and there is no evidence that this is done in practice.

Integrated risk assessments, including the Technical Assessment Missions that can feed into Security Council mandate discussions (via the Secretary-General), could consider corruption risks in terms of their impact on the reputation of UN entities (rather than as a strategic goal per se), though evidence that they do was not found. Strategic Assessments to inform the Secretary-General's engagement in a crisis include conflict analysis, priority objectives, UN strategic options and a risk assessment for each option, though no mention of corruption or related risks is in the guidance.

Though concerned with the implementation of mandates rather than their creation, it is worth noting that the Cruz report and subsequent action plan (and the HIPPO and Brahimi reports before it) recommend a move towards more realistic and focused mandates, better leadership, and improved training and behaviour across missions to improve their effectiveness and capacity to fulfil more active and engaged mandates.<sup>357</sup>

<sup>354</sup> This section is drawn from Transparency International release on Troop and Police Contributing Countries based on the 2015 Government Defence Anti-Corruption Index.

<sup>355</sup> It is important to note that all but Chapter VII operations require the consent of the host nation. Special Political Missions and UN peacekeeping operations have traditionally been carried out under Chapter VI and so require consent. This can have an impact, politically, on what it is possible to include within a mandate. Increasingly the Security Council is invoking Chapter VII in its authorisation of Peacekeeping Operations enabling a proactive engagement in more volatile settings.

<sup>356</sup> Interview (30) with Former Member State Official, May 2018.

<sup>357</sup> Carlos Alberto dos Santos Cruz, "Improving Security of United Nations Peacekeepers: We need to change the way we are doing business", ("The Cruz Report"), 19 December 2017.

## 50. Is there clear and transparent division of responsibility between T/PCCs and the organisation itself in relation to addressing corruption risks on operations?

**Good practice:** There are regulations and/or guidance in place that set out the division of responsibility between troop contributing states and the organisation itself. This guidance includes, for example, which is responsible for the following: training of personnel; sanction and punishment for corrupt behaviour; receiving whistleblower reports; and investigations of corrupt behaviour by troops. These regulations/guidance are made publicly available.

### Summary

**There are generally clear divisions of responsibility between the UN and T/PCCs with regard to peacekeeping operations, but the control and command structure within peacekeeping missions can lead to a lack of clarity regarding responsibility for operational outcomes and responses to corruption. T/PCCs are responsible for training their contingents using standards and, often, materials supplied by the UN. One risk, both in terms of efficacy and corruption, is the self-certification processes used to ensure contingents are properly trained and equipped.**

In the control and command structure within UN Peacekeeping Missions, soldiers are under the operational control of the UN, yet remain under the command of their national contingent. This can make it unclear which is responsible for the investigation, sanctioning and punishment of corrupt behaviour, and receiving whistleblower reports. Differences in the appreciation of, and priority accorded to, corruption risks are exacerbated by the lack of clarity in understanding corruption risks both strategically (see question 50, above), and, in the view of one interviewee, culturally.<sup>358</sup>

As the Capstone Doctrine states, national contingents are under the operational control of the UN Force Commander, though are not under UN command.<sup>359</sup> Orders and instructions of the Force Commander are transmitted to the contingent through the national contingent commander, who is appointed by the T/PCC. The ambiguity of this system can create confusion and even inaction, as T/PCCs essentially retain a veto over their troops' action – 'national caveats' – even though they are under UN command.

In practice, the increasingly crowded environments in which a UN Peacekeeping Operation operates alongside various regional and sub-regional operations, often with different actors pursuing different strategic objectives, can cause responsibilities to become blurred. For example, 're-hatting' processes whereby troop contingents are transferred rapidly into UN Peacekeeping Operations from non-UN missions, as in Mali and CAR, are cases in point. Such processes can raise challenges relating to pre-deployment training, vetting and equipment processes. Also, one interviewee noted that T/PCCs varied considerably in their willingness to take and accept responsibility for the fulfilment of mandates and the management of corruption risks.<sup>360</sup>

In theory there is a clear division of labour for the delivery of training. DOS and DPO (formerly DFS and DPKO) supply training materials to the T/PCCs, who then have the responsibility to deliver that training, and certify that their troops have completed it prior to the mission (though forthcoming research by IPI suggests that in practice training is highly diffused within the UN system and across national and regional training centres and programmes<sup>361</sup>). As well as pre-deployment training, there is induction training to the Operation, provided by the UN upon arrival in the field, mandatory for all peacekeeping personnel, as well as ongoing training provided by the UN during deployment. The Core Pre-Deployment Training Materials (CPTM) state in the member guidance that "Training for military and police contingents is a national responsibility. The United Nations sets mandatory requirements such as the CPTM. The UN depends on Member States to support coherent national and regional pre-deployment training".<sup>362</sup> This division has been clear since a GA Resolution in 1994, in which Member States recognised their responsibility to provide training for their personnel.<sup>363</sup>

<sup>358</sup> Interview (16) with Permanent Mission Official, April 2018. The interviewee argued that cultural differences regarding corruption issues could impact self-certification approaches, in part stemming from the lack of a clear definition of corruption risks in a peacekeeping context.

<sup>359</sup> "United Nations Peacekeeping Operations Principles and Guidelines" ("The Capstone Doctrine"), Department of Peacekeeping Operations, 2008.

<sup>360</sup> Interview (16) with Permanent Mission Official, April 2018.

<sup>361</sup> Communication with IPI, October 2018.

<sup>362</sup> "Core Pre-Deployment Training Materials, Member State Guidance", United Nations Department of Peacekeeping Operations/Department of Field Support, 2017, <https://research.un.org/revisedcptm2017>.

<sup>363</sup> United Nations General Assembly Resolution 49/37, Comprehensive review of the whole question of peacekeeping operations in all their aspects, A/RES/49/37, 9 December 1994.

This division of responsibility for pre-deployment training is in part a reflection of, and reflected by, the capacity within the UN Secretariat given funding decisions made by Member States. A team of about 30 in the Integrated Training Service manage and support capacity building for 400 mandated tasks, over 100 sets of training materials, partnerships with regional organisations and training institutions, and 193 financial contributors.<sup>364</sup>

Self-certification processes raised concerns within DPKO/DFS in the context of both training and equipment, and prior to reorganisation, steps were being taken to move to a system of pre-deployment visits (AAVs), prioritised based on needs in terms of risk and suitability for mandate fulfilment. It is unclear what progress there has been, though the shift in approach suggests some discomfort with the current situation. However, these visits are expensive, and training funds have halved from US\$4.6million in 2009-2010 to US\$1.9million in 2018-19. This has had an impact on Departments' ability to enhance their training effort.<sup>365</sup> It is likely that despite funding challenges, such concerns and willingness to improve vetting will remain crucial elements of the newly formed DPO/DOS.

Vetting processes have grown drastically in recent years, particularly in light of recent SEA cases.<sup>366</sup> The UN conducts vetting of individuals for peacekeeping operations against records of prior misconduct while in the service of a UN Operation. Since 2015, T/PCCs are responsible for certifying that individuals deployed on Peacekeeping Operations have not committed, or been alleged to have committed, violations of international human rights law and international humanitarian law, or been repatriated on disciplinary grounds from a UN Operation.<sup>367</sup>

## **51. Is there training in corruption issues for commanders at all levels in order to ensure that these commanders are clear on the corruption issues/risks they may face during deployment? If so, is there evidence that they apply this knowledge in the field?**

**Good practice: There is comprehensive training in corruption issues that is required for commanders at all levels. Training is delivered as part of the organisation's leadership or professional development training, and in pre-deployment training for specific missions.**

### **Summary**

**Corruption issues are not explicitly addressed in training for operations as a whole, though other areas (such as ethics) touch on it. Pre-deployment training is the national responsibility of the T/PCC. The UN sets mandatory requirements and supplies necessary materials at each stage.**<sup>368</sup>

The Core Pre-deployment Training Materials were revised in 2017 to include modules on Conduct and Discipline, Sexual Exploitation and Abuse, though not on corruption specifically.<sup>369</sup> Yet the sheer breadth and complexity of subjects that make up pre-deployment training (21 subject areas in the example of UNAMID, Darfur) make this challenging, and the training expects to transform the behaviour of the trainees to equip them for the peacekeeping context.<sup>370</sup> Over 100,000 military and civilian personnel from over 125 countries serve in the 14 Peacekeeping Operations, which brings the risk that training becomes reduced to an administrative task rather than an effective tool for prevention, something

<sup>364</sup> "Core Pre-Deployment Training Materials, Member State Guidance", United Nations Department of Peacekeeping Operations/Department of Field Support, 2017, pp.1-3.

<sup>365</sup> Several UN and non-UN interviewees highlighted this challenge.

<sup>366</sup> In 2017, over 8000 personnel were vetted on average each month. This was up from an average per month of 2270 in 2016, and only 208 in 2013. See "Peacekeeping Initiatives in Action", United Nations Conduct and Discipline, March 2017, [https://conduct.unmissions.org/sites/default/files/factsheet\\_v\\_8\\_march\\_2017.pdf](https://conduct.unmissions.org/sites/default/files/factsheet_v_8_march_2017.pdf). In 2008 the numbers vetted are not available. Part of the explanation for the growth in figures is the broadening out of the process to include national civilian staff, consultants and contractors, military contingents, formed police units, individual military officers, individual police officers, and UN Volunteers.

<sup>367</sup> In 2012, the SG endorsed the Policy on Human Rights Screening of UN Personnel, which applies to all personnel in the Secretariat, as well as those in peace operations – the "UN should, as a principle, neither select nor deploy for service in the Secretariat any individual who has been involved in violations of international human rights or humanitarian law." "Decision No. 2012/18 – Human Rights Screening of United Nations Personnel", United Nations Office of Human Resources, 11 December 2012.

<sup>368</sup> "Core Pre-Deployment Training Materials, Member State Guidance", United Nations Department of Peacekeeping Operations/Department of Field Support, 2017, <https://research.un.org/revisecptm2017>.

<sup>369</sup> *Ibid.*

<sup>370</sup> Anne Flaspöler, "Peacekeeping Training: Torn Between Complexity and Time", *United Nations University*, 13 March 2017, <https://www.merit.unu.edu/peacekeeping-training-torn-between-complexity-and-time/>.

exacerbated by moves towards e-learning programmes.<sup>371</sup>

Training in other operational areas, such as the UN Knowledge Management System which captures large quantities of information on conduct, discipline, COE, and SEA, can offer ways to identify trends towards risks and prompt action.

Once in mission, induction, sensitisation and refresher training is provided by Integrated Training Mission Cells (IMTC) and Conduct and Discipline Teams (CDT). In general, induction training does not include specific training on corruption and corruption risks, and there are suspicions amongst a number of UN Secretariat interviewees that it features low in the priorities of most Force Commanders and SRSGs. This mission-specific training covers capabilities and requirements specific to a mission and may include corruption. Sources of terrorist funding had featured in training, for example, in Mali, and had a corruption dimension. This mission-specific training includes the Code of Conduct and core values, definitions, types and consequences of misconduct. The training has a particular “focus on sexual exploitation and abuse, individual and management responsibilities, the obligation to report misconduct, how to report wrongdoing, disciplinary and administrative procedures, and the rights and responsibilities of the peacekeeping personnel. CDTs also provide ongoing ‘training of trainers’ courses for all categories of personnel”.<sup>372</sup>

Related to training is the inclusion of ethics and compliance issues as the subject of the latest Secretary-General’s Dialogue. These dialogues are a mandatory series of guided conversations with staff taking place throughout the organisation. Managers at all levels are required to certify that they have completed these.<sup>373</sup>

It is not easy to find specific evidence of the application of corruption-related training on operations. This is in part due to the autonomy of the SRSG and Force Commanders, and their freedom to implement the mandate for the operation as they see fit. Some former UN Officials and experts cited this autonomy as being a critical risk factor, as there is a significant variance in the experience and priorities of SRSGs, and leeway to represent a situation, actors and possible responses in a way they see fit.<sup>374</sup> The SRSG reports to the SG, who reports to the Security Council and General Assembly. Civil society actors questioned the efficacy of oversight and accountability processes (see question 5, 9, 34).

One interviewee with significant military experience expected that corruption risks would come to light through observations by Commanders, particularly Sector Commanders. The interviewee cited the following examples from various operations:

- A restaurant using UN food rations was identified as the food was significantly better than other restaurants in the country. The SRSG refused to shut the operation down.
- Evidence was found of bribes paid to militias to ensure UN safe passage, a regular and significant issue.<sup>375</sup>

This appears an ad hoc way to identify and mitigate corruption risks, dependent on the focus and attention of individuals in the Operation. Asset and property management has been repeatedly raised by the Board of Auditors as an area of weakness,<sup>376</sup> and this is something that the transition from the Galileo Inventory System to the Umoja IT system hopes to address. Initial reports suggest significant improvement, something reflected by a number of interviewees, both within and outside of the UN.

<sup>371</sup> Jasmine-Kim Westendorf and Louise Searle “Sexual exploitation and abuse in peace operations: trends, policy responses and future directions”, *International Affairs*, Vol. 93, Issue 2 (2017).

<sup>372</sup> “Training”, Conduct in UN Field Missions, <https://conduct.unmissions.org/prevention-training>.

<sup>373</sup> Interview (13) with two UN Officials, April 2018.

<sup>374</sup> Interview (31) with UN expert, May 2018 and Interview (32) with former UN Official, May 2018.

<sup>375</sup> Interview (14) with UN Official, April 2018.

<sup>376</sup> “Report of the Board of Auditors Vol. II”, United Nations General Assembly, A/71/5 (Vol. II).

## 52. Are trained professionals regularly deployed to monitor corruption in the field? How are they trained (on corruption risks), and are they independent from the operation itself? Are their reports made available to Member States and the public?

Good practice: Expert personnel capable of monitoring corruption are regularly deployed and report on the status of corruption within mission at least once every six months. Reports contain assessments of the most significant corruption risks, the manner in which corruption can affect the goals of the mission, and the effectiveness of mitigation measures being employed. M&E guidance for the mission clearly specifies how to monitor corruption risks and establishes the procedural basis for personnel to monitor corruption. Reports are made available to Member States and the public. Any content that is withheld is legitimately justified.

### Summary

Trained professionals are regularly deployed to monitor and evaluate a variety of areas that relate to corruption risks, though none monitor corruption, or corruption risks, specifically. Interviewees also described how most monitoring bodies operate primarily reactively, rather than proactively.

The deployment takes different forms depending on the purpose of the activity. The Conduct and Discipline Unit (CDU) oversees the UN's response to conduct and discipline issues within peacekeeping operations and Special Political Missions from its Headquarters in New York. Conduct and Discipline Teams (CDTs) are based in many peacekeeping and Special Political Missions, with some missions having a conduct and discipline focal point.<sup>377</sup> CDTs take a three-pronged approach to supporting peacekeeping personnel to comply with UN rules and conduct – prevention, enforcement and remedial action.<sup>378</sup> The role of CDTs across missions is to “draft and implement strategies designed to deter violations of local laws and UN rules and regulations.”<sup>379</sup> CDTs also develop and implement outreach/awareness-raising programmes for the population of the host country. Some CDTs have their own dedicated webpage within the Mission website, setting out details of values, responsibilities and the processes by which claims of misconduct can be made. The CDT pages are not uniform in the information they carry and differ for each of the Missions.

Crucially, the CDTs receive and assess allegations of misconduct, which include corruption risks. If the Head of Mission determines the allegations warrant further investigation, they are referred to the relevant investigative unit, for example OIOS. They also record, track and follow up on all cases of misconduct relating to their mission. CDTs also coordinate victim assistance for victims of SEA, along with other UN and civil society partners. Data is held and shared on the website regarding SEA allegations and other misconduct. Data for SEA allegations includes the category of alleged perpetrator, information about the victim, the status of the investigation and any actions taken.<sup>380</sup> For allegations of other misconduct, data is available searchable by the nature of the allegation, the mission, or the category of personnel.<sup>381</sup>

If an allegation of misconduct is deemed worthy of investigation it can be passed to OIOS, who can then conduct an investigation, the time spent in the field determined by the nature of the issue.

Personnel from OIOS can deploy personnel from OIOS (Investigations, Audit, Evaluations), the Special Investigative Unit (SIU) within the Mission, COE officers, and T/PCC officials in response to allegations.

OIOS in part relies on CDTs to report misconduct requiring investigation, yet as a UN Official pointed out, these CDTs do not have any investigative capacity or remit to conduct investigations.<sup>382</sup>

According to one interviewee with experience in UN missions, operationally CDTs are very limited in their capacity with, for example, one staff member covering four offices (battalions of over 800 soldiers plus civilian staff). This interviewee went on to suggest that in working in the interests of the Member States, the CDTs are at risk of compromising their

<sup>377</sup> “Who Is Involved”, Conduct in UN Field Missions, <https://conduct.unmissions.org/who-is-involved>.

<sup>378</sup> See, for example the CDT for UNMISS at “Conduct and Discipline”, United Nations Mission in South Sudan, <https://unmiss.unmissions.org/conduct-and-discipline>. Contrast with that in DRC for MONUSCO, “Conduct and Discipline”, United Nations Organization Stabilization Mission in the DR Congo, <https://monusco.unmissions.org/en/conduct-and-discipline>.

<sup>379</sup> “Who Is Involved”, Conduct in UN Field Missions, <https://conduct.unmissions.org/who-is-involved>.

<sup>380</sup> “Sexual Exploitation and Abuse”, Conduct in UN Field Missions, <https://conduct.unmissions.org/sea-data-introduction>.

<sup>381</sup> “Other Misconduct”, Conduct in UN Field Missions, <https://conduct.unmissions.org/other-misconduct-data>.

<sup>382</sup> Interview (37) with UN Official, July 2018.

effectiveness, coming under, “external pressure to (advise investigators to) abort investigations... with investigations missions (OIOS) cancelled last minute,” owing to the suspected influence of governments (for example the French in CAR).

OIOS Investigation professionals only deploy to the field in response to an allegation or complaint. Attempts to be more proactive were limited by funding, according to interviewees. OIOS Evaluation professionals can be more proactive, though there are similar resource challenges. OIOS reports from the Audit and Evaluation Divisions are made publicly available on the OIOS website. Reports from the Investigation Division are not made public. OIOS audit reports scrutinise the conduct and discipline function in particular missions and highlight areas for improvement. In the case of the CDT in CAR, the audit made nine recommendations, including to:

- Ensure the timely review of investigation reports and compliance of reports with applicable standards
- Allocate adequate resources to enable conduct and discipline staff to receive and process misconduct allegations in a safe, confidential, transparent and efficient manner
- Develop and implement a detailed timetable for visits to identify and assess risks related to conduct and discipline and implement appropriate mitigating measures
- Implement a reliable mechanism for tracking and monitoring staff compliance with mandatory training requirements and take steps to ensure all staff comply with the requirements.<sup>383</sup>

One interviewee who worked in UN missions mentioned that, in the two-year period in which he worked on the ground in missions, he did not once know of an independent monitor sent to monitor corruption risks.<sup>384</sup>

Civil society actors raise concerns as to the independence of OIOS in the context of responding to allegations funnelled to investigators by the CDTs. Despite claiming independence, OIOS can be subject to political influence, and as part of the UN, relationships and connections between senior staff of OIOS and CDU raise questions of possible conflicts of interest. The absence of externally managed guidelines and regulations causes vulnerability to corruption risks.<sup>385</sup>

Occasionally, Member States will conduct their own monitoring and evaluation of a peace operation.<sup>386</sup>

### **53. Is there evidence that personnel from the organisation and/or T/PCCs have controlling or financial interests in businesses associated with natural resource exploitation in countries subject to peace/military operations, or potential operations? If so, are these interests publicly stated and subject to scrutiny by Member States?**

**Good practice:** The organisation and its personnel are entirely prohibited from having controlling or financial interests in businesses associated with natural resource exploitation in host nations in which there is a mission. There are no cases of the organisation being involved in such businesses, and evidence that this risk is monitored particularly in states with lucrative natural resources.

**Procedures are in place to monitor (and if appropriate end) T/PCC involvement in natural resource exploitation if it is found to occur.**

#### **Summary**

**There seems to be no evidence that personnel engaged in UN Peacekeeping Operations have controlling or financial interests in businesses associated with natural resource exploitation. However there have been various incidents in recent years where UN personnel have engaged in the smuggling of natural resources.**

<sup>383</sup> “Audit of the conduct and discipline function in the United Nations Multidimensional integrated Stabilization Mission in the Central African Republic”, Report 2017/042, 6 June 2017, available at <https://oios.un.org/page?slug=report>.

<sup>384</sup> Interview (38) with Former UN Mission staff member, July 2018.

<sup>385</sup> Interview (36) and (35) with Civil Society actors, June 2018.

<sup>386</sup> Interview (10) with two Permanent Mission Staff, March 2018.

Provisions concerning conflicts of interest and outside employment appear in the Staff Regulations and Rules of the United Nations.<sup>387</sup> Similarly, within 'Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission',<sup>388</sup> officials on mission are required to file financial disclosure statements and "shall not be actively associated with the management of, or hold a financial interest in, any profit-making business or other concern, if it were possible for them or the profit-making business or other concern to benefit from such association or financial interest by reason of their position with the United Nations". Also, Department of Management personnel, staff involved in procurement processes and all at D-1 level and above (including their immediate family), file financial disclosure statements on appointment and periodically as determined by the SG.<sup>389</sup>

Recent scandals concerning natural resource exploitation by personnel on UN Peacekeeping Missions have occurred in eastern DRC, where troops from Pakistan and India have been found to have traded gold, ivory and weapons with rebel troops;<sup>390</sup> a MONUSCO staff member in 2011 was caught attempting to smuggle one tonne of cassiterite ore into Rwanda in a UN vehicle.<sup>391</sup>

Similarly, an interviewee with experience in UN missions described his experience as follows: "When I discussed the mission with local people in border areas, they told me about blue helmets trading their weapons for [natural resources]." <sup>392</sup>

Public scandals have highlighted the risks of natural resource exploitation in a peacekeeping setting, particularly of an informal or criminal nature. This threat has been exacerbated by the recent trend of UN peacekeepers coming from countries neighbouring the state in which the peacekeeping operation is taking place, for example from Niger into Mali. This overturns the longstanding principle that sought to avoid any deployment from neighbours due to the risks associated with the conflation of national interests with the interests of the peacekeeping mission and porous borders.<sup>393</sup> One reason for this principle is the potential increase in corruption related risks for transferring goods and resources across borders.

Risks related to such activities could be brought to the attention of OIOS, which has the capacity to conduct investigations into such possible activities, or to the Conduct and Discipline Teams on the ground.<sup>394</sup> As outlined in question 52, however, there are concerns about the effectiveness and proactivity of these monitoring bodies and the degree of protection afforded to whistleblowers.

## 54. Are there procedures in place to ensure that missions have strong inventory management processes in place and that they are implemented?

**Good practice: The organisation has strong inventory management processes in place, and there is evidence that they are well implemented. The inventory should include consumable/perishable items as well as fixed inventory.**

### Summary

**Inventory management processes have been acknowledged as an area of significant risk within UN Peacekeeping Operations, and processes and systems have been improved in recent years.**

Repeatedly, consumables including fuel and rations were cited as primary risks relating to inventory and procurement.<sup>395</sup> Some responses to activities of this nature have been technical, for example using tailor-made bar-code systems relating to fuel levels, as well as changing the dye colour in UN mission fuel. Other responses, according to interviewees, have

<sup>387</sup> "Staff Regulations and Rules of the United Nations", Secretary-General's bulletin, ST/SGB/2017/1, 30 December 2016, Regulation 1.2.

<sup>388</sup> ST/SGB/2002/9, <https://conduct.unmissions.org/sites/default/files/keydoc2.pdf>

<sup>389</sup> "Staff Regulations and Rules of the United Nations", Secretary-General's bulletin, ST/SGB/2017/1, 30 December 2016.

<sup>390</sup> Roxanne Escobales, "UN peacekeepers 'traded gold and guns with Congolese rebels'", *The Guardian*, 28 April 2008.

<sup>391</sup> "Investigation launched into reported attempt to smuggle Cassiterite Ore by MONUSCO staff member", United Nations Organization Stabilization Mission in the DR Congo, 22 August 2011.

<sup>392</sup> Interview (38) with Former UN Mission staff member, July 2018.

<sup>393</sup> Paul D. Williams and Thong Nguyen, "Neighborhood Dynamics in UN Peacekeeping Operations, 1990–2017", *International Peace Institute*, 11 April 2018

<sup>394</sup> "Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat", United Nations Secretariat, ST/IC/2016/25, 9 September 2016; see also question 35.

<sup>395</sup> Interview (5) with two UN Officials, New York, March 2018.

included shifting responsibility onto other individuals, or in some instances a refusal to respond to allegations. Whilst progress has been made to improve monitoring and auditing of these areas, these items are still considered high-risk.<sup>396</sup>

Asset and property management has been repeatedly raised by the Board of Auditors as an area of weakness,<sup>397</sup> and this is something that the transition from the Galileo Inventory System to the Umoja IT system hopes to address. Initial reports suggest significant improvement, something reflected by a number of interviewees, both within and outside of the UN.

## 55. What considerations does the organisation give to the transfer of equipment for use in peace/military operations, and/or to host governments?

**Good practice: The organisation assesses the risk of transferring equipment to host governments and into mission environments, and these decisions are subject to debate by Member States.**

### Summary

**For Contingent-Owned Equipment (COE), T/PCCs retain responsibility for disposing of equipment. Clear processes and procedures were difficult to identify, though according to OIOS audit documents, property can be transferred to a host government when it is considered in the interests of the UN.**

Until December 2018, DM was ultimately responsible for the management of property, including the transfer of equipment, delegated through DFS to the Director of Mission Support in an operational setting. These responsibilities now appear to belong to DPO and DOS. Suitable equipment is redeployed to other peacekeeping operations or placed in reserve for use by future missions. Other equipment may be redeployed to other UN activities, provided there is demonstrated need, or sold to other UN agencies, international organisations or NGOs. If equipment is in poor condition, or is not required, it will be subject to commercial disposal. Assets installed in a country deemed essential for the rehabilitation of that country should be provided to the government of that country (particularly infrastructure assets). A report on the final disposition of assets for closed/liquidated peacekeeping operations is submitted to the GA.<sup>398</sup>

The Manual on Policies and Procedures concerning the Reimbursement and Control of Contingent-Owned Equipment of Troop/Police Contributors Participating in Peacekeeping Missions includes details of the processes for disposing of COE. It sets out that DFS/DPKO will be responsible for the transfer, redeployment or transportation of peacekeeping equipment; these functions are now under the remit of DOS/DPO. COE remains the property of the T/PCC and the disposal of such equipment remains the responsibility of the T/PCC, unless ownership has been legally transferred to another entity.<sup>399</sup> COE can be repatriated or disposed of in the mission area by sale, donation or disposal by the Mission on behalf of the T/PCC. Any such sale, donation, or transfer must be in line with host country customs, tax rules, regulations, procedures and other host country and international laws. All transfers must be accompanied by a formal statement indicating that the UN will have no further liability for the equipment.

OIOS is mandated to provide assurance and advice on the adequacy and effectiveness of the UN's internal control system. This includes the safeguarding of assets and the OIOS Internal Audit Division conducts audits into property management in specific missions. Recent audits (2016-2018) relevant to asset disposal have included a focus on the following peacekeeping operations:<sup>400</sup> United Nations Mission in Liberia (UNMIL),<sup>401</sup> United Nations Stabilization Mission in Haiti (MINUJUSTH), United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), United Nations Operation in Côte D'Ivoire (UNOCI), and the African Union-United Nations Hybrid Operation

<sup>396</sup> Interview (9) with UN Official, March 2018.

<sup>397</sup> For example, United Nations Board of Auditors, "Report of the Board of Auditors Volume II", A/71/5 (Vol. II).

<sup>398</sup> "United Nations Procurement Manual, Revision 7", United Nations Department of Management Office of Central Support Services, Procurement Division, 2013, Chapter 16.9.

<sup>399</sup> "Support account for peacekeeping operations", United Nations General Assembly Resolution A/72/288, 18 July 2018, p.119, [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/72/288](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/72/288).

<sup>400</sup> Reports available at <https://oios.un.org/page?slug=report>

<sup>401</sup> "Audit of property management at the United Nations Mission in Liberia", 2016/110, 30 September 2016; "Audit of assets disposal in the United Nations Mission in Liberia", 2018/020, 29 March 2018.

in Darfur (UNAMID).

It was difficult to find information on the considerations of risk in transferring equipment to host governments, though one interviewee suggested that a solution to improve monitoring and control is in development.<sup>402</sup> The DFS/DPKO Property Management Manual, whilst widely referenced, does not seem to be publicly available. However, examples drawn from OIOS audits are indicative. In the case of the liquidation of the UN Stabilization Mission in Haiti (2018),<sup>403</sup> the OIOS audit of asset disposal set out the planning process for the disposal and safeguarding of assets. In preparing assets for disposal, the Mission established a 'gifting committee' chaired by the Chief of Staff to review all requests for gifting from government entities, to ensure they were approved by the Chief of Mission Support.

In the case of Liberia (UNMIL), the OIOS audit states that "procedures for gifting and donating assets to the host government were complied with". However, information on the procedures themselves does not seem to be available publicly. What can be learned from the UNMIL audit is that:

The DPKO/DFS Property Management Manual requires UNMIL to submit semi-annual reports of all disposal activities for the preceding six months. The semi-annual report is used by the Headquarters Property Survey Board (HPSB) to monitor and enforce compliance with the required disposal procedures and the specific delegation of authority for UNMIL.<sup>404</sup>

The DPKO/DFS Property Management Manual provides guidance on the disposal of property by gift or donation to the Government, where it is determined that it will be in the interest of the United Nations.<sup>405</sup>

During the audit period, the Mission donated 4 assets with a depreciated value of \$US21,507 and gifted 589 assets with a depreciated value of \$US1,702,990 to the Government of Liberia.<sup>406</sup>

The second of these items is significant, in that there is an assessment of the degree to which the transfer/gift will be "in the interest of the UN", though it is unclear how such an assessment will be made.

The Procurement Manual (2013) includes a chapter on Property Disposal with the relevant financial rules setting out procedure. Alongside specifications of the nature of a sale, it also sets out the possibility that the "interests of the United Nations will be served through the disposal of the property by gift or sale at a nominal price to an intergovernmental organisation, a Government or governmental agency or some other non-profit organisation".<sup>407</sup> While the Procurement Manual does set out that a report on the final disposition of assets for each liquidated peacekeeping operation shall be submitted to the General Assembly, there does not appear to be scope for Member States to meaningfully debate these decisions.

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<sup>402</sup> Personal Communication, interviewee (33), October 2018.

<sup>403</sup> "Audit of assets disposal during the liquidation of the United Nations Stabilization Mission in Haiti", 2018/010, 2018, <https://oios.un.org/page/download/id/806>.

<sup>404</sup> "Audit of assets disposal in the United Nations Mission in Liberia", 2018/020, 29 March 2018, para. 17, <https://oios.un.org/page/download/id/816>.

<sup>405</sup> Paragraph 30

<sup>406</sup> Paragraph 31

<sup>407</sup> "United Nations Procurement Manual, Revision 7", United Nations Department of Management Office of Central Support Services, Procurement Division, 2013, Chapter 16.

## 56. Is there oversight in place to ensure that arms and equipment are put to appropriate and effective use within a peace/military operation context, by the Mission, T/PCCs, and the host government?

Good practice: There is regular monitoring to ensure that arms and equipment are used appropriately on operations. Any allegations of misuse are investigated through formal processes and without political influence.

### Summary

Oversight for peacekeeping operations includes OIOS, the Board of Auditors and to a lesser extent the JIU. These bodies offer insights on risk, recommendations, and a degree of accountability, though there are some limits on their independence and capacity. In each of these cases, the oversight is annual at best and is neither fully external nor independent, making oversight of the appropriate and effective use of arms and equipment challenging in practice.

OIOS carries out a range of auditing functions relating to ongoing peacekeeping operations and Special Political Missions. Their reports include audits which focus on asset management, governance, property, and operations. The OIOS Evaluation Division reports on various facets of peacekeeping operations, including effectiveness, integration, leadership training, and enforcement activities.

The UN Board of Auditors Annual Report on United Nations Peacekeeping Operations includes a focus on supply chain management, vehicle and fuel management,<sup>408</sup> and asset and property management.<sup>409</sup>

The investigation of allegations of misuse follows the processes as set out in question 44, though since it often relies on tip-offs from whistleblowers, it is important to note the concerns around their treatment and protection (question 35).

Regulation of the system for overseeing Contingent-Owned Equipment (COE) reimbursements,<sup>410</sup> whereby T/PCCs are reimbursed for the use of their equipment in peacekeeping operations, has improved in recent years according to one Member State official.<sup>411</sup> Interviewees cited the impact of COE verification units and the potential to withhold up to 10 per cent of reimbursement if equipment was below a (fairly low) 'operable' standard.<sup>412</sup> However, one interviewee with experience in UN missions said that though COE and troop reimbursement penalties are supposed to act as a deterrent, "some T/PCCs would send some faulty equipment that they don't have use for in their countries, in order to benefit from the rent that the UN would pay them for it."<sup>413</sup>

<sup>408</sup> United Nations Board of Auditors, "Report of the Board of Auditors Volume II", A/72/5 (Vol. II), 2018.

<sup>409</sup> United Nations Board of Auditors, "Report of the Board of Auditors Volume II", A/71/5 (Vol. II), 2017.

<sup>410</sup> "Triennial review of the rates and standards for reimbursement to Member States for contingent-owned equipment", A/RES/71/296, United Nations General Assembly, 14 July 2017, <https://peacekeeping.un.org/sites/default/files/n1719586.pdf>

<sup>411</sup> Interview (3) with Member State Official, March 2018.

<sup>412</sup> Interview (5) with two UN Officials, March 2018 and Interview (3) with Member State Official, March 2018.

<sup>413</sup> Interview (38) with Former UN Mission staff member, July 2018.

## 57. Are there guidelines, and staff training, on addressing corruption risks in contracting whilst on peacekeeping/military operations?

Good practice: Guidelines exist specifically for operations (e.g. standard operating procedures at the level of contracting). The guidelines address the following risks in contracting in operations: asset disposals, local power brokers, contract delivery monitoring, security of equipment and personnel. Staff are specifically trained in relation to corruption risks in contracting whilst on deployed operations or peacekeeping missions – this may be conducted by the organisation itself, or by troop contributing countries.

### Summary

Guidelines for contract management can be found in the Procurement Manual (currently in the process of being updated) and address contractor performance management, delivery monitoring, subcontracting, and the disposal of property/assets.<sup>414</sup> The UN Procurement Practitioner's Handbook sets out guidance on best procurement practice, and includes contracting management processes, including ethical issues.<sup>415</sup> The Handbook is described as a synopsis of good practices, rather than a prescriptive document such as existing procurement manuals.<sup>416</sup>

Within the Procurement Manual itself, corruption issues are not specifically considered, though good management processes are covered.<sup>417</sup>

Contracting falls within the scope of the Code of Conduct and UN Global Compact as set out by UN Global Management and Procurement Departments. All vendors have to agree to act in accordance with the Code, though largely through self-certification.<sup>418</sup> Part of the training for Department of Management staff, including the Procurement Division (UNPD), features ongoing monitoring of procurement related contracts, though interviewees within the UN acknowledged there is scope for improvement for monitoring and internal audit processes around contracting, amongst other procurement related areas. Audits carried out by OIOS and BOA on individual peacekeeping operations have identified and highlighted risks in operations, specifically relating to contracting processes. For example, in 2016, OIOS conducted an audit of rations management in the United Nations Interim Force in Lebanon, which included consideration of contractor performance management and payments.<sup>419</sup>

The introduction of Umoja for Enterprise Resource Planning in 2015 has greatly improved monitoring capabilities. All procurement transactions can be accessed in real-time, enabling closer monitoring of contract delivery.

The UN Procurement Practitioner's Handbook sets out comprehensive guidance on ethics in procurement. The Handbook is hosted by the UN Global Marketplace and targets procurement practitioners within the UN system, including trainers and facilitators.<sup>420</sup>

<sup>414</sup> "United Nations Procurement Manual, Revision 7", United Nations Department of Management Office of Central Support Services, Procurement Division, 2013, Chapter 15.

<sup>415</sup> "UN Procurement Practitioner's Handbook", United Nations Global Marketplace, 2017, Chapter 7, <https://www.ungm.org/Shared/KnowledgeCenter/Pages/PPH2>.

<sup>416</sup> "UN Procurement Practitioner's Handbook", United Nations Global Marketplace, 2017, Chapter 7.

<sup>417</sup> Interview (13) with two UN Officials, April 2018.

<sup>418</sup> See Corruption Risks relating to Procurement for more details.

<sup>419</sup> "Audit of rations management in the United Nations Interim Force in Lebanon", Report 2016/143, Office of Internal Oversight Services, 5 December 2016.

<sup>420</sup> "UN Procurement Practitioner's Handbook", United Nations Global Marketplace, 2017.

## 58. Are private (military) contractors employed? If so, are they subject to a similar level of scrutiny as the armed forces of the T/PCCs? What form does this scrutiny take?

Good practice: The use of private military contractors is forbidden by the organisation's regulations, or it may allow them to be employed in extremely limited circumstances which do not expose them to risk of corruption. The standard applicable to PMCs does not vary widely from standards applied to troop contributing countries in the same roles. A clear policy on use of PMCs should include a well-established procedure for selecting PMCs, criteria for dealing with PMCs convicted of corruption, and provisions for contract language which enables the state to fire PMCs for offences, including those related to integrity. The policy should also address the ways in which PMCs' work will be contracted and overseen, specifying that the contracting states will have oversight over subcontractors and laying out the policy for increases in costs and monitoring of results. Where PMCs are used, there are clear provisions for their oversight in organisational regulations, and oversight bodies actively scrutinise them.

### Summary

In general, private military and security company (PMSC) contractors are not employed in combat roles in UN Peacekeeping Operations. However, there is some contradictory information about the use of PMSCs, and evidence suggests that they are used for various tasks on operations without clear provisions for oversight and scrutiny.

UN Officials state in interviews that PMSCs are not engaged, however research by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) found that the UN has become a significant employer of PMSCs, citing a number of examples.<sup>421</sup> The DCAF report states that the UN contracts PMSCs for "services such as static security guarding, logistic support and demining and ordnance disposal during peacekeeping operations."<sup>422</sup> In 2011 the Department of Safety and Security developed policy proposals for more responsible and coherent PMSC contracting practices.<sup>423</sup> Legal academics Jonathan Crowe and Anna John (2017), argue that the UN has regularly used PMSCs in its operations since the 1990s to perform tasks such as protecting personnel, logistic support, intelligence and peacekeeper training, demining, maintenance and the disposal of ordnance. However, "despite the extent of support that PMSCs provide, little information about the formal arrangements between the UN and these groups is available to the general public."<sup>424</sup> The 2011 DCAF paper goes on to suggest that UN agencies are not willing to provide information on the use of PMSCs. The lack of transparency around the use of PMSCs and how they are monitored and controlled poses a significant corruption risk.<sup>425</sup>

<sup>421</sup> Åse Gilje Østensen, UN Use of Private Military and Security Companies, *DCAF*, SSR Paper 3, 2011, [https://www.files.ethz.ch/isn/141544/SSR\\_PAPER3\\_Binder.pdf](https://www.files.ethz.ch/isn/141544/SSR_PAPER3_Binder.pdf).

<sup>422</sup> Åse Gilje Østensen, UN Use of Private Military and Security Companies, *DCAF*, SSR Paper 3, 2011.

<sup>423</sup> Deane-Peter Baker, "Privatised Peacekeeping", *Oxford Research Group*, (no date) <https://www.oxfordresearchgroup.org.uk/Blog/privatised-peacekeeping>.

<sup>424</sup> Jonathan Crowe and Anna John, "Privatised peacekeeping and the UN", *Australian Institute of International Affairs*, 26 June 2017, <http://www.internationalaffairs.org.au/australianoutlook/privatised-peacekeeping-the-status-of-private-peacekeeping-forces-under-international-humanitarian-law/>.

<sup>425</sup> James Cockayne, "Commercial Security in Humanitarian and Post-Conflict Settings: An Exploratory Study", *Center on Global Counterterrorism Cooperation*, 18 July 2006, <https://ssrn.com/abstract=917876>.

# **PROCUREMENT RISKS**

## 59. Are there regulations covering procurement relating to peace/military operations with clauses specific to corruption risks, and are any items exempt from these regulations?

**Good practice:** The organisation has clear and comprehensive procurement regulations, and these regulations recognise the risk of corruption and make clear provisions to mitigate this risk. These regulations are implemented with no exceptions.

### Summary

**Procurement is acknowledged within the UN as a significant area of corruption risk, particularly in relation to peacekeeping operations. Clear and comprehensive regulations have been developed setting out processes and procedures, including specific provisions relating to corruption risk, though there remain concerns over the effectiveness of the monitoring and enforcement of these regulations, and the degree of political influence that can be exerted in the process.**

Procurement is considered a high-risk area within the UN.<sup>426</sup> The Procurement Division within the Department of Management is responsible for acquisitions to meet the operational requirements for peacekeeping missions and Special Political Missions. The procurement functions of the UN are governed by the United Nations Financial Regulations and Rules, currently being reviewed and updated for consideration by the General Assembly in spring 2019.<sup>427</sup> Regulations relating to procurement are captured in the Procurement Manual – read as subordinate to the UN Financial Regulations and Rules – and available in English, French and Spanish.<sup>428</sup> The most recent version, published in 2013 (Revision 7.0), includes significant detail about the nature of corrupt, fraudulent and unethical practices that procurement officials should be familiar with and around which they should look to mitigate risks. The manual also states that as per the Supplier Code of Conduct, vendors may not engage in corrupt practices.

The Procurement Division website states that, “Companies doing business with the United Nations are required to accept and comply with the UN Supplier Code of Conduct.”<sup>429</sup> According to the UN Procurement Division website, the Code of Conduct informs vendors of the following:

- That they may not engage in corrupt practices
- That they must disclose information on any situation that may appear to present a conflict of interest
- That the UN has a zero-tolerance policy with regards to the acceptance of gifts or hospitality from vendors
- That there are restrictions on the employment by vendors of former UN staff members.

The ‘Doing Business with the UN’ guide sets out the core UN procurement approach clearly and accessibly and emphasises the priorities of value for money and clear and transparent processes. The guide sets out the vendor process and emphasises the Code of Conduct with clear standards on bribery, corruption, gifts and hospitality. The UN has also developed the UN Procurement Practitioner’s Handbook, which sets out guidance on best procurement practice, and includes contracting management processes, including ethical issues.<sup>430</sup> It is unclear as to which of these Procurement documents takes precedence, though the Handbook is described as a synopsis of good practices, “rather than a prescriptive document such as existing procurement manuals.”<sup>431</sup>

The Anti-Fraud and Anti-Corruption Framework (ST/IC/2016/25) includes, as part of its “general conditions of contract” to be included as part of all procurement contracts for goods and/or services, explicit provisions to deter fraud. Clauses require ‘observance of the law’, ‘officials not to benefit,’ and cooperation with audits and investigations, as well as

<sup>426</sup> Interview (12) UN Official, April 2018.

<sup>427</sup> “Financial Regulations and Rules of the United Nations”, United Nations Secretary-General’s bulletin, ST/SGB/2013/4, 1 July 2013, pp. 27-28, <https://undocs.org/ST/SGB/2013/4>.

<sup>428</sup> “United Nations Procurement Manual, Revision 7”, United Nations Department of Management Office of Central Support Services, Procurement Division, 2013.

<sup>429</sup> “UN Supplier Code of Conduct”, United Nations Procurement Division, <https://www.un.org/Depts/ptd/about-us/un-supplier-code-conduct>. The UN Global Marketplace – the ‘common procurement portal of the United Nations system of organizations’ has the 2013 version online, whereas UN procurement ([un.org/Depts/ptd](http://un.org/Depts/ptd)) has a version from 2017 (revision 6) - The latest 2017 version does not include activities that the UN may carry out in section 3 on management, monitoring and evaluation, and also removes the statement that previously appeared at the end, that “Non-adherence to these principles will be a factor in considering whether a supplier is deemed eligible to be registered as a UN supplier or to do business with the UN, in accordance with applicable UN policies and procedures” (P4).

<sup>430</sup> “United Nations Procurement Manual, Revision 7”, United Nations Department of Management Office of Central Support Services, Procurement Division, 2013, Chapter 7.

<sup>431</sup> “United Nations Procurement Manual, Revision 7”, United Nations Department of Management Office of Central Support Services, Procurement Division, 2013.

highlighting the responsibility of employees in these matters.

Although interviewees within the UN noted that some of the ethics and integrity requirements can pose a challenge within multi-cultural environments in which, for some countries for example, gift giving is the norm, the UN guidelines state clearly that, "The UN has a 'zero tolerance' policy and does not accept any type of gift or hospitality."

The regulations are clear, and interviewees from Member States suggested that significant improvements in both clarity and implementation had taken place in recent years with the development of more effective systems and processes. One example is the move to a 'request for proposal' (RFP) approach for procurement relating to air operations (see question 65).

Despite this regulation and guidance on paper, civil society actor interviewees raised concerns over whether regulations are implemented without exception, due to weak oversight and the power of certain Member States to influence decision-making in this area.

A number of UN interviewees also levelled criticism at OIOS, which has a role in overseeing procurement and ensuring that it is conducted effectively, for weaknesses in its independence and effectiveness.<sup>432</sup> One civil society actor interviewee noted the potential for political influence<sup>433</sup> and another pointed to risks due to connections across different parts of the UN, for numerous different reasons, including possible conflicts of interest.<sup>434</sup> Notwithstanding the respected work of the Board of Auditors, the persistent lack of genuine independent, capable external mechanisms that can carry out effective and timely oversight is a risk in terms of ensuring procurement regulations are fully and fairly applied.

## **60. Is the procurement cycle process, from assessment of needs, through contract implementation and sign-off, all the way to asset disposal, disclosed to the public?**

**Good practice: The entire procurement cycle, from assessment of needs through to contract implementation and sign off, and asset disposal, is formalised. It also details policies and procedures for each step of the implementation process of the procurement cycle and there is evidence that these are followed in practice. Detailed procedures for the entire procurement cycle are disclosed, with clear explanation and in disaggregated form. This includes assessment of needs, contract implementation and sign-off, asset disposal, process of awarding contracts, and mechanisms for contract implementation.**

### **Summary**

**The procurement process is formalised and published online, with policies and procedures clearly set out, particularly within the Procurement Manual and within the United Nations Financial Regulations and Rules (UN FRR). The assessment of needs occurs in initial budget development processes, and outcomes appear in acquisition plans available online.<sup>435</sup>**

The procurement process is formalised and set out clearly, and in detail, in the Procurement Manual.<sup>436</sup> The most recent version, published in 2013, is Revision 7.0. The manual sets out detailed procedures from vendor requisition, acquisition planning, solicitation process and vendor selection, to contracts and their management, delivery, and property disposal. The acquisition process is set out for vendor clarity, though the assessment of needs process is not detailed.

According to the Procurement Manual, acquisitions must consider: best value for money; fairness, integrity and transparency; effective international competition; and the interest of the UN.<sup>437</sup>

The Procurement Division of the UN Secretariat provides procurement services for UN Peacekeeping and political

<sup>432</sup> Interview (9) with UN Official, March 2018, Interview (1) with two UN officials, March 2018, (11) with Academic Expert, March 2018.

<sup>433</sup> Interview (35) with Civil Society actor, June 2018.

<sup>434</sup> Interview (36) with Civil Society actor, June 2018.

<sup>435</sup> "Acquisition Plan", United Nations Procurement Division, <https://www.un.org/Depts/ptd/business-opportunities/acquisition-plan>.

<sup>436</sup> "United Nations Procurement Manual, Revision 7", United Nations Department of Management Office of Central Support Services, Procurement Division, 2013.

<sup>437</sup> "United Nations Procurement Manual, Revision 7", United Nations Department of Management Office of Central Support Services, Procurement Division, 2013, Chapter 9.2.

missions (as well as for UNHQ, tribunals and commissions). Potential suppliers register as vendors with the UN Global Marketplace. Procurement opportunities are published on the UN Global Marketplace Expression of Interest Section, and then Field Mission (including peacekeeping operation) Purchase Order Awards of over US\$40,000 are published. (These do not include Purchase Orders issued against established contracts.)

The assessment of needs for peacekeeping operations is part of the budget development process drawn up by the Mission (DFS and DPKO; DOS and DPO since January 2019), reviewed within DM, or DMSPC as of 2019 and, once agreed, passed to ACABQ and then on to the Fifth Committee of the GA (see questions 13 and 14). Similar processes are in place for Special Political Missions, though the funding is from the regular (not peacekeeping) budget. Once a peacekeeping or political mission has deployed, some procurement needs are standard – for example food rations, fuel and oil-based products. Other areas, such as aviation, are determined by need on the ground, and then fed into the procurement process. UN officials argue that as the peacekeeping context is likely to be volatile and change rapidly, some flexibility needs to be built in – for example, the strategic deployment of stock for common items (stored in the Global Service Centre in Brindisi, Italy).<sup>438</sup> The time taken for procurement processes can create challenges in dynamic environments, especially alongside procedural rules that emphasise rigour over flexibility.<sup>439</sup> This is the tension in which such issues sit – rigour, transparency, and oversight are necessary, yet can appear at odds with the expediency demanded by the context and the mandate of an operation. Further procurement reform is being considered as part of the Secretary-General's management reform proposals, including the strengthening the role of regional procurement hubs.<sup>440</sup>

## 61. Are oversight mechanisms for peace/military operations procurement in place, and are these oversight mechanisms active and transparent?

**Good practice: Procurement oversight mechanisms are independent, formalised processes. They are apolitical, and their activity is consistent across changes in organisational leadership. Member States, troop contributors, and politically well-connected individuals have no undue influence on their performance. Procurement oversight mechanisms are highly active in seeking explanations from staff and summoning documents, issuing recommendations or conclusions that are being followed or implemented, and they can exercise their ability to cancel projects. Comprehensive evidence of activity (e.g. reports, announcements in the press of the cancellation of procurement programmes, the release of financial information) is made available to the public.**

### Summary

**Consistently across UN Peacekeeping, concern regarding the capacity and independence of oversight exercised by OIOS and BOA constitutes a significant corruption risk. The internal oversight mechanisms in place vary in their effectiveness, in part as a result of the resource challenges they face.**

Internal oversight controls within DM include procurement monitoring on an ongoing basis, in partnership with DFS and Mission personnel. The development of a number of processes and tools (including Umoja software) has increased DM's ability to effectively monitor contracts, transactions, poor performance, and supply chains and other procurement related matters. These processes are now part of the mandate of DMSCP, in partnership with DOS and Missions.

One UN interviewee acknowledged that the monitoring and evaluation of its own processes is not something that the UN does well as too often it is the last thing to get funded, and the budget can often be used to meet programming shortfalls.<sup>441</sup> The DM is set to play a key role in the SG's reform proposals as the Department of Management Strategy, Policy and Compliance (DMSPC), which will include new accountability functions, part of the work to separate management/accountability from operations, and supported by influential Member States. These reforms were approved by Member States in July 2018, though there have been concerns over the necessary capacity and funding to make this

<sup>438</sup> Interviews (5) with two UN Officials, March 2018, and (33) with UN Official, May 2018.

<sup>439</sup> Interview (31) with Academic Expert, May 2018

<sup>440</sup> "Fifth Committee Approves \$6.69 Billion for 13 Peacekeeping Operations in 2018/19, Overhaul of Secretariat Management Structure, as Resumed Session Concludes", United Nations General Assembly, 5 July 2018, <https://www.un.org/press/en/2018/gaab4287.doc.htm>.

<sup>441</sup> Interview (33) with UN Official, May 2018.

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viable expressed by interviewees from within the UN and within Member States.<sup>442</sup>

Oversight from outside DPKO and DFS was provided by the Board of Auditors, the Joint Inspection Unit and the OIOS Internal Audit function, though also featured through its Investigations and Inspection and Evaluation departments. Within DFS, the Audit Response and Board of Inquiry section has worked to coordinate and ensure cooperation for OIOS and the relevant actors within DPKO and the Peacekeeping missions. As well as facilitating access, documents etc., the team has followed up on audit recommendations and conducted the Board of Inquiry processes in response to serious incidents. This should remain broadly similar under the new management structure, though how functions play out in practice remains to be seen.

Part of the general conditions of Contracts for the Provision of Goods and Services<sup>443</sup> is that the supplier/vendor agrees to any aspect of the contract being subject to audit and investigation, with which they agree to cooperate. This does seem to be carried out in practice; OIOS reports include for example, 'Audit of acquisition and management of information and communications technology assets in the Department of Field Support', 'Audit of local procurement in the United Nations Support Office in Somalia' and 'Audit of the Regional Procurement Office at Entebbe'.<sup>444</sup>

The Board of Auditors considers the function of the Procurement Division and procurement offices in peacekeeping missions, as well as reviewing specific cases, to make recommendations for improved performance.<sup>445</sup> For example, a recent report noted that,

[W]hile Umoja captures the transactional aspects of the procurement process, other steps of the procurement process (e.g. the source selection plan) were processed outside the system. Accordingly, Umoja currently cannot track the entire end-to-end process, in particular the solicitation phase (receipt and submission of bid documents by suppliers and technical and commercial evaluation). Furthermore, purchase orders and contracts are approved outside the system using hardcopies. In Umoja, Procurement Division team leaders had an unlimited financial authority to approve cases, although their procurement delegation threshold was limited.<sup>446</sup>

The Administration argued in response that in order to support disparate operating models, such processes were deliberately not incorporated. There is a current electronic tendering pilot underway within UN Procurement Division as part of a wider consideration of e-tendering across the Secretariat before the end of 2019.<sup>447</sup>

In their reports on peacekeeping operations, the BOA analyse across missions to identify and make recommendations including on issues relating to procurement, supply chain management, fuel, vehicles and ICT management.<sup>448</sup> OIOS and BOA have access to all relevant documentation and personnel, though any investigations into possible corrupt activities of military/peacekeeping personnel by OIOS and Boards of Inquiry are generally not made public, particularly when they investigate the conduct of individuals.

The Joint Inspection Unit is the independent oversight body of the UN system mandated to conduct evaluations, inspections and investigations system-wide. It has produced occasional reports into procurement-related practices, analysing across the UN system to identify best practice and trends to address.

However, one interviewee from a Member State mission, commented that oversight is more effective in some areas

<sup>442</sup> Interview (1) with two UN Officials, March 2018, (15) with Member State Official, April 2018, (33) with UN Official, May 2018.

<sup>443</sup> "Conditions of Contract", United Nations Procurement Division, <https://www.un.org/Depts/ptd/about-us/conditions-contract>.

<sup>444</sup> "Audit of acquisition and management of information and communications technology assets in the Department of Field Support" Report 2018/039, Office of Internal Oversight Services, 15 May 2018; "Audit of local procurement in the United Nations Support Office in Somalia", Report 2017/066, Office of Internal Oversight Services, 6 July 2017; "Audit of the Regional Procurement Office at Entebbe", Report 2017/043, Office of Internal Oversight Services, 6 June 2017.

<sup>445</sup> See for example, "Financial report and audited financial statements for the year ended 31 December 2016 and Report of the Board of Auditors Volume I", United Nations, A/72/5 (Vol. I), [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/72/5\(VOL.I\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/72/5(VOL.I))

<sup>446</sup> *Ibid.*, pp. 50-55.

<sup>447</sup> "Electronic Bid Submission Pilot", United Nations Procurement Division, <https://www.un.org/Depts/ptd/electronic-bid-submission-pilot>.

<sup>448</sup> See "Financial report and audited financial statements and Report of the Board of Auditors, Vol (II) United Nations peacekeeping operations", United Nations, A/72/6 (Vol. II), [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/72/6\(Vol.%20II\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/72/6(Vol.%20II))

of procurement than others.<sup>449</sup> UN officials commented that a widely reported area of concern remains the local, operational level. They argued that creating and maintaining effective oversight mechanisms in these situations is far more challenging, both in terms of engaging local vendors and suppliers, and carrying out quick impact projects. There is a necessary need for speed and adaptability, yet with this comes a significant risk in maintaining oversight.<sup>450</sup>

According to an interviewee from a Member State mission, vendors are effectively vetted, and related ICT practices have improved with the establishment of the Office for Information and Communications Technologies (ICT) within the Department of Management, which sets IT policy and controls some resources. Some ICT resources fall outside DM's control, though, so the potential for corruption risks remains.<sup>451</sup>

OIOS is mandated to provide assurance and advice on the adequacy and effectiveness of the UN's internal control system. This includes the safeguarding of assets, and the OIOS Internal Audit Division conducts audits into various elements of peacekeeping operations including property management and procurement issues in specific United Nations Missions.

As part of the UN Procurement machinery, the UN Global Marketplace (UNGM) acts as a single procurement portal across the UN system. Vendors can register through the UNGM as a vendor for up to 22 different agencies, funds and programmes, representing 99 per cent of the UN system's total procurement spend. UNGM has a General Assembly mandate to:

- Enhance transparency and increase the harmonisation of UN procurement practices.
- Simplify and streamline the registration process for vendors.
- Increase procurement opportunities for vendors from developing countries.
- Create one common UN global procurement portal.<sup>452</sup>

More remains to be done, however, to create a centralised procurement strategy that will maximise the opportunities that a consolidated procurement process offers. Such a strategy is yet to be fully developed. Monitoring of procurement procedures has been hampered due to the ongoing implementation of the Umoja management system across UN Secretariat administration systems. For example, Umoja was unable to produce a report on systems contracts and did not capture the whole end-to-end process.<sup>453</sup> It was also noted by the Board of Auditors that the Department of Field Support (DFS) did not have an overall and complete picture of all Peacekeeping Operations' procurement sections. This is in part owing to the delegation of procurement authority and a subsequent lack of robust reporting mechanisms.<sup>454</sup>

One example of difficulties in creating and sustaining effective investigative processes was the creation and subsequent demise of the UN Procurement Task Force,<sup>455</sup> which had taken on contract fraud effectively in its 2006-2008 lifespan.<sup>456</sup> According to the Global Anti-Corruption blog:

Yet despite its successful track record—or perhaps because of it—the PTF was shut down. As PTF Chairman Robert M. Appleton explained,<sup>457</sup> the task force was dismantled because it uncovered evidence implicating high-level diplomats and other influential people. (According to reports,<sup>458</sup> the pressure to shut down the PTF came primarily from Russia and Singapore, due to evidence that their nationals were involved in corrupt acts.)<sup>459</sup>

OIOS has also come under criticism for its approach, independence and efficiency (see question 59, and the political risks section for more information).

The case of Armor Holdings (also known as Armor Products International Ltd.) is an example of past internal mechanism

<sup>449</sup> Interview (3) with Member State Official, March 2018.

<sup>450</sup> Interview (1) with UN Official (6) with UN Official, March 2018, (9) with UN Official, March 2018.

<sup>451</sup> Interview (3) with Member State Official, March 2018.

<sup>452</sup> "About UNGM", United Nations Global Marketplace, <https://www.ungm.org/Public/Pages/About>.

<sup>453</sup> United Nations Board of Auditors, "Report of the Board of Auditors Volume II", A/71/5 (Vol. II), 2017, p.16.

<sup>454</sup> *Ibid*

<sup>455</sup> Interview (36) with Civil Society actor, June 2018.

<sup>456</sup> Steve Stecklow, "U.N. Allows Its Antifraud Task Force to Dissolve", *The Wall Street Journal*, 8 January, 2009, <https://www.wsj.com/articles/SB123138018217563187>.

<sup>457</sup> Farnaz Fassihi, Christopher M. Matthews, "U.S. Says It Can't Probe Graft Scandal," *The Wall Street Journal*, 7 October 2015, <https://www.wsj.com/articles/u-n-says-it-cant-probe-graft-scandal-1444265786>.

<sup>458</sup> Brett D. Schaefer, "U.N. Insider: 'There Is No Transparency'," *National Review*, 21 July 2010, <https://www.nationalreview.com/2010/07/un-insider-there-no-transparency-brett-d-schaefer/>

<sup>459</sup> Sarah Kryz, "Broken System: The Failure to Punish High Level Corruption at the UN", *The Global Anticorruption Blog*, 18 January 2016, <https://globalanticorruptionblog.com/2016/01/18/broken-system-the-failure-to-punish-high-level-corruption-at-the-un/>.

failure, and of the nature of the threat around procurement. In this case, a representative of the company (which has been acquired by BAE Systems) and its agents bribed UN officials in order to win contracts for US\$7.1 million worth of body armour.<sup>460</sup> In return for over US\$200,000, the UN official provided insider information on other bidders' prices. According to the Department of Justice's Non-Prosecution Agreement's Statement of Facts:

In or around September 2001, in order to ensure that API submitted the lowest bid for the 2001 U.N. body armor contract, the U.N. Agent instructed Bistrong and Subsidiary Executive A that in addition to submitting a pricing sheet to the U.N. as part of API's bid to supply body armor to the U.N., Bistrong and Subsidiary Executive A should also provide the UN. Agent with a signed, but otherwise blank, pricing sheet in case API's pricing had to be revised after the bidding was closed.<sup>461</sup>

The UN procurement official learned the prices of other non-public bids from other companies, and filled in the Armor Holdings bid to ensure that it won; a month later, the contract was officially awarded to the company.<sup>462</sup> Armor went on to make US\$1.5million profit on this contract, prosecution charges brought by the US Department of Justice and Securities and Exchange Commission led to Armor paying US\$16million to settle the case.<sup>463</sup>

## 62. Are potential purchases for peace/military operations made public?

**Good practice: The organisation publishes comprehensive forward planning for potential purchases which extends 10-15 years in advance, e.g. through a strategic defence review, white paper or similar. The organisation publishes the plans for purchases in detail for at least the next four years. The adequate and timely information (e.g. elements of the defence equipment plan, itemized budget proposals) is sufficient to enable prospective suppliers to prepare and seek further information, and enough for oversight agencies and civil society to debate the necessity of the proposed purchases (e.g. the average procurement duration, justification of exceptions, and specific overview records by type of bidding procedure).**

### Summary

**Invitations to tender are made public, though potential purchases are not. Limited information on acquisition planning is available.**

Within the Procurement Division, the Acquisition Plan (at UN Global Service Centre) includes requirement projections for UN Peacekeeping Missions, Special Political Missions and UN Headquarters. It is worth noting that plans available via the Procurement Division website for peacekeeping extend to June 2018, though plans for SPMs and HQ extend only to the end of 2017.<sup>464</sup>

Each available plan includes details of the type of item/service to be acquired, estimated value, quantity and nature of the requirement (for example, "ongoing"), though these are not clearly linked to a broader peace operations strategy. The process for developing the Acquisition Plan for each Mission is set out in detail in the Procurement Manual, emphasising the preference for long-term planning.<sup>465</sup> The manual includes examples in the form of annexes classified as internal documents and available only to staff.

There is scrutiny of the proposed budget by Member States within the Fifth Committee, however, information to suggest that the budget is assessed on the basis of its relation to Acquisition Plans was not found; specific links between

<sup>460</sup> David S. Hilzenrath, "Armor Holdings charged in U.N. bribery scheme", *The Washington Post*, 13 July 2011, [https://www.washingtonpost.com/business/economy/armor-holdings-charged-in-un-bribery-scheme/2011/07/13/gIqAN5hADI\\_story.html?utm\\_term=.d7cbf610b17f](https://www.washingtonpost.com/business/economy/armor-holdings-charged-in-un-bribery-scheme/2011/07/13/gIqAN5hADI_story.html?utm_term=.d7cbf610b17f).

<sup>461</sup> Roger M. Witten, Kimberly A. Parker, "Re: Armor Holdings, Inc.", U.S. Department of Justice Criminal Division, 13 July 2011, <https://www.justice.gov/sites/default/files/criminal-fraud/legacy/2011/07/25/07-31-11armor-holdings.pdf>.

<sup>462</sup> Roger M. Witten, Kimberly A. Parker, "Re: Armor Holdings, Inc.", U.S. Department of Justice Criminal Division, 13 July 2011.

<sup>463</sup> "Armor Holdings pays fine for 'bribing UN official'", *BBC News*, 14 July 2011, <https://www.bbc.co.uk/news/world-us-canada-14148635>; "SEC Charges Armor Holdings, Inc. With FCPA Violations in Connection With Sales to the United Nations", 13 July 2011, U.S. Secretaries and Exchange Commission, <https://www.sec.gov/news/press/2011/2011-146.htm>.

<sup>464</sup> "Acquisition Plan", Procurement Division.

<sup>465</sup> "United Nations Procurement Manual, Revision 7", United Nations Department of Management Office of Central Support Services, Procurement Division, 2013, Chapter 8.

purchases and strategic requirements as part of the Acquisition Plan were not found.

Whilst peacekeeping operations and political missions arise in response to particular sets of circumstances, a degree of long-term planning is possible as most operations, and deployments of troop contingents, last a number of years. Procurement can be carried out based on standard criteria in areas such as food and fuel. Better value can be obtained if planned for in advance (one interviewee cited the example of motor vehicles, saying that the best price could be attained with three to six months' notice of requirement). In some contexts, need must be established by DFS on the ground, for example in the case of aviation.<sup>466</sup> The dynamic context of peacekeeping environments does require flexibility, and procurement can take up to a year. However, commonly required items are kept in stock at the Global Service Centre in Brindisi, Italy.

### 63. Are actual purchases for peace/military operations made public?

**Good practice: Purchases are made public in detail, with almost no exceptions. Very little data from the tender/contract is redacted, if any. For both confidential and non-confidential purchases, there is disclosure of the tender and the contract award. For the contract, there is a description of the item purchased, the winning bidder, the beneficial owners, price paid, whole of lifecycle costs, cost of servicing, costs of parts, and delivery/completion date. Data is almost always released in an accessible format (e.g. excel file) which allows for useful comparisons (e.g. how many tenders a company has won).**

#### Summary

**Procurement opportunities are published on the UN Global Marketplace Expression of Interest Section, and then Field Mission (including peacekeeping operation) Purchase Order Awards of over US\$40,000 are published. These don't include Purchase Orders issued against established contracts.**

The Purchase Order Awards are available to view, along with Contract Awards, though with a limited level of detail. Only Purchase Awards over US\$40,000 are included, and purchase awards against established contracts are not included.<sup>467</sup>

The purchase awards are displayed in the following form:<sup>468</sup>

<b>Type</b>	Peacekeeping
<b>PO Award Date</b>	16 January 2018
<b>Country</b>	France
<b>Vendor Name</b>	G. Feron - E. de Clebsattel S. A.
<b>Commodity Code</b>	78100000
<b>Commodity Description</b>	Mail and cargo transport
<b>Commodity Group</b>	Freight Forwarding & Delivery Services
<b>Reference No.</b>	UNMISS
<b>Value</b>	\$373,907.00
<b>Description</b>	Mail and cargo transport

<sup>466</sup> Interview (33) with UN Official, May 2018.

<sup>467</sup> See "Peacekeeping Purchase Orders", Procurement Division, [https://www.un.org/Depts/ptd/purchase-order-awards/344?field\\_date\\_2\\_value%5Bvalue%5D%5Byear%5D=2018&field\\_date\\_2\\_value\\_1%5Bvalue%5D%5Bmonth%5D=6&field\\_text\\_20\\_2\\_value=&field\\_country\\_tid\\_selective=All&field\\_text\\_75\\_2\\_value=&field\\_commodity\\_group\\_ca\\_tid\\_selective=All&items\\_per\\_page=10](https://www.un.org/Depts/ptd/purchase-order-awards/344?field_date_2_value%5Bvalue%5D%5Byear%5D=2018&field_date_2_value_1%5Bvalue%5D%5Bmonth%5D=6&field_text_20_2_value=&field_country_tid_selective=All&field_text_75_2_value=&field_commodity_group_ca_tid_selective=All&items_per_page=10).

<sup>468</sup> For example, Purchase Order 2200096033, United Nations Procurement Division, <https://www.un.org/Depts/ptd/purchase-order-awards/peacekeeping-Purchase-Orders/2200096033>.

Note that one way of analysing the provision of troops for peacekeeping operations is to view it as uniformed procurement, which undergoes a very different process.<sup>469</sup> The process is not subject to public tendering, being the responsibility of the Office of Military Affairs who liaises with T/PCCs to agree troop contingents and equipment requirements (via COE approaches).<sup>470</sup> Similarly, note the use of Letters of Assist for specialised and high-value equipment such as aviation assets (managed by the Air Transport Section within the Logistics Support Division of DFS).<sup>471</sup> A letter of assist (LOA) is defined by the United Nations as,

[A] legally binding contractual document between the United Nations and a Government. It provides the appropriate authority for procurement of services on behalf of the United Nations. The LOA will specify whether the United Nations will provide services from the Government or requests the Government to provide these directly to a mission. The LOA will also specify how reimbursement will be made.<sup>472</sup>

LOAs do not appear in the table of standard rates for Contingent-Owned Equipment,<sup>473</sup> and are subject to negotiation between individual T/PCCs and the UN, without transparency of outcome, or knowledge of what others have negotiated for the provision of similar capabilities.

## 64. What procedures and standards are companies required to have – such as compliance programmes and business conduct programmes – in order to be able to register as a vendor and bid for work for the organisation’s peace/military operations?

Good practice: There are regulations detailing how the institution discriminates in its selection of suppliers and subcontractors on the basis of their integrity. For example, suppliers and subcontractors are required to show that they have a formal and publicly declared anti-corruption programme in place that adheres to minimum standards established and specified by the procurement authority. The substance of the programme and standards are included in the main contract as well as subcontracts throughout the supply chain. There is evidence that these policies and laws are consistently implemented, including for strategically important suppliers.

### Summary

The Code of Conduct stipulates that main contractors and suppliers are required to establish and maintain appropriate management systems, to monitor and modify their processes and business operations, and so ensure that they align with the principles set out in the Code. The main contractor retains responsibility. Though there have been improvements made in procurement transparency and monitoring, there are still significant risks on operations, and some corruption risks may be pushed down onto third parties and subcontractors.

Suppliers are encouraged to participate in the Global Compact, on which the Code is based. Suppliers are also expected to adhere to the principles of International Labour Standards included within the Code. In summary, suppliers, “their employees, parent, subsidiary, or affiliate entities, and subcontractors” are expected to act in accordance with principles related to four overarching areas, including labour, human rights, environment, and ethical conduct. Within Ethical Conduct, suppliers and their affiliate entities are to avoid all forms of corrupt practice, conflicts of interest, gifts and hospitality and abide by post-UN-employment restrictions.

<sup>469</sup> Interview (5) with two UN officials, March 2018.

<sup>470</sup> See Operations and Personnel sections.

<sup>471</sup> Alexandra Novosselof, “Keeping Peace from Above: Air Assets in UN Peace Operations”, *International Peace Institute*, October 2017, [https://www.ipinst.org/wp-content/uploads/2017/10/1710\\_Keeping-Peace-from-Above.pdf](https://www.ipinst.org/wp-content/uploads/2017/10/1710_Keeping-Peace-from-Above.pdf).

<sup>472</sup> “Letter Dated 28 February 2014 from the Chair of the 2014 Working Group on Contingent-Owned Equipment to the Chair of the Fifth Committee”, UN General Assembly, A/C.5/69/18, January 20, 2015, p. 123, [https://pcrs.un.org/Lists/Resources/Contingent%20Owned%20Equipment%20\(COE\)/COE%20Manual/2014/COE%20Manual%202014\\_English.pdf](https://pcrs.un.org/Lists/Resources/Contingent%20Owned%20Equipment%20(COE)/COE%20Manual/2014/COE%20Manual%202014_English.pdf).

<sup>473</sup> “Letter Dated 28 February 2017 from the Chair of the 2017 Working Group on Contingent-Owned Equipment to the Chair of the Fifth Committee”, UN General Assembly, A/C.5/71/20, Annexes 1-3, <https://peacekeeping.un.org/sites/default/files/n1705361.pdf>.

The Procurement Manual identifies integrity as part of the basis for selecting suppliers and awarding contracts. All such awards must consider, according to the manual, best value for money, fairness, integrity and transparency, effective international competition, and the interest of the UN.<sup>474</sup>

Prospective vendors are required to register in accordance with prerequisites as set out on the Procurement Division website.<sup>475</sup> Registration requirements differ depending on the value of contracts to be awarded. Initially a self-certified pre-qualification process is undertaken, and for higher value contracts (over US\$500,000) this includes basic company information, a certificate of incorporation, three reference letters, and audited financial documents. For contracts above US\$40,000 the vendor must have been operating for over three years. When a contract is awarded, the supplier is subject to comprehensive background checks, for which an external company is employed. So, whilst initial interaction between the vendor and DM is through the self-certification process, interviewees within the UN reported that if the contract proceeds the vendor will receive the necessary checks.<sup>476</sup> Interviewees familiar with the process suggested that DM monitored contracts relatively strictly when compared with some other UN agencies, though this has not been verified.<sup>477</sup>

The Procurement Manual, in setting out criteria for vendor registration, sets out a mandatory expectation that for large scale, high-value, complex contracts with a high level of risk, a copy of an applicant's Code of Ethics and/or Anti-Fraud Compliance Programme or equivalent is included.<sup>478</sup>

It should be noted that the prime contractor is responsible for the suitability and behaviour of subcontractors and third parties, the implication being that this is not for DM to establish. How exactly this is managed is left to the contractor, which poses a significant risk.

Interviewees commented that a widely reported area of concern remains the management of companies and suppliers at the operational level. Creating and maintaining effective oversight mechanisms in these situations is far more challenging, both in terms of engaging local vendors and suppliers, and carrying out quick impact projects (by both UN missions and T/PCCs). There is a necessary need for speed and adaptability, yet with this comes a significant risk in maintaining oversight.

One example of this is a case from Kosovo in 2005, where an OIOS investigative task force identified corruption in the process of maintaining and repairing Pristina Airport. It found that competitive tender processes had not been observed, and that single-sourcing was used without a legitimate reason. According to the report, a "contract for the repairs to the main passenger terminal apron ended up costing (US\$)51,942 against a budgeted (US\$)3,517."<sup>479</sup>

## 65. Is procurement conducted in line with peace/military operations requirements identified in mandates, agreed budgets, and policy, and are those requirements clear? Are procurement decisions well audited?

**Good practice: Procurement requirements are derived from requirements set out in mandates, agreed budgets, and organisational policy, and are clear. There is a logical flow down from organisational policy and mandates to individual procurements, with no exceptions. There is active scrutiny conducted by oversight mechanisms (e.g. the office of internal oversight or similar) to confirm that procurement is in line with organisational policy and mission mandates, or that work is undertaken to quantify the need for purchases.**

<sup>474</sup> "United Nations Procurement Manual, Revision 7", United Nations Department of Management Office of Central Support Services, Procurement Division, 2013, Chapter 9.2.

<sup>475</sup> "Vendor Registration", Procurement Division, <https://www.un.org/Depts/ptd/vendors/vendor-registration-0>.

<sup>476</sup> Interview (33) with UN Official, May 2018, (5) with two UN Officials, March 2018.

<sup>477</sup> Interview (12) with UN Official, April 2018.

<sup>478</sup> "United Nations Procurement Manual, Revision 7", United Nations Department of Management Office of Central Support Services, Procurement Division, 2013, Section 7.3, p.63.

<sup>479</sup> "United Nations Interim Administration Mission in Kosovo: Irregularities in the award of contracts for the maintenance and repair of the runway, taxiways and parking areas at Pristina Airport (Case No. 0284-04), WikiLeaks, Released 12 January 2009, [https://wikileaks.org/wiki/United\\_Nations\\_Interim\\_Administration\\_Mission\\_in\\_Kosovo:\\_Irregularities\\_in\\_the\\_award\\_of\\_contracts\\_for\\_the\\_maintenance\\_and\\_repair\\_of\\_the\\_runway,\\_taxiways\\_and\\_parking\\_areas\\_at\\_Pristina\\_Airport\\_\(Case\\_No.\\_0284-04\),\\_1\\_Jan\\_2005](https://wikileaks.org/wiki/United_Nations_Interim_Administration_Mission_in_Kosovo:_Irregularities_in_the_award_of_contracts_for_the_maintenance_and_repair_of_the_runway,_taxiways_and_parking_areas_at_Pristina_Airport_(Case_No._0284-04),_1_Jan_2005) No currency is reported in the report, so we have assumed USD.

## Summary

Equipment and service requirements are established through the assessment processes carried out following the adoption of a resolution by the Council, and subsequently in acquisition plans. OIOS, in an assessment of air charter services, identified areas in which the UN's procurement principles have been unsatisfactorily applied, citing the lack of a strategic planning framework and the existence of overly specific requirements.

Within the Procurement Division, the Acquisition Plan includes requirement projections for UN Peacekeeping Missions, Special Political Missions and UN Headquarters. Plans publicly available via the Procurement Division website for peacekeeping extend to June 2018, though plans for SPMs and HQ extend only to the end of 2017.<sup>480</sup> There is scrutiny of the proposed budget by Member States within the Fifth Committee, however, information on the links between purchases and strategic requirements and mandates was not found.

The Board of Auditors has noted the need to increase the number of vendors making bids, in part to reduce dominance in the procurement process by certain Member States for air charter services (see question 75). One response to this has been to move to a request for proposal (RFP) approach, in which the UN defines the services and capacities required, rather than the 'invitation to bid' model, which limits the market by specifying types or numbers of, for instance, aircraft required. The aim was to open procurement up to an increased number of vendors who could supply the same capabilities. Whilst the RFP approach is seen as yielding better value for the UN in a number of missions, it has apparently not been replicated.<sup>481</sup> in part due to the increase in required capacity and training.<sup>482</sup> According to a Board of Auditors report (A/72/5, vol.ii), though the agreement was made to move towards RFP, in 2016 and 2017 only one out of 42 contracts up for renewal (2 per cent) was based on RFP, the others remaining formal invitations to bid.

There are concerns about the implementation of the standards set out in the Procurement Manual. In one example, OIOS examined the acquisition and contract management of long-term air charter services agreements in 2012.<sup>483</sup> It found that,

In OIOS' opinion, the Secretariat's governance, risk management and control processes examined were unsatisfactory in providing reasonable assurance regarding the efficient, cost-effective and timely acquisition and contract management of air charter services agreements. OIOS made 11 recommendations to address issues identified in the audit. While a regulatory framework was in place, the procurement principles stipulated in FRR and the Procurement Manual were not fully complied with in the acquisition of air charter services. Tightly specified air charter requirements, coupled with inadequate procurement lead times and ineffective vendor registration process hindered effective international competition. This exposed the Organization to a high risk of acquiring air charter services at higher costs than necessary. Further, there was no risk management and strategic planning framework in place for the acquisition and contract management of long-term air charter services agreements.<sup>484</sup>

A degree of long-term planning is possible as most operations last a number of years, and better value can often be obtained if planned for in advance (one interviewee cited the example of motor vehicles, where the best price could be attained with three to six months' notice of requirement). In some contexts, interviewees noted, need must be established by DFS on the ground; for example, in the case of aviation the dynamic context of peacekeeping

<sup>480</sup> "Acquisition Plan", United Nations Procurement Division.

<sup>481</sup> Interview (15) with Member State Official, April 2018, Interview (6) with UN Official, March 2018.

<sup>482</sup> Interview (33) with UN Official, May 2018.

<sup>483</sup> "Audit of acquisition and contract management of long-term air charter services agreements", Office of Internal Oversight Services, 24 December 2012, [https://usun.state.gov/sites/default/files/organization\\_pdf/211491.pdf](https://usun.state.gov/sites/default/files/organization_pdf/211491.pdf).

<sup>484</sup> "Audit of acquisition and contract management of long-term air charter services agreements", Office of Internal Oversight Services, 24 December 2012, Paragraph 12 (bold in original).

environments does require flexibility, and procurement can take up to a year. However, procurement can be carried out based on standard criteria for some items.<sup>485</sup>

Scrutiny of procurement is carried out by OIOS and the Board of Auditors, though note the limitations in terms of capacity for OIOS, as mentioned in question 61. Published in 2017, the Board of Auditors' report (A/71/5/vol.2) made recommendations for the development of acquisition planning and procurement management processes that would be more in line with mandate and mission requirements:

- Establish a procedure that allows for the evaluation and analysis of mission requirements, the development of a global acquisition plan and, on that basis, the development of a procurement strategy.
- Enhance the monitoring of the procurement sections of missions, in particular with regard to their organisation, the engagement of new procurement staff and the completion of training.<sup>486</sup>

Interviewees from several T/PCCs noted that aside from their equipment being subject to COE rules and regulations, their contingents had no involvement in procurement, all of which was handled by the UN. This included food and other supplies. One interviewee was concerned that this led to T/PCCs not receiving what they needed on the ground to carry out the mandate. This argument was also made in the Cruz report. Other interviewees noted an 'operational distance' between DFS, DM and the missions, which could have an impact on approaches to risk, equipment and support.

## 66. Is procurement generally conducted as open competition, or is there a significant element of single-sourcing?

**Good practice: The vast majority (90 per cent+) of contracts are conducted as open procurement. All single-source and restricted competition procedure contracts must be justified, and are subject to external scrutiny, such as by Member States or audit bodies, who have the power to reject the competition procedure selected.**

### Summary

**Procurement is required to be an open and competitive process. All single-sourcing is required to be justified, and there are clear stipulations as to when single-sourcing can occur. However, single-sourcing can take place through invitation to bid (ITB), and there have been instances when it has been used inappropriately in mission environments. A precise figure on the percentage of contracts conducted as open competition vs single-sourcing was not found.**

Having an effective international competitive bidding process is a central tenet of UN procurement's aim to achieve the best value for money.<sup>487</sup> The Procurement Manual (section 9.10) sets out that, "Pursuant to Financial Rule 105.16, the UN may solicit only a single Vendor for a particular procurement action provided the ASG/Office of Central Support Services (OCSS) has determined that using formal methods of Solicitation is not in the best interest of the Organisation". Exemptions include the absence of a competitive marketplace and/or where only one manufacturer exists (9.18). The number of vendors invited to participate in the solicitation process may also be limited for security reasons as stipulated by the Department of Safety and Security (9.11); it does not, however, stipulate what these reasons might be, which leaves some room for abuse.

Interviewees noted the 'closed-door' nature of the procurement process. In the case of equipment and food, some T/PCC officials suggested that international tendering rules penalise small contractors. One interviewee reported that the African Group was concerned that influential nations held too much power in the Fifth Committee and that water, computers, and other equipment were shipped vast distances when available locally at a lower cost.<sup>488</sup> It is unclear whether this comment reflects a flawed process, or a sound process not properly applied, but it suggests that in

<sup>485</sup> Interview (33) with UN Official, May 2018.

<sup>486</sup> United Nations Board of Auditors, "Report of the Board of Auditors Volume II", A/71/5 (Vol. II), p.18, 2017.

<sup>487</sup> "Doing Business with the United Nations Secretariat", <https://www.un.org/Depts/ptd/sites/www.un.org.Depts.ptd/files/files/attachment/page/pdf/englishb.pdf>; see also the United Nations Financial Regulations and Rules, <https://hr.un.org/handbook/index/8254>.

<sup>488</sup> Interview (19) with T/PCCTCC Official, April 2018.

following international tendering rules, there remains scope for other important procurement factors to be missed, for example the 'best value for money' cited within the Procurement Manual. Greater transparency around this decision-making process and its outcomes would be beneficial.<sup>489</sup>

Procurement processes are subject to scrutiny by UN Audit bodies, through OIOS and the Board of Auditors. Though, as question 59 highlights, there are concerns over the capacity of OIOS and also the need for effective independent and external oversight and scrutiny.

## **67. Are tender boards subject to regulations and codes of conduct and are their decisions subject to audit to ensure due process and fairness?**

**Good practice: Officials with a role in designing tender specification, or in tender board decisions, are subject to regulations or codes of conduct that are designed to prevent conflicts of interest. Procurement officials are subject to restrictions on professional activity (e.g., being shareholders of contracting firms, board members, advisors, or company officers of private firms, engaging in certain kinds of post-employment, etc.) and are required to file financial disclosure reports to demonstrate that neither the official nor his or her family have financial conflicts of interest in their work. Annual training is provided to procurement officials to avoid conflicts of interest. There is external verification that the particular specifications that have been included are necessary. There is an audit trail detailing which officials (including from Member States) are involved in tender award decisions. Tender board regulations and codes of conduct are fully transparent.**

### **Summary**

**Tender Boards for peacekeeping operations have a standing secretariat with a Chair and Vice Chair who have considerable experience. The remainder of the Board alternate from other departments (non-DM) within the Secretariat. Each receive training relevant to the role, and file financial disclosure reports as part of checks to identify any potential conflicts of interest.<sup>490</sup> Only very limited publicly available information on the regulations and code of conduct for tender boards was found.**

Publicly available information on the rules, regulations and codes of conduct specifically for members of the tender board, beyond the principles set out in the Procurement Manual, Code of Conduct, and general ethical requirements for UN staff, has not been identified.

Procurement and contract management, including the tendering process, feature within OIOS Internal Audit Division reports.<sup>491</sup>

<sup>489</sup> "United Nations Procurement Manual, Revision 7", United Nations Department of Management Office of Central Support Services, Procurement Division, 2013, Chapter 9.2. The Procurement Manual identifies integrity as part of the basis on which suppliers are selected and contracts awarded. All such awards must consider: Best value for money; Fairness, integrity and transparency; Effective International Competition; The interest of the United Nations.

<sup>490</sup> Interview (33) with UN Official.

<sup>491</sup> "Audit of procurement, contract management and medical services in United Nations Peacekeeping Force in Cyprus", Report 2017/140, Office of Internal Oversight Services, 14 December 2017.

## 68. Is there regulation in place to discourage and punish collusion between bidders for peace/military operations contracts?

Good practice: Regulations are in place that prohibit collusion between the suppliers for contracts, where collusion is defined as between an official and a bidder or between bidders. Procurement officials are trained to identify collusion patterns and report potential malpractice. Where there is a conviction or reasonable evidence of bribery and corruption related offences, an offence can result in prosecution, referral to prosecutors in the relevant jurisdiction, debarment from current and future competitions, or other sanctions, including heavy fines or imprisonment. Cases are investigated through formal processes and without third-party interference (e.g. undue political influence).

### Summary

Collusion is clearly prohibited and well defined in regulations, though reported efforts to discourage and identify collusion appear to be mostly informal. Sanctions for collusion are limited. As with procurement more generally, political influence is reported to have a role to play in discouraging effective oversight of procurement processes.

In order to protect the integrity of the procurement process, the Procurement Manual lists corrupt and fraudulent practices for staff to be aware of and report as necessary. This list includes 'collusion' or 'bid rigging', which the Manual describes "a scheme or arrangement between two or more Vendors, with or without the knowledge of the UN, designed to establish prices at artificially non-competitive levels." It sets out common variants as:

- i. Bid suppression: one or more Vendors who otherwise would be expected to bid, or who have previously bid, agree to refrain from bidding or withdraw a previously submitted bid so that the designated winning competitor's bid will be accepted.
- ii. Complementary bidding: an agreement by Vendors whereby at least one of them agrees to submit a bid that is either too high to be accepted or contains special terms and conditions that will not be acceptable to the UN.
- iii. Bid rotation: Vendors submit bids but agree to take turns being the low bidder.
- iv. Subcontracting: Vendors agree not to bid or to submit a losing bid in exchange for subcontracts from the successful bidder.
- v. Market division: Vendors divide markets among themselves allocating specific customers, products or territories to themselves.<sup>492</sup>

Procurement staff receive training to examine all bid responses carefully and are required to take 'reasonable steps' to identify and catch collusion. Guidance offered in the Procurement Manual is limited: "Officials should be vigilant to the risks of corrupt practices and manage the procurement process to mitigate such risks. They should be familiar with potential warning signs of corrupt practices and strengthen internal controls, where needed".<sup>493</sup>

One UN Official suggested an effective method involves presence on the ground, listening out for informal conversation, though this is largely ad hoc and not universally applied. Also, collusion can come to light when an unhappy vendor who has missed out on a contract raises the issue. These responses suggest an appreciation of the issue, but also a reliance on informal and reactive responses to the issue rather than a proactive, structured, sophisticated system for detection.

See question 71 for possible sanctions.

<sup>492</sup> "United Nations Procurement Manual, Revision 7", United Nations Department of Management Office of Central Support Services, Procurement Division, July 2013, 4.10.2, pp. 49-50.

<sup>493</sup> *Ibid*, p.70.

## 69. Are there mechanisms and procedures that ensure contractors meet their obligations on reporting and delivery?

Good practice: There are formal policies and procedures that outline how to monitor, assess and report upon a supplier's service and delivery obligations. These include resolution or sanctioning procedures for incomplete or inadequate service delivery. All contracts are publicly available. Modifications post-award (such as change of subcontractor, change of beneficial owner, or additional costs such as a consultant) are publicly available alongside the original contract award enabling scrutiny and oversight of changes. Oversight agencies receive information on, and scrutinise the quality of, product and service delivery. Officials regularly produce contract monitoring and completion reports. These include supplier and subcontractor performance appraisals, which are separately verified. If the contract was not sufficiently completed, action is taken for breach of contract. All breaches of contract are adequately acted upon. Issues are either dealt with internally, or raised with higher management in the executive. If not resolved, issues are referred for further external scrutiny e.g. to the office of internal oversight or similar.

### Summary

**There are clear mechanisms and procedures to ensure contractors meet their contractual obligations, with improvements in recent years in transparency and monitoring. There are some risks in terms of monitoring subcontractors, which is the responsibility of the prime contractor.**

Contract management is administered by the Procurement Division in partnership with the client on the ground, for example in peacekeeping operations and political missions. If the client has multiple sites, then there will be a staff member within each mission to manage the contract. Clear guidelines and requirements for vendor contract performance are set out in Chapter 15 of the Procurement Manual (2013). This includes remedies and dispute resolution procedures.

Details of newly awarded contracts with a value equal to or above US\$40,000 are publicly available as per the UNGM website<sup>494</sup> and UN Procurement Division website<sup>495</sup> (see question 63). On the UNGM website, details of the contract value and relevant contact information for the buyer are displayed.

Internal oversight controls within DM include procurement monitoring on an ongoing basis, in partnership with DFS and Mission personnel. The development of a number of processes and tools (including Umoja software) has increased DM's ability to effectively monitor contracts, transactions, poor performance, and supply chains and other procurement related matters. One UN interviewee acknowledged that the monitoring and evaluation of its own processes is not something that the UN does well as too often it is the last thing to get funded, and the budget can often be used to meet programming shortfalls.<sup>496</sup> As noted above, DM was given a key role in the SG's reform proposals, in the form of DMSPC, understood to include new accountability functions to separate management/accountability from operations, and supported by influential Member States.<sup>497</sup>

In terms of subcontracting, the prime contractor is responsible for the suitability and behaviour of subcontractors and third parties, the implication being that this is not for DM or, now, DMSPC, to establish. The means by which this is managed is at the discretion of the contractor, which poses a significant risk. This is particularly true on operations, which interviewees agreed is an area of high risk due to the challenge of effectively overseeing contracts in such environments. Both the Procurement Manual and UN Procurement Practitioner Handbook set out processes for addressing breach of contract, and a number of possible remedies.

<sup>494</sup> "Search contract awards", United Nations Global Marketplace, <https://www.ungm.org/Public/ContractAward>.

<sup>495</sup> "HQ Contracts", Procurement Division, [https://www.un.org/Depts/ptd/contract-awards/343?field\\_date\\_3\\_value%5Bvalue%5D%5Byear%5D=2018&field\\_date\\_3\\_value\\_1%5Bvalue%5D%5Bmonth%5D=5&field\\_text\\_20\\_2\\_value=&field\\_country\\_tid\\_selective=All&field\\_text\\_75\\_2\\_value=&field\\_commodity\\_group\\_ca\\_tid\\_selective=All&items\\_per\\_page=10#](https://www.un.org/Depts/ptd/contract-awards/343?field_date_3_value%5Bvalue%5D%5Byear%5D=2018&field_date_3_value_1%5Bvalue%5D%5Bmonth%5D=5&field_text_20_2_value=&field_country_tid_selective=All&field_text_75_2_value=&field_commodity_group_ca_tid_selective=All&items_per_page=10#).

<sup>496</sup> Interview (33) with UN Official, May 2018.

<sup>497</sup> Interview (1) with two UN Officials, March 2018, (15) with Member State Official, April 2018, (33) with UN Official, May 2018.

## 70. Are there mechanisms in place to allow companies to complain about perceived malpractice in procurement, and are companies protected from discrimination when they use these mechanisms?

Good practice: Formal mechanisms are in place to allow companies to complain about perceived malpractice in procurement. This may include both an internal complaints mechanism, and a process of registering complaints through Member States. The complaints mechanisms available to companies are efficient and reasonably priced, and are regularly used. For genuine (non-malicious) complaints, companies believe that they will not be discriminated against in future procurements.

### Summary

**There are clear mechanisms and procedures to ensure contractors meet their contractual obligations, with improvements in recent years in transparency and monitoring. There are some risks in terms of monitoring subcontractors, which is the responsibility of the prime contractor.**

Initially there are informal channels of reporting, as within DM and DFS staff are encouraged to develop partnerships with vendors. Through building a relationship with them they can, and do according to one interviewee, offer suggestions on ways to get better value for the UN.<sup>498</sup> Participants in high-value procurement solicitations, which would result in awards above US\$200,000, can obtain information on unsuccessful proposals or bids through the Debrief process offered by the UN Secretariat.<sup>499</sup> The debriefing allows the discussion of an unsuccessful submission and the related evaluation process. The debrief process does not apply to solicitations issued by UN field missions.

If the vendor remains unsatisfied, then a 'Procurement Challenge' or bid protest can be lodged.<sup>500</sup> Through this process an independent procurement professional will review the process. Any subsequent reports and findings are documented though remain internal. As per their oversight functions, OIOS and the Board of Auditors can have access to these reports.

For complaints or suspicion of unethical or fraudulent activity, the issue can be taken to OIOS and reported using their online form, including the option to remain anonymous.<sup>501</sup> Interviewees within the UN system did suggest that OIOS capacity can be limited, and that investigating fraudulent activity comes fourth in the list of current priorities for OIOS (these include sexual harassment, SEA, and whistleblower retaliation).<sup>502</sup> The mechanisms exist, though as in a number of areas, the capacity to respond adequately may not.

It should be noted that the Department of Management does not publish the bid process itself, arguing that this is because it can contain sensitive information.<sup>503</sup>

<sup>498</sup> Interview (33) with UN Official, May 2018.

<sup>499</sup> "Debriefing and Procurement Challenges FAQ", Procurement Division, <https://www.un.org/Depts/ptd/complaints/debriefing-and-procurement-challenges-faq>.

<sup>500</sup> "Complaints Guideline", Procurement Division, <https://www.un.org/Depts/ptd/complaints/complaints-guideline>.

<sup>501</sup> The form is available at <https://unvoiosctxwi.unvienna.org/OIOSIDWDR/?AspxAutoDetectCookieSupport=1>.

<sup>502</sup> Interview (9) with UN Official, March 2018.

<sup>503</sup> Interview with UN official, March 2018.

## 71. What sanctions are used to punish the corrupt activities of a supplier?

**Good practice:** There is clear legislation and implementing guidelines empowering procurement officials to exclude companies and senior company officials where there is a conviction or credible evidence of bribery and corruption related offences. Cases are investigated or prosecuted through formal processes and without undue political influence. An offence can result in exclusion from current and future competitions; it may also result in cases being taken up by Member States' justice systems.

### Summary

**There are clear guidelines and rules of acceptable behaviour as set out in the Code of Conduct and Procurement Manual described above (question 59). However, the sanctions for engaging in such behaviour are not well defined, and political influence can play a part in quelling meaningful investigation and punishment.**

The Code of Conduct sets out the UN's expectations for all suppliers registered and with whom it does business. The Code states that, "failure to comply with certain provisions may also preclude suppliers from being eligible for a contract award, as reflected in the solicitation documents of one or more of the organizations in the UN". The Code is clear that suppliers must not engage in corrupt practices. However, beyond being prevented from future bids, the Code is somewhat vague on sanctions resulting from such activities.

According to the Code, the attitude to vendors' and suppliers' poor performance is one of 'continuous improvement'. In the first instance the client will likely inform DM or, as of 2019, DMSPC, of any issue with the supplier. Depending on the seriousness of the alleged behaviour, initial responses will focus on correcting the performance to deliver the required product or service. Through a tri-partite meeting between client, supplier and DM, remedial action can be agreed. For serious behaviours, the matter is referred to a Vendor Review Committee (note, as of May 2018, the relevant page on the website was not available). It is usual practice for a contractor, supplier, or vendor to be dismissed if they have behaved corruptly. Reports from these committees are not made public.

UNOPS and UNDP (for example) host a vendor ineligibility list for those vendors found to be in breach of UNOPS/UNDP procedures and practices.<sup>504</sup> The UN Secretariat holds a similar list, though this is not publicly available – one interviewee suggesting a wariness around creating a 'black list'.

Interviewees within the UN system stressed the importance of vendor performance, and in the context of the Cruz report, many are mindful of the connections between goods, equipment and endangering lives. However, this very context also seems to be the reason why clear sanctions are not set out in the documentation. In the complex and demanding situations in which peacekeeping operations often take place, there can be significant difficulty in finding alternative suppliers. Therefore, in the interests of the mission, they reported that measures have to be taken to improve the situation, even when the allegations are serious.

One example is a widely reported SEA case in the DRC in which allegations were substantiated against a helicopter pilot. The pilot was repatriated and dismissed, but the contract with the supplier continued, with strict monitoring and corrective actions overseen by a British legal firm. Individuals were on site to monitor and this arrangement remains in place. This was considered a pragmatic response by the UN official interviewed.<sup>505</sup>

Finally, it is worth noting that there are likely to be political constraints in applying sanctions effectively, with some states providing protection to their representatives and companies. For example, the demise of the UN Procurement Task Force, which had examined contract fraud in its 2006-2008 lifespan,<sup>506</sup> exemplifies the difficulties in creating and sustaining effective investigative processes that lead to effective sanctions.<sup>507</sup>

<sup>504</sup> "Vendor Sanctions", UNOPS, <https://www.unops.org/business-opportunities/vendor-sanctions>.

<sup>505</sup> Interview (33) with Un Official, May 2018

<sup>506</sup> Steve Stecklow, "U.N. Allows Its Antifraud Task Force to Dissolve", *The Wall Street Journal*, 8 January 2009.

<sup>507</sup> Interview (36) with Civil Society actor, June 2018.

## 72. How strongly does the organisation control a company's use of agents and intermediaries in the procurement cycle?

**Good practice:** The use of agents and intermediaries is prohibited, or is regulated by a strict and clear policy which requires as a minimum that: anti-corruption clauses are included in contracts with agents; companies register agents and declare all forms of remuneration; agents receive payments into local accounts, and company contracts outline the right to audit agent financial accounts by government agencies. Sanctions are usually applied when policies and laws on the use of agents are violated.

### Summary

**The use of agents and intermediaries is not prohibited and subject only to light-touch regulation.**

Vendor registration criteria as set out in the Procurement Manual (2013), stipulates that for level 2 contracts, estimated to be above US\$500,000, it is mandatory to include "the names of intermediaries, agents and/or consultants (if any) used in relation to United Nations contracts or bids/proposals".<sup>508</sup> There is no mention of other details which a company must divulge in relation to agents and/or intermediaries. Subject to contracts being awarded, they would then be open to the audit and oversight processes of OIOS and the Board of Auditors (as set out in question 61 above).

UN Officials interviewed noted that although companies sometimes sent local representatives to negotiate with the UN in New York, the UN disliked the use of agents and preferred to negotiate with company headquarters directly.

## 73. Are the principal aspects of the financing package surrounding major deals (such as payment timelines, interest rates, commercial loans or export credit agreements) made publicly available prior to the signing of contracts?

**Good practice:** Principal aspects of the financing package surrounding major procurements are comprehensively detailed and made publicly available after the signing of the contracts. This information includes payment timelines, interest rates, commercial loans or, if they are used, export credit agreements.

### Summary

**Purchase Order Awards are available to view, along with Contract Awards, though with a limited level of detail. Only Purchase Awards over US\$40,000 are included, and purchase awards against established contracts are not included.**<sup>509</sup>

Details of newly awarded contracts with a value equal to or above US\$40,000 are publicly available as per the UNGM website<sup>510</sup> and UN Procurement Division website<sup>511</sup> (see question 63). On the UNGM website, details of the contract value and relevant contact information for the buyer are displayed, though this information is not available on the UN Procurement Division website.

<sup>508</sup> "United Nations Procurement Manual, Revision 7", United Nations Department of Management Office of Central Support Services, Procurement Division, 2013, Section 7.6, p. 62.

<sup>509</sup> "Peacekeeping Purchase Orders", Procurement Division, [https://www.un.org/Depts/ptd/purchase-order-awards/344?field\\_date\\_2\\_value%5Bvalue%5D%5Byear%5D=2018&field\\_date\\_2\\_value\\_1%5Bvalue%5D%5Bmonth%5D=6&field\\_text\\_20\\_2\\_value=&field\\_country\\_tid\\_selective=All&field\\_text\\_75\\_2\\_value=&field\\_commodity\\_group\\_ca\\_tid\\_selective=All&items\\_per\\_page=10](https://www.un.org/Depts/ptd/purchase-order-awards/344?field_date_2_value%5Bvalue%5D%5Byear%5D=2018&field_date_2_value_1%5Bvalue%5D%5Bmonth%5D=6&field_text_20_2_value=&field_country_tid_selective=All&field_text_75_2_value=&field_commodity_group_ca_tid_selective=All&items_per_page=10).

<sup>510</sup> "Search contract awards", United Nations Global Marketplace, <https://www.ungm.org/Public/ContractAward>

<sup>511</sup> "HQ Contracts", Procurement Division.

## 74. Does the organisation formally require that the main contractor ensures subsidiaries and subcontractors adopt anti-corruption programmes, and is there evidence that this is enforced?

Good practice: The organisation requires that the main contractor ensures that subsidiaries and subcontractors adopt anti-corruption programmes, and there is evidence that this is enforced. For example, suppliers and subcontractors are required to show that they have a formal and publicly declared anti-corruption programme in place that adheres to minimum standards established and specified by the procurement authority. The substance of the programme and standards are included in the main contract as well as subcontracts throughout the supply chain. There is evidence that these regulations are consistently implemented.

### Summary

As per the Supplier Code of Conduct<sup>512</sup>, anti-corruption requirements apply to all suppliers and their affiliated entities including subcontractors. Suppliers are required to communicate the Code to these entities and subcontractors in local language 'and a manner understood by all'. No formal sanction is in place for non-compliance with these regulations.

As per the Supplier Code of Conduct<sup>513</sup>, the UN expects "suppliers to encourage and work with their own suppliers and subcontractors to ensure that they also strive to meet the principles of the Code of Conduct", though there is no mention of formal sanction.

However, it is the prime contractor who is responsible for the suitability, behaviour and oversight of subcontractors and third parties, rather than DM.

## 75. How common is it for acquisition decisions related to peace/military operations to be based on political influence by member nations?

Good practice: No acquisitions are granted as a result of political influence by selling nations. The organisation cites clear and justifiable needs for purchases from particular suppliers.

### Summary

It is widely acknowledged amongst interviewees that political influence can play a part in acquisition decisions. Within the UN, procurement policy and procedure decisions are made that reflect this reality, particularly around increasing the competitiveness of bidding processes.

Several interviewees from within the UN as well as Member State Officials commented on the political influence by member nations with regard to acquisition decisions. One UN interviewee noted the blurring of lines between national interest, negotiation, and political influence.<sup>514</sup> One interviewee noted the hugely bureaucratic, closed-door nature of the process, as well as its unpredictable outcomes in which politics played a significant role in decision-making.<sup>515</sup>

One example exemplifying the difficulty is in the area of aviation. Aviation/air transport represents the largest area of UN procurement (nearly US\$515,000,000 in 2017<sup>516</sup>). The domination of this area of procurement by companies from particular countries, including Russia and Ukraine, is widely spoken about by interviewees from within the UN and

<sup>512</sup> "UN Supplier Code of Conduct", Procurement Division, <https://www.un.org/Depts/ptd/about-us/un-supplier-code-conduct>.

<sup>513</sup> "UN Supplier Code of Conduct", Procurement Division, <https://www.un.org/Depts/ptd/about-us/un-supplier-code-conduct>.

<sup>514</sup> Interview (11) Academic Expert, March 2018; Interview (6) UN Official, March 2018.

<sup>515</sup> Interview (16) Member State Official, April 2018.

<sup>516</sup> "Statistics", Procurement Division, <https://www.un.org/Depts/ptd/statistics/2017>.

Member States, as well as outside experts.<sup>517</sup> The overall sense amongst interviewees was that such dominance was not desirable, but there was also a concern reported that the companies from these countries had both the capacity and the willingness to offer services in difficult peacekeeping conditions, where others may not.<sup>518</sup>

The Board of Auditors noted the need to increase the number of vendors making bids. One response to this has been to move to a request for proposal (RFP) approach, rather than 'invitation to bid' which limits the market by specifying types or numbers of for instance, aircraft required. By defining the services and capacity required, instead of the specific types of aircraft, the aim was to increase the number of vendors. Whilst the RFP approach is seen as yielding better value for the UN in a number of missions, it has not been replicated,<sup>519</sup> in part due to the increase in required capacity and training.<sup>520</sup> However, the Board of Auditors report (A/72/5, vol.ii) that though the agreement has been made to move towards RFP, in 2016 and 2017 only one out of 42 contracts up for renewal (2 per cent) was based on RFP, the others being formal invitations to bid.

There are a number of measures according to which issues relating to procurement can be addressed on a case-by-case basis – including a debrief and a Bid Protest, where the procurement process will be reviewed by an independent professional. These reports remain internal, though can be seen by OIOS and the Board of Auditors.

One significant challenge preventing procurement from being conducted in full accordance with good practice is the political influence of major Member States, which has in the past – exemplified by the Procurement Task Force – been used to quell high-quality investigations into these issues.

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**517** It is also worth noting that US companies remain the largest supplier of goods and services – 8.95% of the total procurement volume in 2016. Russia supplied 1.85% of the total.

**518** Interview (33) with UN Official, May 2018, Interview (31) with Academic Expert, May 2018; see also Susan Manuel, "UN Budget Committee OK's Major Reform of the UN, as Peacekeeping is Squeezed", *Pass Blue*, 1 July 2018.

**519** Interview (15) with Member State Official, April 2018, Interview (6) with UN Official, March 2018.

**520** Interview (33) with UN Official, May 2018.

## APPENDIX 1: LIST OF INTERVIEWEES

- (1) Two UN Officials, March 2018
- (2) Civil Society Actor, March 2018
- (3) Member State Official, March 2018
- (4) Civil Society Actor, March 2018
- (5) Two UN Officials, March 2018
- (6) UN Official, March 2018
- (7) Three UN Officials, March 2018
- (8) UN Official, March 2018
- (9) UN Official, March 2018
- (10) Two Member State Officials, March 2018
- (11) Academic Expert, March 2018
- (12) UN Official, April 2018
- (13) Two UN Officials, April 2018
- (14) UN Official, April 2018
- (15) Member State Official, April 2018
- (16) Member State Official, April 2018
- (17) UN Official, April 2018
- (18) Member State (T/PCC) Official, April 2018
- (19) Member State (T/PCC) Official, April 2018
- (20) Three UN Officials, April 2018
- (21) Former UN Official, April 2018
- (22) Academic Expert, April 2018
- (23) Two Member State Officials, April 2018
- (24) Member State Official, April 2018
- (25) UN Official, April 2018
- (26) UN Official, April 2018
- (27) Member State Official, April 2018
- (28) Member State Official, April 2018
- (29) UN Official, April 2018
- (30) Former Member State Official, May 2018
- (31) Academic Expert, May 2018
- (32) Former UN official, May 2018
- (33) UN Official, May 2018
- (34) Civil Society Actor, June 2018
- (35) Civil Society Actor, June 2018
- (36) Civil Society Actor, June 2018
- (37) UN Official, July 2018
- (38) Former UN Mission Staff, July 2018
- (39) Academic and Policy Expert, October 2018
- (40) UN Officials, October 2018

## APPENDIX 2: LIST OF ACRONYMS

A4P	Action for Peacekeeping
AAR	After Action Review
AAV	Assessment and Advisory Visit
ACABQ	Advisory Committee on Administrative and Budgetary Questions
ASG	Assistant Secretary-General
BOA	Board of Auditors
C34	Special Committee on Peacekeeping Operations
CAR	Central African Republic
CDT	Conduct and Discipline Team
CDU	Conduct and Discipline Unit
CEB	Chief Executive Board
CIC	Center on International Cooperation
CICIG	International Commission against Immunity in Guatemala
CJIATF	Combined Joint Inter-Agency Task Force Shafafiyat
COE	Contingent-Owned Equipment
CPTM	Core Pre-deployment Training Materials
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DDR	Disarmament, Demobilisation, and Reintegration
DFS	Department of Field Support
DM	Department of Management
DMSPC	Department of Management Strategy, Policy and Compliance
DOS	Department of Operational Support
DPA	Department of Political Affairs
DPET	Department of Policy, Evaluation and Training
DPKO	Department of Peace Operations
DPO	Department of Peace Operations
DPPA	Department of Political and Peacebuilding Affairs
DRC	Democratic Republic of the Congo
ECOSOC	Economic and Social Council
EOSG	Executive Office of the Secretary-General
e-Pas	Electronic Performance Appraisal System
ERM	Enterprise Risk Management
ERSG	Executive Representative of the Secretary-General
FC	Force Commander
HC	Humanitarian Coordinator
HIPPO	High-Level Independent Panel on Peace Operations
HoM	Head of Mission
HR	Human Resources
IAAC	Independent Audit Advisory Committee
ICT	Information and Communication Technologies
IMTC	Integrated Mission Training Cells
IPI	International Peace Institute
ISA	International Standards of Auditing
ITF	Integrated Task Force
JIU	Joint Investigations Unit
KPK	Komisi Pemberantasan Korupsi (Corruption Eradication Commission)
LOA	Letter of Assist
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUJUSTH	United Nations Stabilisation Mission in Haiti
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MONUSCO	United Nations Organisation Stabilization Mission in the Democratic Republic of the Congo
MoU	Memoranda of Understanding
OCSS	Office of Central Support Services
OHCHR	UN Office of the High Commissioner for Human Rights
OIOS	Office of Internal Oversight Services

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OPSP	Office for Peacekeeping Strategic Partnership
OROLSI	Office of Rule of Law and Security Institutions
PKO	Peacekeeping Operation
PMSC	Private Military and Security Company
PO	Peace Operation
RC	Resident Coordinator
RFP	Request for Proposal
SCR	Security Council Resolution
SEA	Sexual Exploitation and Abuse
SG	Secretary-General
SIGAR	Office of the Special Inspector General for Afghanistan Reconstruction
SIGIR	Office of the Special Inspector General for Iraq Reconstruction
SIU	Special Investigations Unit
SOFA	Status of Forces Agreement
SPM	Special Political Mission
SRSO	Special Representative of the Secretary-General
SSR	Security Sector Reform
TAM	Technical Assessment Mission
TI	Transparency International
TI-DS	Transparency International Defence & Security
T/PCC	Troop/Police Contributing Country
UK	United Kingdom
UN	United Nations
UNA	United Nations Association
UNAMID	United Nations-African Union Mission in Darfur
UNAMSIL	United Nations Mission in Sierra Leone
UNBISNET	United Nations Bibliographic Information System
UNFRR	United Nations Financial Regulations and Rules
UNGA	United Nations General Assembly
UNGM	United Nations Global Marketplace
UNHQ	United Nations Headquarters
UNIFIL	United Nations Interim Force in Lebanon
UNMIL	United Nations Mission in Liberia
UNMISS	United Nations Mission in South Sudan
UNOCI	United Nations Operation in Cote d'Ivoire
UNOPS	United Nations Office for Project Services
UNPD	United Nations Procurement Division
UNSC	United Nations Security Council
US	United States of America
USG	Under-Secretary-General
USUN	United States Mission to the United Nations
WFUNA	World Federation of United Nations Associations



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