



INTERNAL AUDIT DIVISION

REPORT 2016/029

Audit of the United Nations Interim Administration Mission in Kosovo

Overall results relating to the effective management of substantive operations and support activities were initially assessed as partially satisfactory. Implementation of seven important recommendations remains in progress

FINAL OVERALL RATING: PARTIALLY
SATISFACTORY

7 April 2016
Assignment No. AP2015/650/01

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AUDIT REPORT

Audit of the United Nations Interim Administration Mission in Kosovo

I. BACKGROUND

1. The Office of Internal Oversight Services (OIOS) conducted an audit of the United Nations Interim Administration Mission in Kosovo (UNMIK).
2. In accordance with its mandate, OIOS provides assurance and advice on the adequacy and effectiveness of the United Nations internal control system, the primary objectives of which are to ensure: (a) efficient and effective operations; (b) accurate financial and operational reporting; (c) safeguarding of assets; and (d) compliance with mandates, regulations and rules.
3. UNMIK was established under Security Council resolution 1244 in 1999 and was vested with all legislative and executive powers and administration of the judiciary in Kosovo. In 2008, Kosovo declared independence despite strong objections from Serbia, which still considers Kosovo as part of its territory. Consequently, the tasks assigned to UNMIK were restructured and reduced to promoting security, stability and respect for human rights and facilitating dialogue between the authorities in Pristina and Belgrade. In 2009, the European Union Rule of Law Mission in Kosovo (EULEX) assumed full operational responsibility in the area of rule of law within the framework of Security Council resolution 1244.
4. The Mission has its headquarters in Pristina and an office in Mitrovica, Northern Kosovo. In addition, the United Nations Office in Belgrade, Serbia reports to UNMIK and to the Department of Peacekeeping Operations (DPKO) on all Kosovo-related issues, and to the Department of Political Affairs (DPA) on all non-Kosovo-related regional issues in the Western Balkans.
5. UNMIK is headed by a Special Representative of the Secretary-General (SRSG). The approved budget for 2014/15 was \$43 million and approved staffing resources were 387 posts comprising 116 international civilian staff, 228 national staff, 27 United Nations volunteers and 16 uniformed personnel.
6. Comments provided by UNMIK are incorporated in italics.

II. OBJECTIVE AND SCOPE

7. The audit was conducted to assess the adequacy and effectiveness of UNMIK governance, risk management and control processes in providing reasonable assurance regarding the **effective management of substantive operations and support activities in UNMIK**.
8. The audit was included in the 2015 risk-based work plan of OIOS due to operational and reputational risks associated with the operations of UNMIK.
9. The key controls tested for the audit were: (a) risk assessment and strategic planning; and (b) regulatory framework. For the purpose of this audit, OIOS defined these key controls as follows:
 - (a) **Risk assessment and strategic planning** – controls that provide reasonable assurance that risks relating to the Mission's substantive operations and support activities are identified, assessed and mitigated, and that strategic plans are developed to guide operations.

(b) **Regulatory framework** – controls that provide reasonable assurance that policies and procedures: (i) exist to guide the substantive operations and support activities of UNMIK; (ii) are implemented consistently; and (iii) ensure the reliability and integrity of financial and operational information.

10. The key controls were assessed for the control objectives shown in Table 1.

11. OIOS conducted this audit from October to November 2015. The audit covered the period from 1 January 2014 to 30 September 2015 and included a review of substantive operations and mission support activities.

12. OIOS conducted an activity-level risk assessment to identify and assess specific risk exposures, and to confirm the relevance of the selected key controls in mitigating associated risks. Through interviews, analytical reviews and tests of controls, OIOS assessed the existence and adequacy of internal controls and conducted necessary tests to determine their effectiveness.

13. The audit did not include activities undertaken by the United Nations Office in Belgrade in monitoring and reporting to DPA on the non-Kosovo-related regional developments.

III. AUDIT RESULTS

14. The UNMIK governance, risk management and control processes examined were initially assessed as **partially satisfactory**¹ in providing reasonable assurance regarding the **effective management of substantive operations and support activities in UNMIK**. OIOS made eight recommendations to address issues identified in the audit.

15. UNMIK prepared and implemented a Mission Concept for 2014/15 whose strategic priorities were aligned to the results-based budgeting framework. Work plans were in place for UNMIK offices/units. The Mission complied with the Minimum Operating Security Standards and the Procurement Manual. Subsequent to the audit, UNMIK integrated the Pristina and Mitrovica human rights offices to promote a consistent approach in implementing the Mission's human rights mandate.

16. To further improve operations, UNMIK needed to: (a) establish a reporting and communication strategy; (b) improve its role in promoting and implementing recommendations on human rights; (c) evaluate the impact of the certification of pension documents; (d) determine its position on the interpretation of articles related to International Wanted Notices; (e) formally develop standards for key substantive and operational procedures; and (f) finalize arrangements on evacuation locations.

17. The initial overall rating was based on the assessment of key controls presented in Table 1. The final overall rating is **partially satisfactory** as implementation of seven important recommendations remains in progress.

¹ 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.

Table 1: Assessment of key controls

Business objective	Key controls	Control objectives			
		Efficient and effective operations	Accurate financial and operational reporting	Safeguarding of assets	Compliance with mandates, regulations and rules
Effective management of substantive operations and support activities in UNMIK	(a) Risk assessment and strategic planning	Partially satisfactory	Partially satisfactory	Satisfactory	Partially satisfactory
	(b) Regulatory framework	Satisfactory	Satisfactory	Satisfactory	Satisfactory
FINAL OVERALL RATING: PARTIALLY SATISFACTORY					

A. Risk assessment and strategic planning

Mission Concept was developed and its implementation was being monitored and reported

18. The DPKO/DFS and DPA Mission Concept guidelines require UNMIK to prepare a Mission Concept, which is a management tool used for strategic planning and communication of the Mission’s mandate, among others. The Mission Concept guidelines require the Head of Mission to implement the Concept and report the Mission’s performance against the priorities identified in it.

19. UNMIK developed a Mission Concept for the period 2014/15, which was the primary strategic framework for the Mission and provided adequate guidance on the Mission’s substantive operations. UNMIK was also monitoring achievements against established targets in its results-based budget and the Compact of the SRSG, which were aligned to the Mission Concept. OIOS therefore concluded that UNMIK had implemented adequate controls over developing its strategies and in implementing and reporting on its performance.

Need to establish a reporting and communication strategy

20. Security Council resolution 1244 mandates UNMIK to facilitate progress towards reconciliation of all communities in Kosovo. UNMIK facilitation process included reporting at various levels on political developments, security, rule of law, community-related matters, human rights and other matters of peace consolidation and stability.

21. Several sections/units in UNMIK were involved in reporting. A review of related reports and interviews with 27 section/unit heads indicated that 13 section/units were producing reports and other forms of communication. However, although the Mission had a Situation Centre, which was compiling and consolidating reports from different sources, the sections/units still sent individual reports either to the Office of the Chief of Staff or the Office of the SRSG or both. In addition, not all section/units involved in gathering relevant substantive information participated in the preparation of the Secretary-General’s quarterly reports to the Security Council.

22. The above resulted because UNMIK had not developed a communication and reporting strategy to support and implement the Mission’s mandate. A comparison of reports across some units indicated that issues being reported were often the same and some functions such as media watch and news monitoring were conducted by several units concurrently, leading to inefficient use of resources.

(1) UNMIK should establish a communication and reporting strategy that includes: (a) assessing the adequacy of the quantity and quality of information produced by sections/units and distributed internally; and (b) establishing a centralized information management mechanism to improve information gathering, analysis, reporting and dissemination.

UNMIK accepted recommendation 1 and stated that the assessment of adequacy of reports produced and distributed internally would be done by a Working Group. The Working Group was consulting other relevant offices to develop a communication and reporting strategy to improve information gathering, reporting, and dissemination of information to UNMIK sections. Recommendation 1 remains open pending receipt of a copy of the communication and reporting strategy.

Need to establish a mechanism to implement decisions on human rights violation cases

23. In 2006, UNMIK established an independent Human Rights Advisory Panel to examine complaints of violations of human rights by UNMIK. According to UNMIK Regulation 2006/12 on the establishment of the Human Rights Advisory Panel, the SRSG has exclusive authority and discretion to decide whether to act on the findings of the Advisory Panel.

24. Of the 141 human rights violation cases presented to and examined by the Advisory Panel in 2014 and 2015, the Panel determined that UNMIK had violated human rights and made recommendations to the SRSG in 131 cases. A review of 15 of the 131 cases identified that in all these cases, the SRSG decision communicated to the complainants indicated that the SRSG would continue to urge EULEX and other competent authorities to take all possible steps towards a criminal investigation. However, UNMIK was not systematically following up on cases with EULEX and other competent authorities. For example, in 2015, only 15 cases were forwarded to EULEX because UNMIK did not establish proper mechanisms to follow up on cases which the SRSG had communicated would be followed up.

25. The lack of systematic follow-up increased the reputational risk to the Organization. In 2014 and 2015, there were at least 47 negative articles from media and non-governmental organizations on human rights cases involving UNMIK. In addition, the failure to ensure investigation of cases created false expectations for complainants.

(2) UNMIK should set up a mechanism to follow up on the decisions of the Special Representative of the Secretary-General regarding recommendations on human rights violations by the Human Rights Advisory Panel, including continuous engagement with relevant authorities.

UNMIK accepted recommendation 2 and stated that it would prepare a guideline setting out responsibilities at Mission-level for follow-up on the decisions of the SRSG regarding human rights violations recommendations made by the Human Rights Advisory Panel. Recommendation 2 remains open pending receipt of evidence that a monitoring mechanism for following up human rights violations cases has been established.

Need for mechanism to implement recommendations on human rights

26. The United Nations Office of the High Commissioner for Human Rights (OHCHR) in resolution 20 (XXXVI) dated 29 February 1980 established a Working Group on Enforced or Involuntary Disappearances to examine questions relevant to enforced or involuntary disappearances of persons. In its report dated 15 September 2015 to the Human Rights Council, the Working Group stated that failure

of UNMIK to effectively investigate many of the crimes perpetrated during UNMIK administration of Kosovo should be properly addressed and the victims of those failures should be adequately compensated by the United Nations.

27. The Working Group recommended that UNMIK should: (i) seek suitable means to grant compensation to victims of human rights abuses; (ii) continue the investigations into these cases; and (iii) submit a timetable showing the steps it would take to implement the recommendations of the Working Group within 90 days from 15 September 2015.

28. While UNMIK advised that it was working on the recommendations of the Working Group, as of mid-November 2015, the Mission did not have any evidence to support this assertion. Delays in addressing the recommendations of the Working Group on Enforced or Involuntary Disappearances exposed the Organization to reputational risks.

(3) UNMIK should address the recommendations of the Working Group on Enforced or Involuntary Disappearances in its report to the Human Rights Council regarding human rights abuse cases perpetrated during UNMIK executive administration in Kosovo.

UNMIK accepted recommendation 3 and stated that it would seek further clarification on the recommendations made by the Working Group on Enforced or Involuntary Disappearances, including compensation, from United Nations Headquarters and OHCHR. UNMIK further stated that although the recommendations of the Special Procedures were not binding, the Mission had raised the issue with the United Nations Office of Legal Affairs. Regarding compensation to the claimants and further investigation into the cases, UNMIK noted that it no longer had authority to do either but stated that it was prepared to discuss the possibility of setting up a mechanism to deal with such matters with the relevant authorities at the appropriate juncture. UNMIK also clarified that the acts in question were related to activities carried out by institutions established under the interim administration of Kosovo. Recommendation 3 remains open pending receipt of evidence of the establishment of a system to address the recommendations of the Working Group on Enforced or Involuntary Disappearances on investigation of cases of human rights violations.

Need for integrated and consistent approach for promoting human rights

29. UNMIK is mandated by Security Council resolution 1244 to protect human rights. The OHCHR Stand-alone Office in Kosovo took the lead role in protecting and upholding human rights in Kosovo until February 2015 when the office was closed. Since then, UNMIK has played a limited role in monitoring human rights in the Pristina area and has human rights officers embedded in the Office of Community Support and Facilitation. UNMIK also had two human rights officers in the Mitrovica Office who were directly reporting to the Head of the Mitrovica Office.

30. A review of available documentation and discussions with relevant staff indicated that the human rights officers in UNMIK Headquarters and those in Mitrovica conducted their functions without a comprehensive work plan and without any reporting relationship, thereby undermining consistency in the approach to protecting human rights in Kosovo. In addition, human rights issues reported by the Mitrovica human rights officers (such as the report on gender-based violence) did not receive adequate attention of the Mission management.

31. The above resulted because there was no integrated and consistent approach by UNMIK to implementing its human rights mandate. As a result, there was an increased risk that important human rights issues may not be adequately followed up.

(4) UNMIK should review the current organization and reporting structures to promote integration and a consistent approach in implementing its human rights mandate.

UNMIK accepted recommendation 4 and stated that in line with the recommendations of the Civilian Staffing Review, it had integrated the two human rights presence (Pristina and Mitrovica) into one human rights office. Based on action taken by UNMIK, recommendation 4 has been closed.

Impact of pension document certification needed to be evaluated

32. According to the Mission Concept, the Rule of Law Liaison Office was responsible for certifying the validity of civil, academic and pension documents needed by Kosovo residents in their dealings with non-recognizing Member States. UNMIK certified the validity of 3,375 documents in the period under review comprising: (a) 2,987 pension documents; (b) 42 high school diploma documents; (c) 279 school attendance documents; and (d) 67 transcripts of records.

33. UNMIK had followed up and evaluated the impact of the certification of civil and academic documents but it was not following up with the pension institutions and the pensioners to verify whether the pension documents it had certified were being accepted by the relevant pension authorities. This was because it had not established a mechanism for monitoring the outcome of pension document certification efforts. Lack of a follow-up mechanism may result in waste of resources if the objectives of the certification were not achieved.

(5) UNMIK should establish a mechanism to assess the impact of the certification of pension documents to ensure the intended objectives are achieved.

UNMIK accepted recommendation 5 and stated that it would establish a mechanism to follow up, twice a year, with the Serbian Working Group on the Disbursement of Pensions for inhabitants of Kosovo, to obtain statistics on the number of Kosovo pensioners that were receiving pensions from Serbia. Recommendation 5 remains open pending receipt of evidence that UNMIK has established a system of monitoring the impact of its pension documents certification efforts.

Differences in legal interpretation of the Provisional Criminal Procedures Code of Kosovo articles regarding processing International Wanted Notices needed to be addressed

34. Article 547 (3) of the Provisional Criminal Procedures Code of Kosovo issued by UNMIK on 6 July 2003 states that where it is probable that a wanted person is abroad, the competent authority may distribute an International Wanted Notice (also known as Red Notice).

35. A review of 27 out of 89 International Wanted Notices issued by UNMIK in 2014 and 2015 and discussions with officials of UNMIK's Office of Legal Affairs and the Rule of Law Liaison Office noted that these two offices, both involved in processing International Wanted Notices, had different interpretations of the word "abroad" in Article 547 (3) of the Provisional Criminal Procedures Code.

- The UNMIK Office of Legal Affairs was of the opinion that the issuance of International Wanted Notices for persons likely to be in Serbia proper violated the requirement of being abroad. It stated that the term abroad needed to be interpreted in light of Security Council resolution 1244 (1999) and since Yugoslavia had been succeeded by Serbia and Kosovo, according to international law, Kosovo is part of Serbia and consequently, any person sought by means of an International Wanted Notice who was in Serbia proper, was not abroad.

- According to the Rule of Law Liaison Office, the article required International Wanted Notices to be issued against any person where it was probable that the wanted person was living outside the legal boundary of Kosovo, including Serbia.

36. There was also a difference in the interpretation of Article 544 (1) of the Provisional Criminal Procedures Code of Kosovo. According to the UNMIK Office of Legal Affairs, the imprisonment term (referred to in the Article) must be at least two years or more while the Rule of Law Liaison Office interpreted the imprisonment period to be a maximum of two years.

37. The Mission had not sought consensus on the interpretation of the articles of the Provisional Criminal Procedures Code and this resulted in differences in the processing of cases between the two offices. A review of 27 cases showed that the SRSG had approved 16 International Wanted Notices where the Mission's Office of Legal Affairs and Rule of Law Liaison Office had different interpretation of Provisional Criminal Procedures Code articles above. In 13 of these cases, the SRSG signed International Wanted Notices against persons likely to be residing in Serbia while in 3 cases; the SRSG approved the International Wanted Notices against persons who did not meet the minimum criteria as interpreted by the UNMIK Office of Legal Affairs.

38. The lack of agreement on the legal interpretation of applicable laws had resulted in inconsistent processing of International Wanted Notices by UNMIK.

(6) UNMIK should determine, clearly articulate and consistently apply the Mission's position on the legal interpretation of Articles 547 (3) and 544 (1) of the Provisional Criminal Procedures Code of Kosovo.

UNMIK accepted recommendation 6 and stated that it would seek guidance from the United Nations Office of Legal Affairs and DPKO. It further stated that this advice would be incorporated into a Mission guidance. Recommendation 6 remains open pending receipt of a copy of the Mission directive clarifying its position on Articles 547 (3) and 544 (1) of the Provisional Criminal Procedures Code of Kosovo.

Standard operating procedures needed to be developed

39. Standard operating procedures in the United Nations should provide detailed and practical guidance on the procedures for applying policies, regulations and rules of the Organization.

40. A review of available documentation and interviews with relevant staff noted that UNMIK had not developed, updated or formalized standard operating procedures for processes related to International Wanted Notices, human rights violation cases, representation activities, handling of code cables and recruitment of nationally recruited staff.

41. The above resulted because UNMIK had not prioritized the development and updating of standard operating procedures. Lack of updated standard operating procedures impacted the timeliness and consistency of processes. For example, delays of up to eight months were noted in processing human rights violation cases and inconsistencies were noted in processing code cables.

(7) UNMIK should develop or update and formalize standard operating procedures to define the activities involved in various processes, responsible persons and performance indicators to improve coordination and information flow between the processes especially those involving more than one section/unit and to enhance efficiency.

UNMIK accepted recommendation 7 and stated that it would develop/update the guidance, including: International Wanted Notices; facilitation of participation of Kosovo authorities in the United Nations and other intergovernmental fora as necessary; handling code cables; preparation of the Secretary-General's report; and recruitment of national staff. Recommendation 7 remains open pending receipt of copies of the updated standard operating procedures and relevant directives.

UNMIK needed to finalize arrangements on evacuation locations

42. The United Nations Field Security handbook requires: (a) clearly defined Minimum Operating Security Standards (MOSS), including standards for residential security; (b) development and implementation of a Security Plan and Security Risk Assessment; (c) up-to-date and accurate information to be available for all staff members and their eligible family members; (d) the appointment of a number of internationally and nationally recruited staff to act as wardens and deputy wardens; and (e) designation of a country of relocation or evacuation.

43. A review of documentation and the security database and interviews with relevant staff identified that duly approved MOSS, Security Plan and the Security Risk Assessment for Kosovo were in place. UNMIK maintained an updated list of all staff members and their eligible dependents, and established a warden system.

44. Although the Security Section had identified suitable locations where staff could be relocated to during a crisis, UNMIK had not formalized arrangements with the host government of these locations due to protracted negotiations. This increased the safety and security risks in the event of an emergency.

(8) UNMIK should take action to finalize arrangements with a host government on the identified evacuation or relocation sites in the event of a crisis.

UNMIK partially accepted recommendation 8 and stated that the conclusion of the formal legal agreement with Serbia was to be done by an exchange of letters between the Under-Secretary-General for Peacekeeping and the Minister for Foreign Affairs of the Republic of Serbia. While UNMIK was not able to finalize the agreement, it was prepared to support United Nations Headquarters to take the necessary action to finalize the agreement. UNMIK would also need to make several other arrangements after the exchange of letters including those related to: UNMIK Relocation Plan; UNMIK identity cards; and wearing of uniforms and standard United Nations accoutrements by relevant United Nations personnel while on official travel. Recommendation 8 remains open pending confirmation of actions taken by UNMIK to finalize arrangements on the use of evacuation sites after exchange of letters between DPKO and the Serbian Government.

B. Regulatory framework

Controls over procurement activities were in place

45. UNMIK is required to comply with the Procurement Manual when purchasing goods and services. A review of 10 procurement cases with an estimated value of \$2 million indicated that UNMIK was complying with the requirements of the Procurement Manual. Procurement files were also properly organized and contained all the required documentation. OIOS therefore concluded that UNMIK had implemented effective controls over procurement activities.

Inconsistency in procurement guidelines was being addressed

46. The Procurement Manual states that requests for approval for intended procurement actions under Financial Rule 105.16 or 105.17 are not within the purview of the Director of the Procurement Division and shall be submitted to the Assistant Secretary-General, Office of Central Support Services (ASG-OCSS). The 2013 memorandum on delegation of procurement authority from the Under-Secretary-General, DFS stated that the Chief of Mission Support may request and obtain advance written approval of Local Purchase Authority from the Director of the Procurement Division for any requirements exceeding his approval limits.

47. In 2014, UNMIK requested from the Procurement Division a Local Procurement Authority for the award of the contract for the lease of its new headquarters premises with a not-to-exceed amount of \$7.8 million. However, the Procurement Division advised UNMIK that for lease agreements, a Local Procurement Authority and prior approval from the ASG-OCSS was not required. This resulted due to the inconsistency between the provisions of the Procurement Manual and the delegation of authority issued by DFS. This inconsistency increased the risk of the Mission engaging in future contracts outside its level of authority. The Procurement Division informed OIOS that DFS was working on revising the delegated authority guidelines to align it to the Procurement Manual. Since action was being taken to address the inconsistency, OIOS did not make any recommendation in this regard.

IV. ACKNOWLEDGEMENT

48. OIOS wishes to express its appreciation to the Management and staff of UNMIK for the assistance and cooperation extended to the auditors during this assignment.

(Signed) Eleanor T. Burns
Director, Internal Audit Division
Office of Internal Oversight Services

STATUS OF AUDIT RECOMMENDATIONS

Audit of the United Nations Interim Administration Mission in Kosovo

Recom. no.	Recommendation	Critical ² / Important ³	C/ O ⁴	Actions needed to close recommendation	Implementation date ⁵
1	UNMIK should establish a communication and reporting strategy that includes: (a) assessing the adequacy of the quantity and quality of information produced by sections/units and distributed internally; and (b) establishing a centralized information management mechanism to improve information gathering, analysis, reporting and dissemination to the right officials.	Important	O	Submission of a copy of the communication and reporting strategy.	31 December 2016
2	UNMIK should set up a mechanism to follow up on the decisions of the Special Representative of the Secretary-General regarding recommendations on human rights violations by the Human Rights Advisory Panel including continuous engagement with relevant authorities.	Important	O	Submission of evidence that a monitoring mechanism for human rights violations cases has been established.	31 December 2016
3	UNMIK should address the recommendations of the Working Group on Enforced or Involuntary Disappearances in its report to the Human Rights Council regarding human rights abuse cases perpetrated during UNMIK executive administration in Kosovo.	Important	O	Submission of evidence of the establishment of a system to address the recommendations of the Working Group on Enforced or Involuntary Disappearances on investigations of cases of human rights violations.	31 December 2016
4	UNMIK should review the current organization and reporting structures to promote integration and a consistent approach in implementing its human rights mandate.	Important	C	Action completed.	Implemented
5	UNMIK should establish a mechanism to assess the impact of the certification of pension documents to ensure the intended objectives are achieved.	Important	O	Submission of evidence that UNMIK has established a system of monitoring the impact of its pension documents certification efforts.	30 June 2016

² Critical recommendations address critical and/or pervasive deficiencies 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.

³ Important recommendations address important (but not critical or pervasive) deficiencies 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.

⁴ C = closed, O = open

⁵ Date provided by UNMIK in response to recommendations.

STATUS OF AUDIT RECOMMENDATIONS

Audit of the United Nations Interim Administration Mission in Kosovo

Recom. no.	Recommendation	Critical ² / Important ³	C/ O ⁴	Actions needed to close recommendation	Implementation date ⁵
6	UNMIK should determine, clearly articulate and consistently apply the Mission's position on the legal interpretation of Articles 547 (3) and 544 (1) of the Provisional Criminal Procedures Code of Kosovo.	Important	O	Submission of a copy of the Mission directive clarifying its position on Articles 547 (3) and 544 (1) of the Provisional Criminal Procedures Code of Kosovo.	31 July 2016
7	UNMIK should develop or update and formalize standard operating procedures to define the activities involved in various processes, responsible persons and performance indicators to improve coordination and information flow between the processes especially those involving more than one section/unit and to enhance efficiency.	Important	O	Submission of copies of the updated standard operating procedures and relevant directives on various processes including: International Wanted Notices; facilitation of participation of Kosovo authorities in the United Nations and other intergovernmental fora; handling code cables; preparation of the Secretary-General's report; and recruitment of national staff.	31 December 2016
8	UNMIK should take action to finalize arrangements with a host government on the identified evacuation or relocation sites in the event of a crisis.	Important	O	Confirmation of action taken by UNMIK to finalize arrangements on use of evacuation sites after exchange of letters between DPKO and the Serbian Government.	31 December 2016

APPENDIX I

Management Response



INTEROFFICE MEMORANDUM/MEMORANDUM INTERIEUR

DATE: 5 April 2016

REFERENCE: _____

TO: Ms. Eleanor T. Burns, Director
A: Internal Audit Division, OIOS

THROUGH:
S/C DE:

FROM: Mr. Zahir Tanin, Special Representative of the Secretary-General
DE: and Head of UNMIK

SUBJECT: **Response to the OIOS Report on the details results of the audit of the**
OBJECT: **United Nations Interim Administration Mission in Kosovo**
(Assignment No. AP2015/650/01)

1. Reference is made to your Internal Memorandum IAD: 16-00077 of 23rd February 2016 by which you communicate to UNMIK the detailed results of the audit on the effective management of the substantive operations and support activities of UNMIK, and request an action plan for implementing the recommendations in Appendix I.
2. In respect of the above, please find enclosed the comments of the Mission on the recommendations as well as a plan of action with target dates and offices or individuals responsible for implementation.
3. While wishing you good reception of the enclosed, we remain at your entire disposal for any further queries.

Best regards,

Cc: Mr. Christopher Coleman, Deputy SRSG, UNMIK
Mr. Gilles Brière, Chief Mission Support, UNMIK
Mr. Andrei Zykov, Officer-in-Charge, Audit Response and Boards of Inquiry Section, DFS
Ms. Cynthia Avena-Castillo, Professional Practices Section, Internal Audit Division, OIOS
Mr. Laud Botchwey, Chief Peacekeeping Headquarters Audit Section,
Internal Audit Division, OIOS

Management Response

Audit of the United Nations Interim Administration Mission in Kosovo

Rec. no.	Recommendation	Critical/ ⁶ / Important ⁷	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
1	UNMIK should establish a communication and reporting strategy that includes: (a) assessing the adequacy of the quantity and quality of information produced by sections/units and distributed internally; and (b) establishing a centralized information management mechanism to improve information gathering, analysis, reporting and dissemination to the right officials.	Important	Yes	DSRSG ⁸	December 2016	1. Assessment of adequacy of reports currently produced and distributed internally to be done by a Working Group. 2. Initiation by the Working Group of a consultation with other relevant offices, to develop a communication and reporting strategy to improve information gathering, reporting, and dissemination of information to UNMIK sections. 3. Implementation of the strategy.
2	UNMIK should set up a mechanism to follow up on the decisions of the Special Representative of the Secretary-General regarding recommendations on human rights violations by the Human Rights Advisory Panel including continuous engagement with relevant authorities.	Important	Yes	Chief, Human Rights Office, for approval by Mission leadership	December 2016	UNMIK will prepare a guideline setting out responsibilities at Mission-level for follow up on the Decisions of the Special Representative of the Secretary-General regarding recommendations on human rights violations by the Human Rights Advisory Panel.
3	UNMIK should address the recommendations of the Working Group on Enforced or Involuntary Disappearances in its report to the Human Rights Council regarding human rights abuse cases	Important	Yes	SRSRG to seek guidance from UNHQ	December 2016	UNMIK will seek UNHQ (including OHCHR), clarification on the recommendations made by the Working Group on Enforced or Involuntary Disappearances, including compensation. The Human Rights Office and the Human Rights Advisory

⁶ Critical recommendations address critical and/or pervasive deficiencies 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.

⁷ Important recommendations address important (but not critical or pervasive) deficiencies 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.

⁸ The Working Group is to include OCOS, SitCen, OSPI, OPA, ROLLO, SPOLAD, Human Rights, MITRO, UNOB, CSA, MLO, and OLA.

Management Response

Audit of the United Nations Interim Administration Mission in Kosovo

Rec. no.	Recommendation	Critical/ Important ⁷	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
	perpetrated during UNMIK executive administration in Kosovo.					<p>Panel have noted the existence of two apparently contradictory General Assembly resolutions with regard to compensations by the UN, and will seek clarification via code cable from UNHQ.</p> <p>It should be noted that recommendations of the Special Procedures are not binding. Nonetheless, the question of compensations has been raised with the United Nations Office of Legal Affairs. The SRSG's Decisions note that he will take appropriate steps towards the payment of adequate compensation to the Complainant for moral damage, and will take appropriate steps towards the realization of a full and comprehensive reparation programme. UNMIK, due to UN General Assembly Resolutions, is not in a position to make payment towards any compensation. Moreover, the acts in question relate to activities carried out by the institutions established under the interim administration of Kosovo. As such, had UNMIK continued to have control over these institutions today, UNMIK would have been in a position to refer the Panel's recommendations to those institutions for appropriate action. The SRSG is prepared to discuss the possibility of setting up a mechanism to deal with such matters with the relevant authorities at the appropriate juncture.</p> <p>With regard to effective continuation of investigations to human rights violations cases as identified by the Human Rights Advisory Panel, UNMIK refers these cases to EULEX and will follow up in a more systematic way (see no.2 above).</p>
4	UNMIK should review the current organization and reporting structures to promote integration and a consistent approach in implementing its human rights mandate.	Important	Yes	Mission leadership	Implemented	The Civilian Staffing Review made clear recommendations on the reporting structure of the human rights presence within UNMIK. They are in line with the joint policy of human rights integration in DPKO and DPA and in particular with paragraph 129. UNMIK has already implemented the CSR recommendations in this matter and has integrated the two human rights presence (Pristina and Mitrovica) into one human

Management Response

Audit of the United Nations Interim Administration Mission in Kosovo

Rec. no.	Recommendation	Critical/ ⁶ / Important ⁷	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
						rights office.
5	UNMIK should establish a mechanism to assess the impact of the certification of pension documents to ensure the intended objectives are achieved.	Important	Yes	Rule of Law Office w/UNOB	June 2016	ROLLO with UNOB will establish a mechanism to seek this information twice a year from the Serbian authorities (i.e. the Working Group on the Disbursement of Pensions for inhabitants of Kosovo), and “receive statistics on the number of Kosovo pensioners that were receiving pensions from Serbia” (para. 38).
6	UNMIK should determine, clearly articulate, and consistently apply the Mission’s position on the legal interpretation of Articles 547 (3) and 544 (1) of the Provisional Criminal Procedures Code of Kosovo.	Important	Yes	Rule of Law Office / Office of Legal Affairs	July 2016	Guidance will be requested from UNHQ via code cable addressed to OLA and DPKO. Guidance received will be incorporated into a Mission guidance.
7	UNMIK should develop or update and formalize standard operating procedures to define the activities involved in a process, responsible persons, and performance indicators to improve coordination and information flow between the various processes especially those involving more than one section/unit and to enhance efficiency.	Important	Yes	Mission leadership supported by the Best Practices Focal Point to coordinate with relevant components	December 2016	UNMIK will develop/update guidance, including for: <ul style="list-style-type: none"> - international wanted notices (ROLLO); - facilitation of participation of Kosovo authorities in UN and other intergovernmental fora as necessary (OCSF/OLA); - handling code cables (guidance and instruction on this could be expanded to a SOP format) (OCOS); - preparation of SG reports (OCOS); and - recruitment of National Staff (CHRO).
8	UNMIK should take action to finalize arrangements with host governments on the identified evacuation or relocation sites in the event of a crisis.	Important	Partially	USG/DPKO supported by OCOS, OLA, UNOB, Chief Security	December 2016	There are two main aspects to finalization of arrangements with the Government of Serbia on relocation to Nis in the event of a crisis. The first is conclusion of the formal legal agreement with Serbia which shall be done by an exchange of letters between the Under-Secretary-General for Peacekeeping and the

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Rec. no.	Recommendation	Critical/ Important ⁷	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
				Advisers, and Chief of Mission Support		<p>Minister for Foreign Affairs of the Republic of Serbia. UNMIK is not able to finalize the agreement; however, UNMIK can support UNHQ to take the necessary action to finalize the agreement.</p> <p>The second aspect of the finalization of arrangements concerns arrangements to be made by UNMIK subsidiary to the exchange of letters as follows:</p> <ol style="list-style-type: none"> 1. Preparation of an UNMIK Relocation Plan; 2. Conclusion of special arrangements with the Government of Serbia on the exemption of UNMIK from value-added tax (as foreseen in the draft exchange of letters); 3. Provision of samples of UNMIK identity cards to the Government of Serbia (as foreseen in the draft exchange of letters); and 4. Conclusion of practical arrangements with the Government of Serbia on the wearing of uniforms and standard United Nations accoutrements by United Nations civilian police, military officers and security personnel while on official travel through the Republic of Serbia (as foreseen in the draft exchange of letters). <p>The conclusion of the legal agreement with the Republic of Serbia is a matter for UNHQ whereas UNMIK will make arrangements subsidiary to the legal agreement; therefore, the recommendation is partially accepted.</p>