

Inspection of Boards of Inquiry in peacekeeping operations

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Assignment No: IED-20-002



INSPECTION AND EVALUATION DIVISION

Function *“The Office shall evaluate the efficiency and effectiveness of the implementation of the programmes and legislative mandates of the Organization. It shall conduct programme evaluations with the purpose of establishing analytical and critical evaluations of the implementation of programmes and legislative mandates, examining whether changes therein require review of the methods of delivery, the continued relevance of administrative procedures and whether the activities correspond to the mandates as they may be reflected in the approved budgets and the medium-term plan of the Organization;”* ([General Assembly Resolution 48/218 B](#)).

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Summary

The OIOS inspection focused on Boards of Inquiry (BOI), first mentioned in the 1996 Field Administration Manual draft, used by the Departments of Peace Operations (DPO) and Operational Support (DOS) to review circumstances involving serious incidents, including deaths, injuries, abductions, and loss/theft of equipment in peacekeeping operations.

A mixed picture emerged. BOIs had notable improvements in tracking and closing recommendations and contributed to several positive changes in policies and procedures in the missions. However, several critical deficiencies remained that hindered and reduced its effectiveness.

A benchmarking exercise by comparing cases of death with the fatality database suggested that there was inconsistency in counting deaths. However, there was no evidence that occurrences were excluded.

Mission interviewees considered BOI reports and their recommendations relevant, serving as one of the most important tools to systematically review incidents and create a comprehensive record. However, it was unclear if BOIs were similarly relevant to the programme managers at the United Nations Headquarters (UNHQ).

While the level of incidents had remained relatively constant since 2010, the rate of BOI recommendation implementation increased steadily in recent years. While 73 per cent of all recommendations were fully implemented by 2018, only 25 per cent of recommendations assigned to UNHQ were implemented. This suggested the BOI was particularly relevant at the mission level.

The BOIs remained inefficient as missions took an average of 250 days to complete a BOI and 82 per cent of them exceeded the 90-days stipulated timeframe. This included the time taken to conduct an investigation and stages of legal review. Additionally, missions took an average of 364 days to close recommendations. The BOIs were front heavy with 74 per cent of the time spent on preparatory work for the Board. This was contrary to the perception of key stakeholders about bottlenecks in the BOIs.

Programme managers responsible to implement BOI recommendations found BOIs effective and alluded to significant improvement in policies and procedures in missions based on BOI recommendations. Anecdotal evidence also indicated that BOIs helped identify gaps in policies and procedures – including health and safety-related practices – and reduced the likelihood of incident recurrence. However, BOI recommendations were also frequently found to be vague and aspirational.

Furthermore, BOIs lacked teeth as a tool for accountability and lacked linkages to the Organizational learning framework as their reports were considered confidential and had restricted access.

The inspection made 6 recommendations of which all were accepted by the Department of Operational Support (DOS).

I. Introduction

1. The Inspection and Evaluation Division of the Office of Internal Oversight Services (OIOS-IED) conducted an inspection of the Boards of Inquiry (BOI) in peacekeeping operations. The topic was identified based on a risk assessment to identify peacekeeping evaluation priorities for 2018-2019.
2. OIOS defines inspection as a shorter, more focused and targeted review of an organizational unit, issue or practice perceived to be of potential risk. This is done in order to determine the extent to which it adheres to established norms, good practices or other pre-determined criteria, and to identify corrective actions as needed.¹
3. Management comments from DOS are included in the annexure.

II. Background

4. Boards of Inquiry (BOI) was first mentioned in the Department of Peacekeeping Operations (DPKO) Field Administration Manual Draft² of 1996. It was used by the predecessor departments of United Nations Department of Peace Operations (DPO) and Department of Operational Support (DOS)³ to review circumstances involving serious incidents, including deaths, injuries, abductions⁴, and loss of equipment in peacekeeping operations. It was designed to improve processes, policies, and create record of incidents in the field missions
5. In 2005, DPKO conducted the first, and only⁵, comprehensive review⁶ of all aspects of the BOI. The review concluded that the BOI reports lacked consistency, cases were not completed in a timely manner, and that the monitoring of BOI recommendations was insufficient. The review also found deficiencies in the investigation process, and that resource and personnel constraints had adversely affected the quality of the BOI. The review suggested that larger missions should constitute dedicated BOI Units and that UNHQ create an improved system for monitoring of the BOI's reports and recommendations.
6. In 2008, DPKO, apparently in response to the comprehensive review, established a BOI Unit which started its work on codifying the BOI procedures and released a Policy Directive⁷. The Policy clarified that Boards were not to explicitly consider matters of compensation, legal liability or disciplinary action, and that investigations be carried out before a Board was convened. The Directive delegated the responsibility for disseminating BOI recommendations to the Head of Mission (HOM) and introduced references to circumstances under which an HOM report⁸ was acceptable in lieu of a BOI.

¹ OIOS-IED Inspection and Evaluation Manual, Part I, page 17

² United Nations Peacekeeping Operations: The Field Administration Manual Draft (1996), Chapter 16, Section IV, para. A.

³ As of 1 January 2019, according to the UN management reform, Department of Peacekeeping Operations (DPKO) was reorganized as Department of Peace Operations (DPO) and Department of Field Support (DFS) as Department of Operational Support (DOS). For more details, please see A/72/790/Rev.1

⁴ The category was added in 2016

⁵ There was no review done until drafting of this report (May 2019)

⁶ Comprehensive review of All aspects of Boards of Inquiry, 2005

⁷ Policy Directive: Boards of Inquiry, United Nations Department of Peacekeeping Operations and Department of Field Support (Ref. 2008.23), 1 June 2008J

⁸ HOM reports did not require the convening of a Board and relied on available evidence (including the findings of the investigation report). Additionally, the Head of the Mission at their discretion, or at the request of the Under-Secretary-

7. In 2008, DPKO published the first standard operating procedures (SOP⁹) for the BOI which was not available at the time of writing this report. However, the revised SOP in 2011¹⁰ defined, in detail, the specific conditions under which it was mandatory to convene a Board. The SOP also elaborated on the functional responsibilities and composition of Boards. In addition, the document described guidelines on the monitoring and compliance of recommendations at both mission and UNHQ level.
8. In 2016, the DPKO updated the SOP¹¹ and further detailed the conditions under which an HOM report was acceptable in lieu of conducting a BOI.

Circumstances for convening a BOI

9. According to the 2016 SOP, it was mandatory to convene a BOI under the following circumstances:
 - a. Death or serious injury of a mission member;
 - b. Death or serious injury of a third party when a mission member(s) was involved;
 - c. Kidnapping of UN personnel member;
 - d. Loss or damage of United Nations Owned Equipment (UNOE), assets, or supplies in the amount of USD 25,000 or more;
 - e. Loss or damage to third party owned property of USD 10,000 or more with a mission member involved; and
 - f. Loss or damage of Contingent Owed Equipment (COE) as a result of:
 - i. A single hostile action or forced abandonment with the value exceeding USD 250,000;
 - ii. Cases in which personnel from more than one contingent are involved; and
 - iii. COE in question was provided by another troop contributor.
10. According to the 2016 SOP, the BOI had a threefold utility:
 - a. Improving processes, policies and creating a record of incidents in field missions;
 - b. Providing additional information that could inform the process of determining claims compensation or disciplinary action; and
 - c. Providing an opportunity for the Organization to learn from itself.

General of DPO and/or DOS, had the authority to convene a BOI with respect to any occurrence which they considered warranted such review

⁹ DOS was not able to locate a copy of the 2008 SOP and provided supporting evidence that indicated SOP existence

¹⁰ Standard Operating Procedure: Boards of Inquiry, United Nations Department of Peacekeeping Operations and Department of Field Support (Ref. 2011.05), 1 March 2011

¹¹ Standard Operating Procedure: Boards of Inquiry, United Nations Department of Peacekeeping Operations and Department of Field Support (Ref. 2016.05), 1 December 2016

11. One ad-hoc utility of the BOI was its use in the consideration of claims compensation for civilian and uniformed personnel. The Department of Field Support (DFS) Guidelines for Claims for Field Missions¹² detailed the rules governing claims compensation in the event of death, injury, or illness attributable to the performance of official duty on behalf of the Organization. The civilian Advisory Board on Claims Compensation (ABCC) and its military counterpart, the Field Budget and Finance Division (FBFD)¹³, reported using BOI only in occurrences which were service-related in nature and the absence of gross negligence and willful intent on behalf of the victim was not obvious. In all other occurrences that appeared straight-forward, claims compensation proceeded on the basis of Notice of Casualty (NOTICAS) confirmation issued by the missions following consultation with Legal Advisers and BOI officers.
12. Before a Board is convened, a fact-finding investigation – an independent but crucial part of the process, is conducted by members of the Special Investigation Unit (SIU), the Force Provost Marshall Office, UNPOL Internal Investigations Unit, or Joint Investigation Team depending on the personnel involved in the incident.
13. Once the investigation report is submitted, the HOM has the authority to either convene a BOI or opt, under certain circumstances¹⁴, for the completion of a HOM report¹⁵. Apart from the HOM, the Under-Secretary General (USG), DPO or the USG, DOS have the authority to convene a BOI at their discretion.
14. The 2016 SOP outlined recruitment of Board members from a roster of mission members. The Board, at a minimum, is to be composed of a chairperson with relevant experience to the occurrence, two mission members, and a secretary, who is not considered a member of the Board but participates in the proceedings and prepares the report.
15. Once the composition of the Board is established, BOI staff submit the CO and ToR to the mission legal office for review. The Board is considered in session once the CO is signed by the HOM, the members have received a legal briefing and signed an Undertaking of Confidentiality.
16. Thereafter, the Board assesses the contents of the investigation report, conducts its inquiry to determine the cause of the incident and makes recommendations¹⁶. Boards, in certain instances, carry out additional interviews and fact-finding activities if the investigation report is not sufficiently comprehensive.
17. Upon completion of the Board's inquiry and the preparation of a draft report, the Board proceedings are adjourned, and the report is submitted to the mission legal office for review. Once the legal officers submit their comments, the Board reconvenes and, at their discretion, accommodates those comments before sending the report back for a second legal review.
18. The recommendations of the Board, once approved by the HOM, are assigned to programme managers at the mission and/or at UNHQ, as appropriate.

¹² DFS Guidelines for Claims for Field Mission, August 2007

¹³ FBFD is now known as the Uniformed Capabilities Support Division, within the Department of Operational Support

¹⁴ Section F, Standard Operating Procedure: Boards of Inquiry, United Nations Department of Peacekeeping Operations and Department of Field Support (Ref. 2016.05), 1 December 2016

¹⁵ HOM reports, in most cases, did not make recommendations

¹⁶ Unlike a HOM report, BOI report will include several recommendations

19. The BOI, as evident from the above, involves various offices in secondary and supportive roles, such as DSS¹⁷, OLA¹⁸, CDS¹⁹, as well as the mission structures that receive substantive guidance and support.
20. BOI unit staff were responsible for monitoring the progress of BOI work following receipt of investigation reports and updating the online BOI tracker²⁰. This included recording when reminders were sent to programme managers for pending cases and when the BOI unit received documented evidence of recommendation implementation. Furthermore, ARBOIS monitored the implementation of recommendations that were assigned to units at UNHQ and, in consultation with mission BOI units, updated the status of mission-level recommendations accordingly.

III. Scope and Methodology

21. The focus of the inspection was the process of production of BOI and HOM reports. Investigation reports were a pre-requisite for both the reports. Additionally, several stages of legal review were routinely sought. While the BOI unit at missions and Audit Response & BOI section (ARBOIS) at the United Nations Headquarters (UNHQ) were the primary owner, they had no control over these two important processes. This affected the scope of the inspection as focus was primarily on DOS 'owned' processes. However, the inspection also made references to investigations and legal reviews as they affected the overall timeline of the BOI.
22. The inspection covered the activities of BOIs in six peacekeeping missions namely UNAMID²¹, MINUSMA²², MONUSCO²³, UNMISS²⁴, UNIFIL²⁵ and MINUSCA²⁶ for the period between 2010 and 2018. While the first five missions were selected based on the highest number of BOI reports submitted to the UNHQ in 2017, MINUSCA was selected based on the highest backlog in report submission.
23. The inspection's objective was to assess the relevance, efficiency and effectiveness of BOIs for improving processes and accountability in peacekeeping operations.
24. The sub-questions addressed included:
 - a. What were the trends in occurrences, report types and implementation of BOI recommendations?
 - b. What was the average duration to complete the BOI?
 - c. What were the main bottlenecks in the BOI?
 - d. How efficient was the process of tracking recommendations?

¹⁷ Department of Safety and Security

¹⁸ Office of Legal Affairs

¹⁹ Conduct and Discipline Service

²⁰ An online tool used by the BOI unit to track reports and recommendations. Please see paragraph 29(a) for more information

²¹ United Nations – African Union Hybrid Operation in Darfur

²² United Nations Multidimensional Integrated Stabilization Mission in Mali

²³ United Nations Organization Stabilization Mission in the Democratic Republic of Congo

²⁴ United Nations Mission in South Sudan

²⁵ United Nations Interim Force in Lebanon

²⁶ United Nations Multidimensional Integrated Stabilization Mission in the Central Africa Republic

- e. Were BOIs effective as a managerial tool for improving policies and processes?
 - f. Did BOIs contribute towards enhancing organizational accountability and transparency?
25. For the purpose of the inspection, the following definitions were used:
- a. Occurrences: An incident/accident in the peacekeeping mission that formed the basis for investigation and subsequent BOI.
 - b. BOI report: A report produced by BOI members at completion of BOI.
 - c. HOM report: A report drafted by BOI personnel for the signature of the Head of Mission based on the results of the investigation.
 - d. Recurring group: A group of two or more recommendations within a mission and case-type assessed as similar or repetitive.
26. The inspection employed a mixed-method approach through a combination of quantitative and qualitative analysis to inform findings. Information was collected from key stakeholders in the selected peacekeeping missions. Results were triangulated by evidence gathered from multiple sources through these methods.
27. The analytical framework of the inspection involved the following tools:
- a. BOI tracker: This is an online dynamic tool which comprised of information on occurrences, disaggregated by type, mission, and region. It also included a summary of the occurrence, parties involved, timestamps on intermediate sub-processes, details on recommendation implementation status, and tracked data for trend analysis.
 - b. Online survey of relevant mission personnel: An anonymous survey was sent to relevant stakeholders in the mission. This included BOI officers, Board members, legal offices/advisers and investigators. 139 out of 200 (response rate of 70 per cent) mission personnel responded to the online survey.
 - c. Semi structured interviews with BOI officers: All six BOI officers in the selected missions were interviewed to assess the decision-making process of choosing between convening a BOI or writing a Head of Mission (HOM) report, challenges faced during the BOI process, and best practices for efficiency gains.
 - d. Interview with key programme managers at missions: A sample of end-users (12) of BOI reports were interviewed to assess their perceived usefulness of BOI reports/recommendations for Organizational learning.
 - e. Structured content analysis: A rigorous content analysis was conducted over a stratified sample of 973 recommendations. This included (i) assigning SMART²⁷ scores to recommendations, and (ii) computing recurrences within thematically created recurring groups.

²⁷ Specific, Measurable, Actionable, Relevant, and Time-bound; More details available in Handbook of Planning, Monitoring and Evaluating for Development Results, United Nations Development Fund (UNDP), chapter 2

- f. DPO database: This consisted of NOTICAS²⁸ received from all peacekeeping missions. The fatalities were categorized under illness, accident, malicious act, and self-inflicted.

28. A database from the BOI tracker (henceforth BOI database) was constructed using the following methods:

- a. Python²⁹ script was used to extract information from the online tracker. This included case-report type, summary of the occurrence, timestamps of various intermediary stages before final issue of the report, and details on recommendations.
- b. Timestamps for intermediary stages identified were as follows:
 - i. Date of occurrence or discovery thereof;
 - ii. Date of submission of investigation report;
 - iii. Date on which the convening order (CO) was signed;
 - iv. Date of submission of draft CO and Terms of Reference (ToR) for legal review;
 - v. Date when legal review was returned to the BOI Office;
 - vi. Date of submission of draft BOI or HOM report for legal review/opinion;
 - vii. Date when legal opinion was returned to the BOI Office, and
 - viii. Date on which the transmittal letter to the USG, DOS for the final report was signed by the convening authority.
- c. A total of 1,700 occurrences between 2010 and 2018 were identified for the selected missions. Data entry errors in recording dates were corrected manually by referring the actual BOI or HOM report. Duration of the individual stages was computed by comparing the above-mentioned eight dates.

29. A structured content analysis of BOI recommendations was done using the following methods:

- a. A sample of 973 recommendations from 2015-2017 were analyzed and coded on a five-point SMART scale. Points were given for every dimension of SMART: specific, measurable, actionable, relevant, and time-bound. In addition, the recommendations were classified under nine curated categories. This included operational, planning/coordination, safety and security-related, investigation, SOP amendments, medical, communications, training, and others.
- b. A stratified³⁰ random sample of 217 fully implemented recommendations from 2015-2017 was further analyzed to assess the effectiveness of the BOI. This included thematic analysis of these recommendations within the mission and case- type that identified 29 recurring groups³¹.

²⁸ Notice of Casualty; Global peacekeeping data (as of 31 January 2019), United Nations Peacekeeping, Accessed Feb 27, 2019 <https://peacekeeping.un.org/en/peacekeeper-fatalities>

²⁹ An open source coding script. For more information please see <https://www.python.org/about/>

³⁰ Recommendations were stratified by mission, date of occurrence, and case type

³¹ Please see 25(d) for the definition of recurring groups

30. The cost of conducting a BOI was estimated by OIOS based on data provided by the missions³² on the composition of the BOI unit using average salaries of personnel in the BOI unit and the number of BOIs conducted in 2017.

31. The inspection had the following limitations:

- a. Due to scope and time constraints, the inspection did not make a conclusive determination about the direct impact of BOIs on recurrence of incidents or other procedural improvements. Additionally, the primary focus was on the role of DOS related to BOI.
- b. Given the long duration to finish a BOI and data entry in the BOI tracker, the analysis conducted might be not be fully up-to-date.
- c. Responses from the online survey of 200 stakeholders may have selection bias.
- d. There were issues of data congruence and definitional variance due to subjective interpretation of recommendations.
- e. The classification of case types in the BOI tracker did not allow for an accurate count of fatalities. This limited the scope for a comprehensive comparison with an outside database to check for potential exclusion.
- f. Due to data incompleteness, 16 per cent (279) of the occurrences in the BOI database for the sampled missions were unidentified either as HOM or BOI report. Informed assumptions³³ were made to identify case-report types of these occurrences.
- g. The BOI tracker was established in 2010, requiring ARBOIS to retroactively enter data into the system. Updating cases in the tracker was a burdensome process and plausibly contributed to the number of omissions and errors in the database.
- h. The SMART coding and thematic analysis of recurring recommendations were potentially affected by inter-rater reliability or coder bias. No attempt was made to either assess or rectify the bias.
- i. The cost estimation of conducting a BOI excluded budgetary allocation for training, travel, legal review(s), investigation and time cost of Board members, and therefore underestimated the true cost.

32. The inspection results are presented as follows:

- a. Section A presents the result from a benchmarking exercise to test potential cases of exclusion across all peacekeeping missions;
- b. Section B gives an overview of the level and type of occurrences across all peacekeeping missions;
- c. Section C presents the quarterly trend in number of BOI and HOM reports across all peacekeeping missions;

³² Data provided by missions included staff size and categories, such as Professional category (P4, P3, P2, P1), General staff (GS6 or GS7), National Staff (NOA, NOB), Field Services (FS6 or FS7), and United Nations Volunteers (UNV)

³³ Keyword search based on year of occurrence and similar trend where occurrences were identified either as BOI or HOM. For example, between 2010 and 2014, all occurrences where the case summary had the word "inquiry" were identified as BOI. This assumption was checked with occurrences that resulted in BOI and had the word in the case summary.

- d. Section D provides a trend in the rate of recommendation implementation across all peacekeeping missions;
- e. Section E presents the overall and selected mission wise average duration in completing a BOI;
- f. Section F presents the average duration taken by BOI stages identifying bottlenecks;
- g. Section G presents the overall and selected mission wise average duration in closing recommendations;
- h. Section H presents the status of recommendation implementation and results of a logistical regression;
- i. Section I describes the perceived effectiveness of BOI among relevant mission stakeholders and its role as a tool for accountability, transparency and Organizational learning; and
- j. Section J presents the results from the content and thematic analysis of recommendations.

IV. Inspection Results

The Board of Inquiry was an important and relevant source of information for the Organization to understand and address serious incidents, particularly at the mission level

A. The level of occurrences was relatively constant since 2010

33. The trend of the quarterly average number of occurrences, despite few occasional spikes, remained largely constant between 2010 and 2017 (see figure 1).

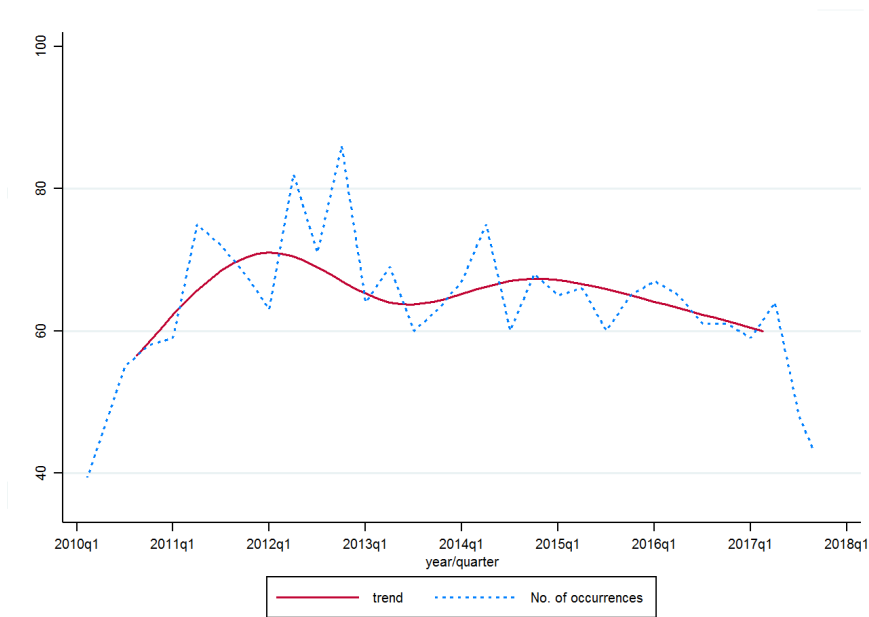


Figure 1: Trend in occurrences (all missions, quarterly 2010-2017)

34. Since 1989, a total of 4431 occurrences were recorded³⁴ in the BOI tracker. Road accidents, one of the 15 case-types, accounted for 36 per cent of all occurrences (see figure 2). According to interviewees, the high number of accidents was attributed to poor road conditions, driving under the influence of alcohol, and other hazardous driving practices across missions.

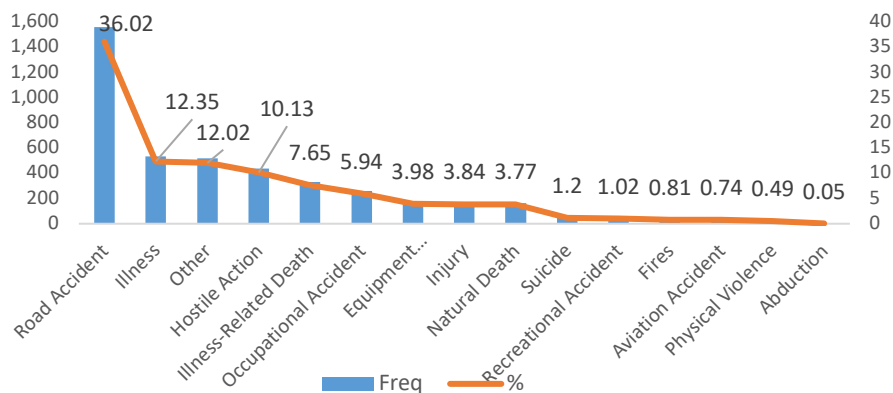


Figure 2: Types of occurrences (all missions; 2000-2018)

³⁴ The BOI tracker began in 2010. Older cases were transported to the Tracker.

Examples of occurrences:

- *In one fatal road accident BOI, a UN vehicle and a third-party motorcycle were involved in a collision, leading to the death of a mission member and injuries to two non-UN civilians.*
- *In a hostile action (a mortar and ambush attack) that resulted in a BOI, four UN personnel were killed and another 15 were injured.*
- *In a third BOI case, UN equipment valued at USD \$60,994 was lost.*

35. Cases of illness or illness-related death jointly accounted for about 20 per cent of all occurrences. Interviews with programme managers suggested that much of illness-related cases at missions were attributable to pre-existing medical conditions of military personnel and were a frequent point of contention between the United Nations and Troops and Police contributing countries (T/PCCs).
36. The share of different case-types varied across missions. While MONUSCO and UNIFIL accounted for 68 per cent (329) of all road accidents in the six selected missions, MINUSMA and UNAMID accounted for 69 per cent of all hostile actions.
37. While the average number of BOIs conducted in 2017 in a peacekeeping mission was 20, it was 40³⁵ in the selected six missions.
38. Missions were not able to provide complete data on staff costs and other expenses associated with their respective BOI units³⁶. An analysis³⁷ was done to estimate the cost (in USD) of conducting BOIs in 2017 in missions (see figure 3).

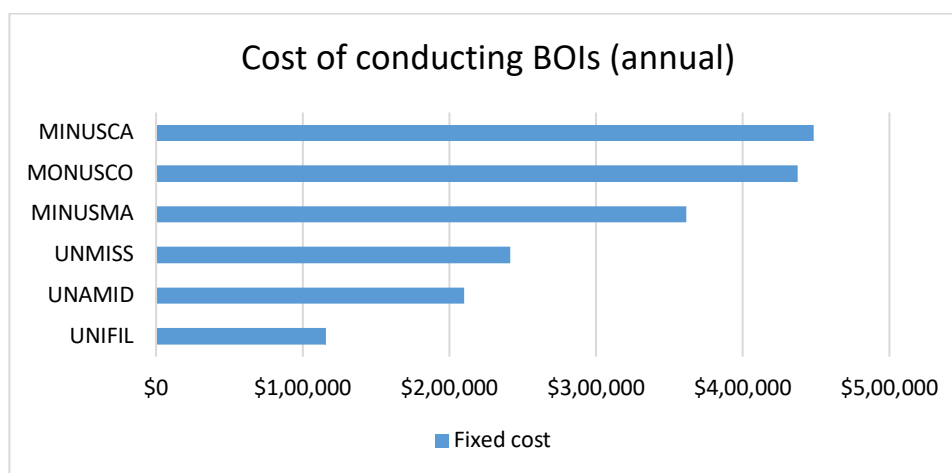


Figure 3: Total cost (in USD) of conducting BOIs in year 2017

39. The average cost of conducting a BOI was the highest in MONUSCO (\$16,817), followed by UNIFIL (\$11,521), UNMISS (\$10,977), and MINUSCA (\$8,968). UNAMID spent the least (USD \$3,042) on conducting a BOI. The number of BOIs conducted in a year and the cost of

³⁵ The high average is due to selection of missions with more occurrences. Please see paragraph 22 for selection criteria

³⁶ Due to the varied structure of peacekeeping missions, the offices under which BOI units operated was not standardized, further limiting accurate budgetary comparisons

³⁷ Please see paragraph 30 and 31(i) for methodology on estimating cost of conducting a BOI

conducting a BOI suggested that significant resources were allocated by the missions to conduct BOIs.

B. Head of Mission (HOM) reports surpassed the number of BOI reports in 2011

40. HOM reports were first mentioned in the 2008 policy but were only detailed in the 2011 SOP³⁸. An analysis was done to assess the trend in producing BOI and HOM reports across all missions (see figure 4).

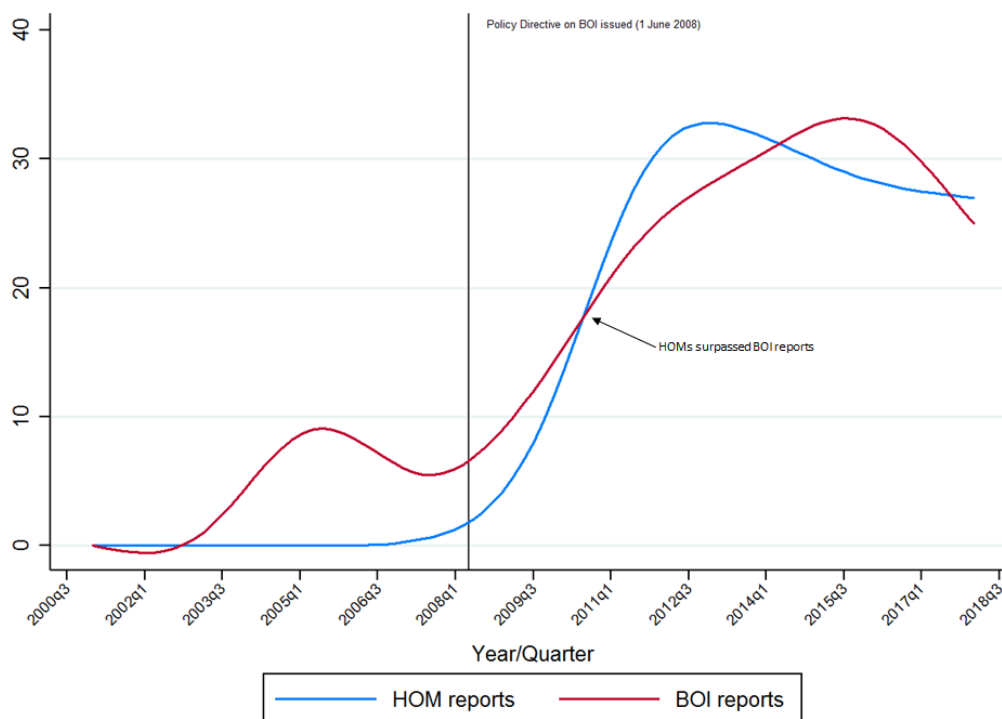


Figure 4: Trend in HOM and BOI reports (all missions; 2000-2017)

41. The number of HOM reports submitted to UNHQ overtook the number of BOI reports in 2011. This coincided with the issuance of first SOP in 2011 where the conditions for producing HOM reports, in lieu of conducting BOIs, were detailed. According to interviewees, this suggested that HOMs were perceived to be more “attractive” as they consumed less time and resources.
42. HOM reports were also used to clear backlogged cases. BOI officers in the selected missions also described using HOM reports when, in their estimation, a full inquiry (BOI) would not have provided additional operational or analytical insights. For example, for routine occurrences such as road accidents where available evidence was deemed appropriate and no further inquiry was necessary.
43. However, HOM reports served a limited purpose for Organizational learning. Analysis of data from BOI tracker showed that less than 5 per cent of the HOM reports had recommendations and they contained fewer recommendations than BOI reports.

³⁸ The 2011 SOP was revised and updated in 2016

C. While the number of BOIs did not match with the fatalities recorded in DPO database, there was no evidence of exclusion of occurrences from either receiving a BOI or HOM report

44. A benchmarking exercise was done with a twofold objective: first, to assess if the number of BOIs matched with the level of fatalities in the selected mission, and second to test if there was any evidence of potential exclusion of occurrences from conducting a BOI.

45. Conducting a BOI was mandatory in occurrences that resulted in death. To maintain data congruence, a sub-sample of illness-related death cases was compared with illness-related fatality in the DPO database³⁹ (see Figure 5).

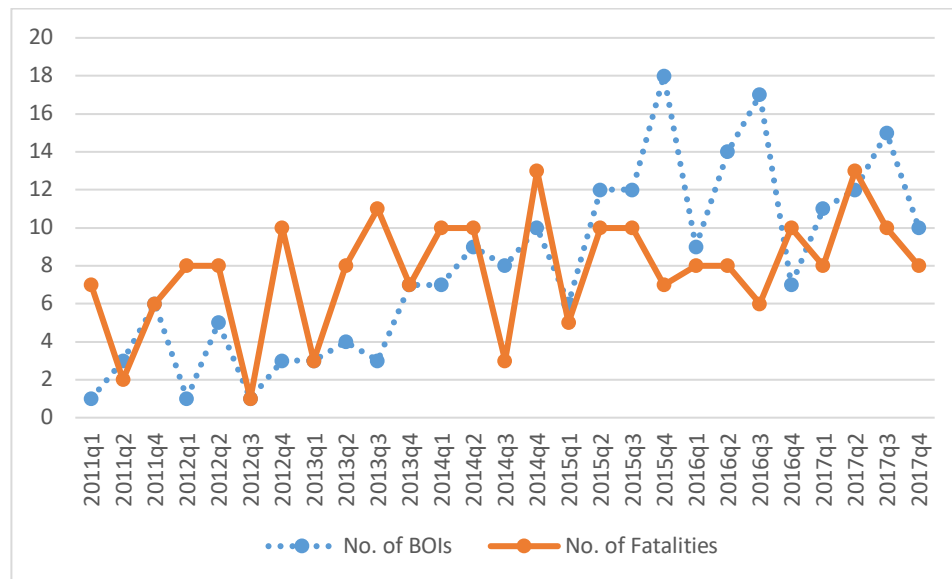


Figure 5: Comparison of illness-related deaths in the BOI and DPO databases (quarterly; 2011-2017)

46. There was a clear divergence between the two databases. The trend in illness-related death cases in both databases did not match. Notwithstanding potential lag⁴⁰ in recording death, the two databases exhibited a weak correlation (0.37).

47. The divergence between the two databases suggested that there was inconsistency in counting deaths⁴¹. DOS attributed the divergence to the fact that BOI Tracker had three categories for recording under which non-violent deaths were recorded depending on the circumstances – illness, illness-related death and natural death – being aggregated under the label of “illness-related death” in the DPO database. However, the DPO database was not consistently higher than the number of BOIs across all years.

48. However, available evidence was inconclusive on the possibility of exclusion of occurrences since individual trends surpassed each other between 2011 and 2017. In addition, 82 per cent of survey respondents in the selected missions considered that occurrences either seldom or never went unreported.

³⁹ Please see paragraph 27(f)

⁴⁰ The BOI database might not reflect death cases instantly as the DPO database, where cases are recorded through NOTICAS, because of the delay in finalizing and uploading documents that, at times, can take a few months.

⁴¹ Please see A/67/795 (2013), para. 44-47 and Inspection of the performance of missions’ operational responses to Protection of Civilians (POC) related incidents, Office of Internal Oversight Services, 30 July 2018 for more information

D. The rate of implementing recommendations increased steadily, and many interviewees and respondents considered BOIs and its outputs relevant

49. The increasing rate of implementation recommendation over time, used as a proxy for relevance, suggested that the relevance of the BOIs had increased. In fact, the percentage of fully implemented recommendations across all peacekeeping missions had steadily increased since 2010, with 61 per cent of all recommendations being fully implemented until 2017 (see figure 6).

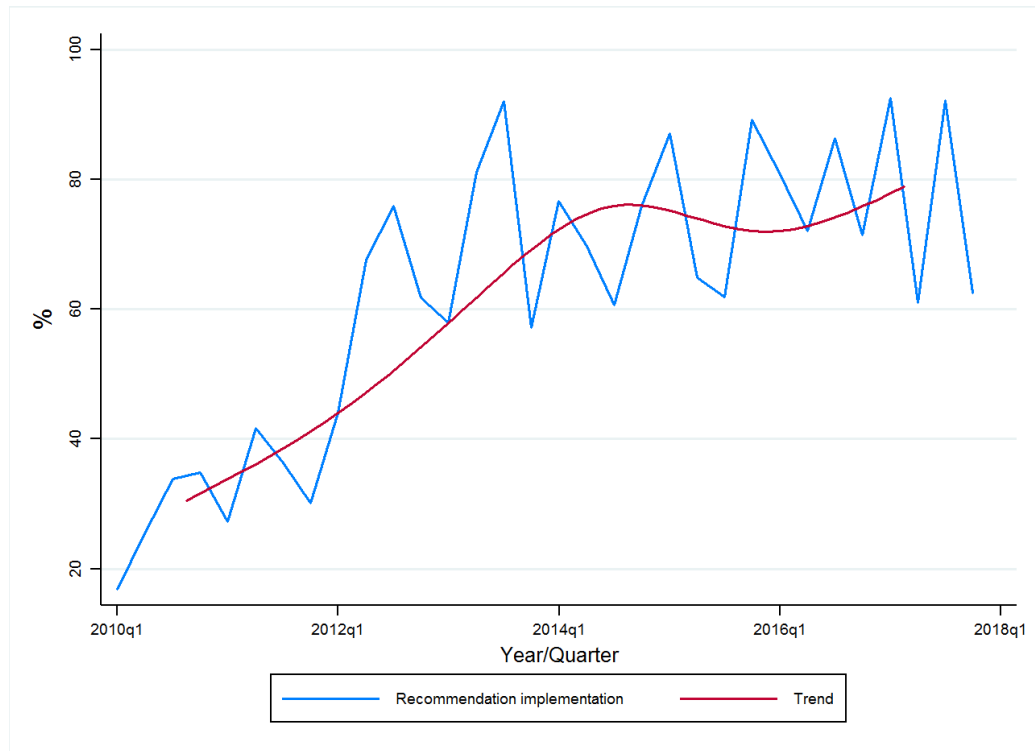


Figure 6: Rate of recommendation implementation (all missions; 2010-2017)

50. The rate of recommendation implementation varied between UNHQ and missions. While the implementation rate of recommendations assigned to mission entities increased with 60 per cent of all recommendations fully implemented until 2017, it remained low for recommendations assigned to UNHQ (25 per cent). This suggested the BOI was particularly relevant at the mission level.

51. Since recommendations made by mission-level BOI and approved by the Head of Mission were mandatory for implementation at the mission level only, the recommendations addressed to the UNHQ structures were brought to the attention of relevant managers for information and implementation, as appropriate. Mission-level BOI recommendations addressed to the UNHQ touched upon more complex issues which required more time to be resolved. Often, these recommendations required coordination with Member States, such as matters like Troop/Police Contributing Country (T/PCC) training and medical clearance. The implementation of some COE-related recommendations required a decision of the COE Working Group which met only once in two years. Also, these recommendations were, at times, unaware of forthcoming policy changes or systemic solutions being developed by UNHQ, which resulted in them being overtaken by events.

52. All 19 interviewees considered the BOI relevant, with 10 of 12 programme managers who reported that BOI recommendations were directly applicable to their work. The perception

that the output of the BOI was germane to mission operations was shared by the survey respondents, with 93 per cent indicating that BOI or HOM reports were relevant.

While the BOIs remained inefficient, there was a reduction in time taken to implement its recommendations

E. Missions took an average of 250 days to complete the BOIs as 82 per cent exceeded the stipulated 90-day timeframe

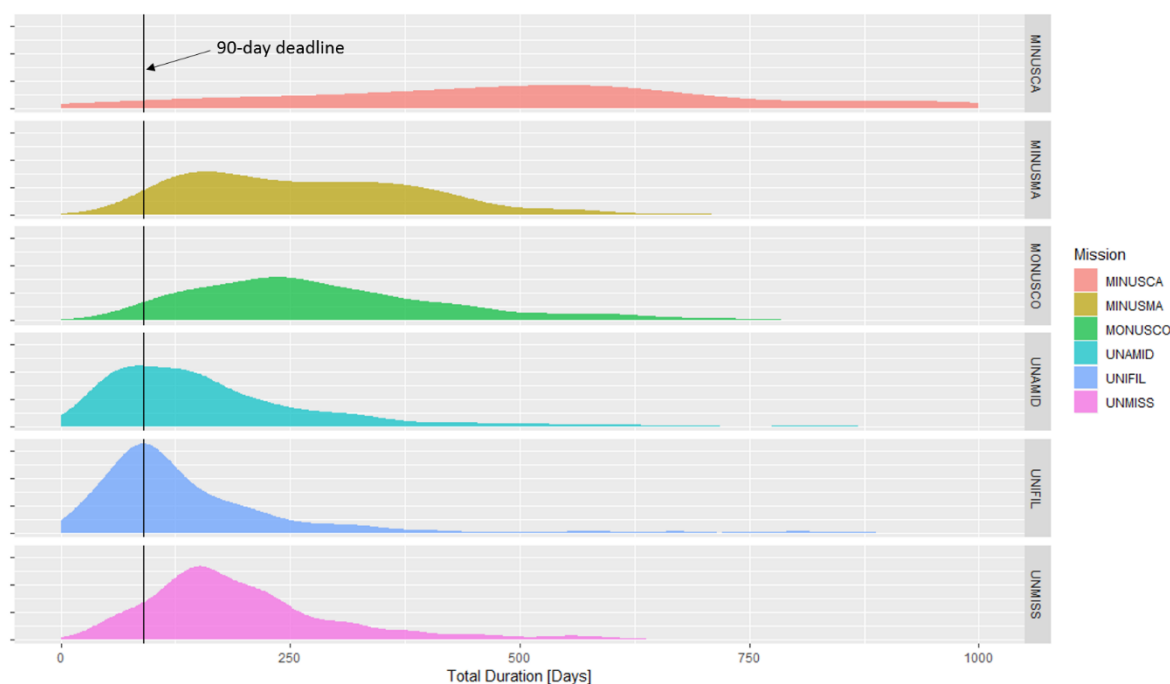


Figure 7: Distribution of number of days from date of occurrence to submission of final report (selected missions; 2010-2017)

53. The majority of the BOIs (82 per cent) overshot the mandated⁴² 90-day timeframe to complete a BOI, with the overall average at 250 days for the six selected missions. When excluding the time taken for the submission of investigation reports, a related but independent activity outside the control of BOI units, the average time taken to complete the BOI was 160 days for the selected missions.

54. Missions varied greatly in the time they took to complete the BOIs. While UNAMID, UNIFIL and UNMISS exhibited higher efficiency⁴³ to complete cases, MINUSCA, MINUSMA and MONUSCO exhibited dispersed distribution suggesting inefficient completion of cases. Specifically, MINUSCA took the longest on average (504 days) to complete BOIs, whereas UNIFIL completed cases in a far shorter timeframe (156 days).

55. The variation in time taken to complete the process was a function of the size of the mission (with a larger mission leading to more occurrences), staffing situation of the BOI unit, case-

⁴² Standard Operating Procedure: Boards of Inquiry, United Nations Department of Peacekeeping Operations and Department of Field Support (Ref. 2016.05), 1 December 2016, para. 27.

⁴³ The shape of the distribution of number of days to complete BOIs shows if the process, in general, appeared efficient. A distribution which is tighter around its mean and closer to the origin indicates an efficient process as compared to a spread-out distribution further away from the origin.

types and inter-personal skills of the BOI officer, as evidenced by interviewees, to recruit Board members.

56. With respect to the case-types, occurrences of equipment loss/damage/theft and occupational accidents took the longest to complete at 349 and 320 days respectively. Occurrences of suicide, however, were found to be the least time-intensive at 156 days.

57. With respect to staffing, ARBOIS submitted that critical shortfall in staffing situations had adversely impacted their ability for timely completion. For example, MONUSCO was without a BOI chief since 2015 until the drafting of this report. Similarly, MINUSCA only got a BOI chief in late 2017. BOI officers also cited challenges in conducting the process within the timeframe. Mitigating circumstances, such as high-risk security concerns for mission personnel in Darfur, had also reportedly been a source of disruption in specific cases. In addition, interviewees described the difficulty of keeping cases within the stipulated time frame due to the high volume of BOIs being conducted in larger missions⁴⁴.

F. The Board⁴⁵ only accounted for four per cent of the total time taken to complete a BOI report, and the perception and reality of bottlenecks did not match

58. An analysis was conducted to identify potential bottlenecks in the production of a BOI report (see figure 8).

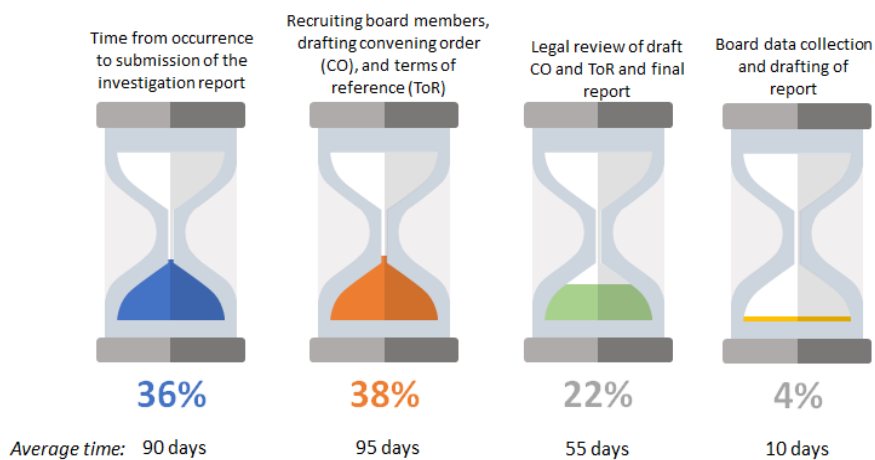


Figure 8: BOI processes' share in total time taken to complete a BOI report

59. The Board's actual work was collection of evidence, deliberation on the issues mentioned in the ToRs, and drafting of the report. 96 per cent of the total time taken to complete a BOI did not involve Board's work. The two most time intensive steps were the time taken to submit an investigation report (36 per cent), and the time taken by the BOI unit to collectively identify and recruit Board members, draft and get CO and ToR⁴⁶ approved (38 per cent).

⁴⁴ The association between delay in completion of cases and number of BOIs completed was not consistent across the missions

⁴⁵ Please refer to paragraph 14 for details on the composition of the Board

⁴⁶ The identified processes were based on time-stamps in the BOI tracker. However, in practice, the sub-processes may overlap to increase efficiency. For example, identifying and getting Board members onboard may overlap with drafting of

60. The review of the draft CO and ToR, as well as two stages of legal review, first, of the draft and, second of the final report, consumed about 22 per cent of the total time to complete a BOI process. It was noteworthy that about 58 per cent of the total time was not in operational control of DOS.
61. This demonstrated that the time taken to produce a BOI report was front-heavy, i.e. 74 per cent of the time was spent even before the Board was formally constituted. By the way of explanation, ARBOIS reported that there were significant transit delays in receipt of an investigation report by the mission BOI unit. Since such transit delays were not recorded in the BOI tracker, average duration to submit an investigation report was likely to be an underestimation.
62. An analysis was done to compare if the perception of relevant stakeholders in the mission about potential bottlenecks in the BOI process matched the actual data (see figure 9).

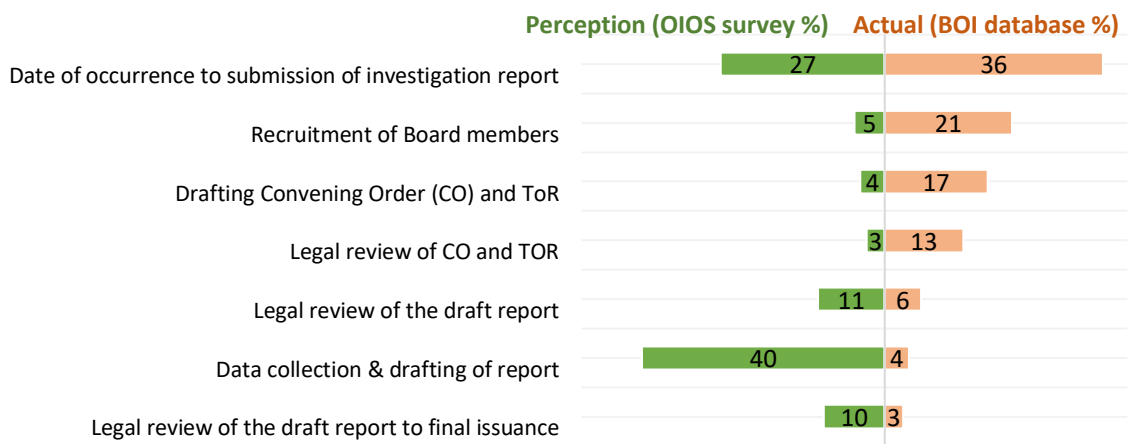


Figure 9: Perception Vs reality regarding duration of BOI process⁴⁷

63. The perception and reality of the sources of delay in the BOI process did not match. This discrepancy between perception and data from the BOI tracker was true of both Board members and BOI officers alike.
64. With an exception of delay concerning the submission of an investigation report, there was a misalignment between perception and reality about bottlenecks. While respondents thought conducting the actual Board's work was the most time consuming (40 per cent), it took only 4 per cent of the total time.
65. This contrasted with the findings from the BOI tracker, which showed that the most time-consuming sub-process included recruiting Board members and drafting CO and ToR (38 per cent). Respondents, however, believed this stage took only nine per cent of the total time.
66. With respect to the time taken to submit an investigation report, BOI officers frequently identified this as a primary source of delay outside the control of BOI units. This was supported by a Force Provost Marshall, the primary investigator for a military component, who asserted

CO and ToR. Similarly, coordinating during the drafting stage and getting the CO signed by the Convening authority might be time consuming.

⁴⁷ Processes are shown in descending order based on findings from BOI database and may not adhere to the chronology of the BOI process

that coordination with local police, access to the crime scene, tracking witnesses, and administrative errors contributed to delays in the submission of investigation reports.

67. Consultations with ARBOIS regarding bottlenecks suggested several systemic issues related to mission investigative capacity and profile of investigators, military staff and Individual Police Officers (IPO). Missions were said to be lacking in their capacity to carry out three simultaneous investigations, forensic and drafting skills, and experience in the administrative legal areas. In addition, vacancies in the SIU were apparently not filled in time, and training courses to ensure a standardized approach to the drafting of investigation report was lacking. Provision for immediate sharing of information of occurrences with missions' BOI units, which would require the convening of BOI, were also said to be lacking. The persistence of the problem suggested systemic issues that needed to be addressed in an integrated manner. There was a need for DPO and DOS to address these issues in cooperation with DSS. While the views of DPO and DSS were not sought, on the basis of the ARBOIS submission, these were the assumed challenges that DOS faced.
68. With respect to the recruitment of Board members, missions reported several challenges including difficulties in maintaining a roster as described in the 2016 SOP. BOI officers in two of the selected missions reported that the roster was either defunct or used inconsistently. The primary challenges in Board member recruitment were as follows:
 - a. Mission personnel considered serving on a Board as an added burden;
 - b. Sections or Units were reluctant to provide members for a Board;
 - c. Requests to have a Board member from the military component of the mission were usually routed through the military administrative office (referred to as J1⁴⁸) which delayed the process; and
 - d. The Rest and Recuperation (R&R) policy at the missions hindered availability of civilian mission personnel to serve as Board members.
69. The 2005 comprehensive review⁴⁹ identified finding members to serve on BOIs as one of the priority areas for efficiency gains. Considering this, OIOS did not further confirm the challenges mentioned by BOI officers with other sources in the mission.

G. While the rate of recommendation closure⁵⁰ improved across all missions, it took an average of 364 days to close recommendations

70. An analysis was done to compute how long it took for missions to close recommendations once the BOI process was complete (see figure 10).

⁴⁸ J1 is officially called U1 in the United Nations. Originally a NATO terminology, J1 is an office/section that deals with personnel administrative issues in the military. For more information please see United Nations Force Headquarters Handbook, November 2014

⁴⁹ Please see paragraph 5 for more information

⁵⁰ Closure of recommendations refers to three possible outcomes for BOI recommendations: full implementation; not accepted, not implemented; or overtaken by events

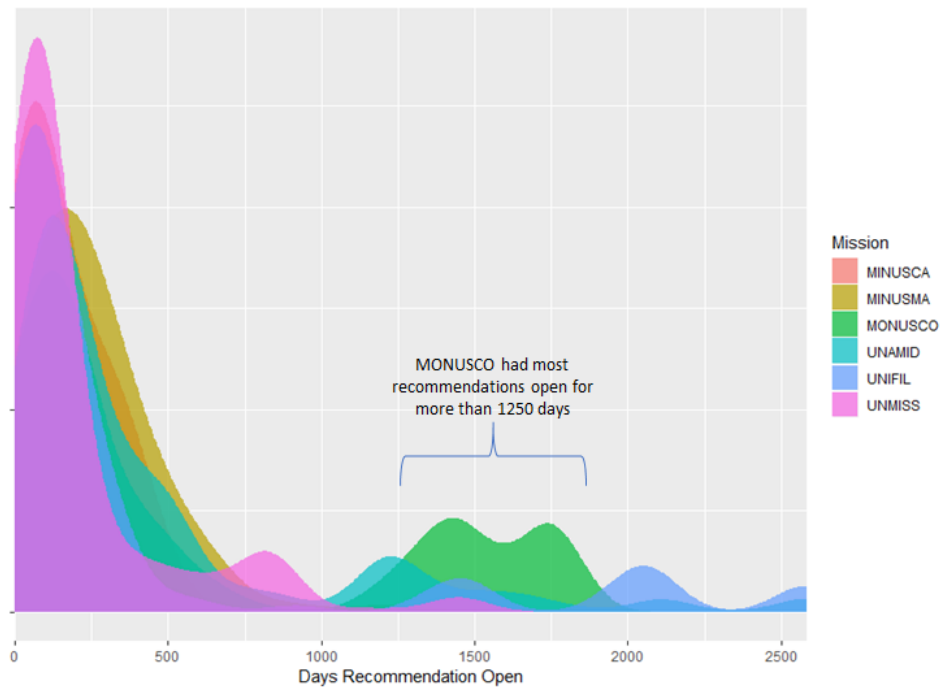


Figure 10: Number of days recommendations were open (selected missions; 2010-2018)

71. In the six selected missions, the recommendations were open for an average of 364 days before closure. Missions varied in time taken to close recommendations. While MONUSCO was the slowest in closing recommendations with 561 days, MINUSCA was the fastest with 147 days. In addition, there were recommendations from MONUSCO and UNIFIL that had remained open for over four years (1,500 days), Presumably, some of the recommendations that remained open for extended periods of time were long overlooked in the BOI tracker.

72. Notwithstanding the overall delay, an analysis was done to identify if there was any improvement in delays in closing recommendations (see figure 11).

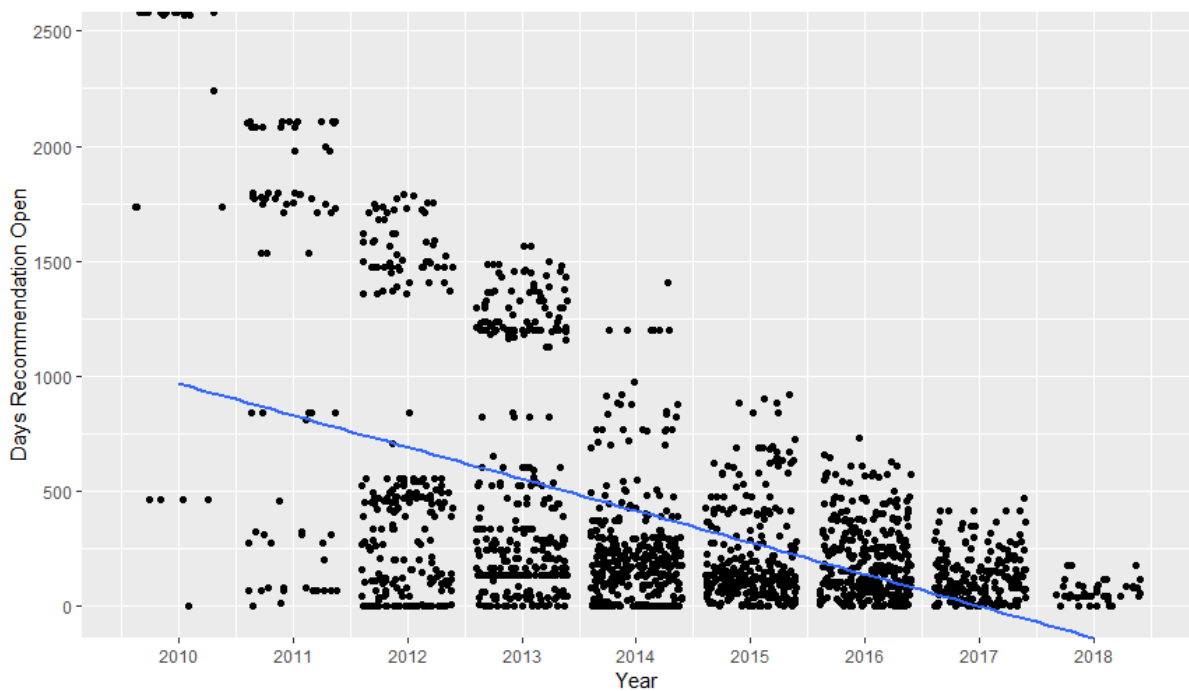


Figure 11: Rate of recommendation closure (selected missions; 2010-2018)

73. The average number of days recommendations were open had fallen significantly from 2000 days in 2010 to 128 days in 2017, and to 59 days in 2018 – a decrease of 97 per cent. The improvement, in part, came from migrating data from an old system to the BOI tracker in 2010⁵¹.
74. While there was an overall improvement in delays in closing recommendation, an analysis was done to determine how individual missions fared in reducing delays in closing their recommendations (see figure 12).

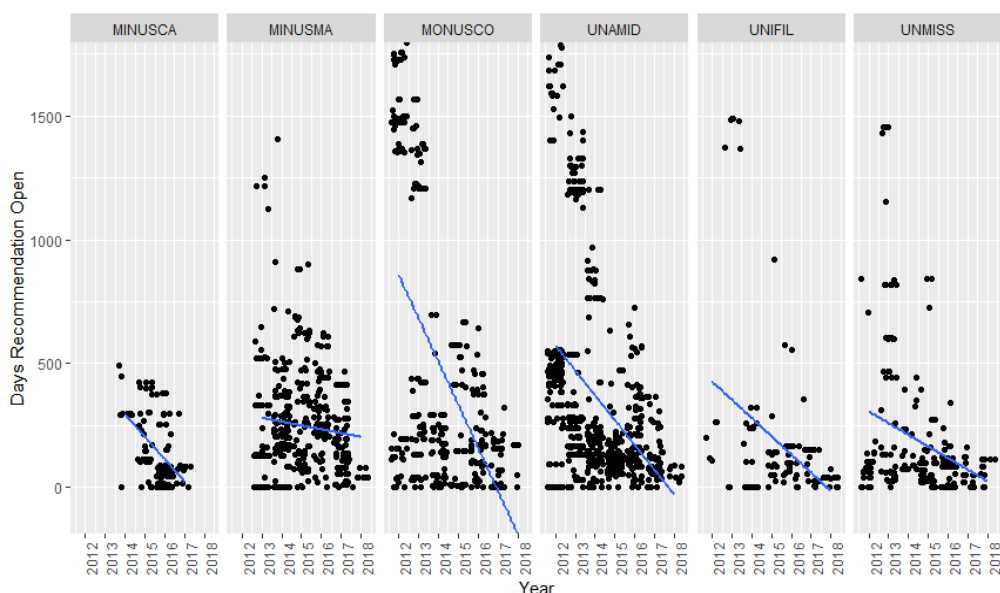


Figure 12: Mission-wise rate of recommendation closure (2012-2018)

75. While all missions demonstrated a downward trend in closing recommendations, they varied in their degree of improvement. While recommendations from MONUSCO, MINUSCA and UNAMID demonstrated significant improvement between 2012 and 2018, those from MINUSMA demonstrated modest improvement. The improvement in MINUSCA's recommendations was noteworthy since it had a low baseline⁵².
76. A thematic analysis of 973 recommendations was done to identify types of recommendations and the duration for which they were open.
77. Recommendations were classified under nine categories⁵³. While recommendations related to training were open for 216 days, those related to planning/coordination and investigations were open for 114 and 118 days respectively. This suggested that recommendations that required logistical arrangement⁵⁴ took longer for implementation.
78. Interviewed programme managers stated that recommendations related to trainings often required more time for implementation due to the large number of personnel required to be trained.

⁵¹ Please see paragraph 31(g)

⁵² The level of improvement is demonstrated by the slope of the trendline which is inversely affected by the situation at baseline. MINUSCA demonstrated a significant improvement despite having a low baseline (concentration of distribution). Similarly, MINUSMA had a high baseline (dispersed distribution) and, therefore, slope of the trendline demonstrated a modest improvement

⁵³ Please see paragraph 29(a) for more information on categories

⁵⁴ For example, training to a military contingent will require all military personnel to be available and availability of a venue

H. While 61⁵⁵ per cent of all recommendations were fully implemented, long-pending ones were more likely to be overtaken by events

79. An analysis of all recommendations was done to determine how long were they open based on their implementation status⁵⁶ (see figure 13).



Figure 13: Duration of open recommendation by implementation status (2012-2018)

80. In the selected missions, 61 per cent of all recommendations were fully implemented between 2010 and 2017. The percentage increased to 73 between 2012 and 2018 which suggested significant improvement in recent years to track and close recommendations as fully implemented.

81. While the average duration that all recommendations were open was 364⁵⁷ days, it was 204 days for recommendations that were fully implemented and 1042 days for recommendations that were overtaken by events. As evident from figure 13, recommendations that remained for extended periods of time were often overtaken by events.

82. A logistic regression suggested that for every additional day a recommendation was open, the odds of its implementation fell by 0.11 per cent⁵⁸.

83. The Board made recommendations to entities at the UNHQ and missions. Recommendations made by mission-level BOI and approved by the HOM were mandatory for implementation at the mission level only. Additionally, a structured content analysis⁵⁹ of 973 recommendations suggested that the low rate of implementation at UNHQ was also because recommendations were often broad, impractical or inappropriately targeted.

⁵⁵ 61 per cent between 2010-2017, 65 per cent between 2010-2018 and 73 per cent between 2012-2018

⁵⁶ Recommendations that were not accepted by the HOM, not accepted by UNHQ, or not implemented were combined into a single category for the purpose of the analysis

⁵⁷ Please see paragraph 71

⁵⁸ The relationship is non-linear; therefore, the odds of implementation will further decrease with one unit increase in days

⁵⁹ Please see paragraph 31(h) for limitation of this approach

84. The rate of recommendation implementation was also affected by how diligently recommendations were monitored and tracked. About 64 per cent of survey respondents believed that recommendations were “often” or “always” adequately monitored and implemented. This was aligned with the trend of increased implementation of recommendations in the BOI tracker.

I. Recommendations made by the Board were not always specific or implementable

85. A content analysis of 973 recommendations was done to assess their SMART scores (see figure 14).

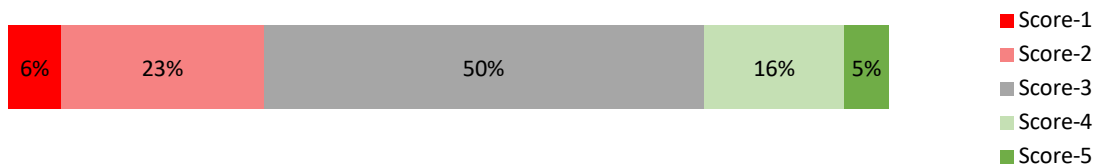


Figure 14: SMART scores (selected missions; 973 recommendations)

86. Only 21 per cent of the sampled recommendations had a score above three. This suggested that majority of the recommendations lacked criteria that would make them implementable.

87. A logistic regression was done to quantify the relationship between SMART scores and recommendation implementation. For a unit increase in the SMART score, the odds of a recommendation being fully implemented increased by 38 per cent. This suggested that recommendations that were assessed to be specific, measurable and actionable were more likely to be implemented.

88. This was supported by interviewees (six of 12 programme managers) who suggested that recommendations were not always specific or actionable and, in few instances, were found to be aspirational and therefore were not implementable.

Examples of SMART coded recommendations:

SMART Score 1:

- Mission structures responsible for post-accident/incident reporting should ensure that relevant reports are done, and records are properly maintained.
- DFS to ensure that all SOPs, rules and regulations are implemented during Mission start-up phase

SMART Score >= 4:

- IDPs may be shifted and placed in the Lazare Camp only after proper security infrastructure like perimeter fence, ditch, water towers and security lights - are in place and operational
- Communication facilities in the sectors need to be augmented so that patients requiring evacuation could be evacuated in time and not be deprived of timely medical care due to lack of facilities to be transported to other hospitals. A hotline should be considered to establish communication between the sectors and the HQ for a quick evacuation to other hospitals

89. Coordination mechanisms, to draft specific, relevant and implementable recommendations between the Board, BOI unit and sections that were assigned to them, were either ineffective or inconsistently used. Interviewed programme managers, who were responsible to implement recommendations, were often not consulted prior to drafting a recommendation.
90. However, interviewees cited anecdotal evidence of successful implementation when the coordination mechanism was employed, and recommendations discussed prior to drafting.
91. A thematic analysis was carried out to identify similar recommendations across sampled mission.
92. A stratified sample of 217 fully implemented recommendations between 2015-17 identified 29 recurring groups⁶⁰, where each group contained two or more repetitive recommendations within a BOI case type and mission combination⁶¹.
93. The 29 recurring groups, comprised of analogous, fully implemented recommendations within the three-year period, suggested that certain recommendations were less effective and may not have reduced the probability of comparable occurrences.

Examples of a recurring recommendation group: Road accidents

“Contingent Military Transport Officers should ensure that drivers within the Contingent do not operate UN vehicles without a MINUSCA Contingent Driving Permit”

“While operating MINUSCA vehicles, it is recommended that the drivers exercise caution and check properly all angles before moving the vehicle. UN drivers should also have mission diving permit.”

“It is recommended that Mission Contingents inform their drivers of the requiring of obtaining MINUSCA driving permit before operating MINUSCA vehicles and ensure that they actually obtain the said permit.”

“Military members should not operate UN vehicles without a MINUSCA driver's permit; they should also be issued with MINUSCA ID cards.”

BOIs were perceived to be effective, but several shortcomings reduced its effectiveness

- J. Although most respondents and interviewees perceived BOIs to be effective, BOIs were not fully effective as tools for accountability and learning
 94. Notwithstanding the limited scope and sharing of BOI reports, with respect to improving policies and procedures in the mission, all BOI officers and four programme managers provided evidence of improvements that were attributable to BOIs. A few of the benefits cited by interviewees were as follows:

⁶⁰ Please see 25(d) for the definition of recurring groups

⁶¹ Examples of mission and BOI case-type combination would be hostile action cases in MINUSCA or road accidents in MONUSCO

- a. SOPs were developed to address security lapses and for enhanced protection of civilians;
 - b. Weapon safety procedures were amended to prevent suicides;
 - c. Vehicular and fire safety procedural improvements took place; and
 - d. A health campaign was carried out that raised anti-malarial awareness.
95. While programme managers asserted that it was difficult to draw a causal link between recommendations and a reduction in incidents, they believed that the BOI had benefited the missions in terms of operational improvements.
96. However, interviewees also mentioned challenges to sustained institutional memory and reduced effectiveness since mission personnel, particularly military contingents, had a high rate of turnover. One programme manager reported that despite steps being taken by contingent commanders to make improvements and implement recommendations, every six months “it’s like starting everything all over again.”
97. An online survey of relevant stakeholders⁶² asked respondents to select their perceived utility of BOIs (see figure 15).



Figure 15: Perceived utility of BOI (selected missions)

98. Of all responses from the survey respondents, 15 per cent perceived BOI as an accountability tool while 13 per cent thought that BOI facilitated processing of claims compensation.
99. Despite the perceived effectiveness of BOI for accountability and claims compensation, and instances⁶³ of recommendations making references to T/PCC claims, the 2016 SOP precluded the Board from making recommendations on claims as decision on administrative and/or disciplinary action rested with the managerial structure of the Organization.
100. Notwithstanding this, although the DPKO Policy on Knowledge Sharing and Organizational Learning⁶⁴ put in place a framework for DPO-led missions, DPO and DOS Headquarters to

⁶² Mission personnel included BOI staff, Board members, legal advisors, investigators and end-users of BOI report. 139 out of 210 responded.

⁶³ Several instances of recommendations assigned to either MSD or OMA were found during the content analysis of 973 recommendations. Recommendations, for example, referred to T/PCC’s claim in the mission and that it had to be processed within 90 days, and requested OMA to take up issues of pre-existing conditions with T/PCC’s

⁶⁴ Policy on Knowledge Sharing and Organizational Learning, DPKO, 2015, Ref. 2015.13

identify, capture, share and implement best practices and lessons learned, BOI was not mentioned as a tool for Organizational learning.

101. ARBOIS explained that self-assessment exercises were conducted annually where a high-level summary of all BOI cases was shared across missions.

V. Conclusion

102. The results of the inspection showed a mixed picture. While there were notable improvements in tracking and closing recommendations, deficiencies remained in the time taken to complete a BOI and the quality and utility of its recommendations.
103. BOI was relevant to the field missions and served as one of the most comprehensive tools available to review and record serious incidents and enable related management action.
104. Over the years, notable efficiency gains were noted where missions improved on recommendation tracking and implementation.
105. In missions, BOI effectively improved procedures and policies and was recognized by programme managers as a useful managerial tool. Anecdotal evidence suggested that BOI had reduced recurrences of incidents.
106. However, the overall BOIs remained highly inefficient when compared with the 90-day timeframe. While the overall duration was 250 days, it was 160 days when investigation timeline was excluded. Consequently, there is a need to have a realistic timeline.
107. BOI reports could be used more effectively to support the accountability framework. This would be in-line with the Secretary-General's emphasis on the need to increase accountability and transparency in peacekeeping missions⁶⁵.
108. BOI lacked linkages to the Organizational learning framework. BOI reports had restricted access. While it is reasonable for the body of the report to be restricted⁶⁶, it was not clear why a summary was not available to serve as learning tools and in line with the practice of Security Council mandated BOI⁶⁷.

⁶⁵ Enhancing transparency and accountability was one of the six priority areas for improvement identified. For more information, please see <https://reform.un.org/content/management-reform>

⁶⁶ The report includes sensitive information such as witness identity, medical records, testimonials, legal opinion, and photographs of either victim or location of occurrence

⁶⁷ S/2016/1093, S/2017/713

VI. Recommendations

Based on this inspection, OIOS-IED made six (6) important recommendations to DOS.

Recommendation 1: (Results A, B, E)

In order to make the process more efficient, DOS should outline clear criteria to use HOM report for routine cases and BOI report for cases of greater materiality and complexity, as judged by the Head of Mission based on available evidence, as well as proper delegation of authority to make decisions in this regard.

Indicator(s) of implementation:

- An updated Board of Inquiry SOP, or additional guidance provided on the expanded use of HOM report

Recommendation 2: (Results G, H)

To improve BOI recommendation monitoring and implementation, and in alignment with the Security Council resolution 2378 that emphasized use of data streams to improve analytics based on well identified benchmarks, the BOI data management system should be suitably modified to enable the following:

- a. Better manipulation of data to enhance timeliness, data completeness, and implementation rates
 - i. Send programme managers quarterly updates on open recommendations, highlighting cases deemed critical
 - ii. Flag recommendations open for more than 365 days, sending notifications to high-level management as appropriate, missions' BOI unit, and ARBOIS
 - iii. All fields should be required when cases are submitted to BOI tracker, with validation conditions incorporated on select numeric fields
- b. Produce basic reports on aggregated recommendation implementation rate and speed of recommendation closure within a given timeframe

Indicator(s) of Implementation:

- An enhanced BOI data management system capable of above-mentioned functions.

Recommendation 3: (Result J)

To improve coordination with CDS (Conduct and Discipline Service) on cases that have actionable disciplinary elements, and with ABCC/Uniformed Capabilities Support Division (UCSD, formerly FBFD) with elements of claims compensation, the BOI reports should be shared systematically with CDT in missions and with CDS or ABCC/UCSD in UNHQ.

Indicator(s) of Implementation:

- Updated BOI data management system or other appropriate measures that incorporates a CDS and ABCC/UCSD reporting/referral mechanism

Recommendation 4: (Result F)

Mission should implement the provision of the SOP on BOI to establish a system of renewable roster with officials from different units serving as Board Members. BOI assignments should be compulsory

for these officials and performing them should be reflected in their individual work plans and performance assessment documents.

Indicator(s) of Implementation:

- Documentation of the establishment of a secondment system for Board member recruitment

Recommendation 5: (Result D)

Mission BOI units should carry out Biennial self-assessment exercises that utilize qualitative and quantitative data to identify trends in occurrences, systemic flaws and their impact on missions, re-occurring recommendations, as well as process choke points and best practices in overcoming them. ARBOIS should collate these findings and disseminate them to missions and programme managers at UNHQ.

Indicator(s) of Implementation:

- Self-assessments produced on a bi-annual basis by mission BOI units and collated by ARBOIS

Recommendation 6: (Result I)

SOP should stipulate that mission BOI units guide the Board in making SMART recommendations and consult intended recipient during recommendation drafting process.

Indicator(s) of Implementation:

- Board of Inquiry SOP updated to include guidance on drafting of recommendations



UNCLASSIFIED

Routine

DATE: 29 April 2020

Reference: DOS-2020-02036

TO: Mr. Yee Woo Guo, Director
A: Inspection and Evaluation Division
Office of Internal Oversight Services

THROUGH:
S/C DE:

FROM: Atul Khare, Under-Secretary-General
DE: for Operational Support

A handwritten signature in blue ink, appearing to read "Atul Khare", with a horizontal line underneath.

SUBJECT: **Draft report on the inspection of Boards of Inquiry mechanisms in peacekeeping**
OBJET: **missions**

1. I refer to your memorandum dated 17 April 2020 regarding the above-mentioned report. Please find attached the response from the Department of Operational Support on the findings and recommendations contained in the draft report (Annex I), as well as the Recommendation Action Plan.
2. Thank you for the opportunity to comment on the draft report. We stand ready to provide any further information that may be required.

cc: Jean-Pierre Lacroix
Gilles Michaud
Rahul Sur

**Draft report on the Inspection of Boards of Inquiry
mechanisms in peacekeeping operations**

General comments

1. Thank you for carrying out an inspection of the Board of Inquiry (BOI) mechanism in peacekeeping operations and the opportunity to comment on the report. Regrettably, however, the Department of Operational Support (DOS) notes that the inspection implies that investigations and legal review of the report are part of the BOI mechanism, which is misleading. As previously communicated to OIOS and stated in the report, while these processes support the BOI mechanism, neither missions' BOI offices, nor DOS for that matter, have any control over them. In order to holistically assess the "BOI mechanism", the inspection should have encompassed, in addition to DOS and mission BOI structures, DPO¹, DSS², OLA³ and CDS⁴, as well as mission structures receiving their substantive guidance and support. DOS considers it a missed opportunity, since each of these support processes have their own challenges and bottlenecks, which could have benefitted from the assessment and recommendations made by the Office of Internal Oversight Services (OIOS).

Summary

2. DOS trusts that the summary will be revised based on our comments below.

Specific comments

Paragraph 19

3. The paragraph's wording is misleading, since it implies an integrated BOI process with BOI structures playing a leading role in it. As previously advised to OIOS, the security, legal and conduct and discipline structures and the processes they conduct are independent.

Paragraph 20

4. While it is correct that the work of the BOI Unit starts once the investigation report is received in a BOI Unit, the role of its staff is not limited to mere monitoring. BOI staff organizes, coordinates, supports and monitors the progress of the BOI work, beginning with the preparation of the Convening Order (CO) and Terms of Reference (TOR) for the

¹ Department of Peace Operations

² Department of Safety and Security

³ Office of Legal Affairs

⁴ Conduct and Discipline Service, Administrative Law Division, Office of Human Resources, Department of Management Strategy, Policy and Compliance

BOI, all the way through monitoring the implementation of accepted BOI recommendations.

Paragraphs 31(i) and 38-39

5. While it would be fair to state that significant resources are allocated by the Organization to conduct inquiries, estimating the average cost of a BOI report by prorating the BOI Unit staff costs by the number of reports the Unit produces overlooks all compliance-enforcement and reporting work conducted by BOI personnel, as well as their input into the administrative policies development.

Paragraphs 46-48

8. DOS takes note of the confusion resulting from the existence in the BOI Tracker of multiple categories for non-violent deaths and will unite them during the upcoming revision of the BOI Tracker.

Paragraphs 58-65

9. DOS reiterates that the BOI Tracker is not equipped to determine the duration of the BOI-supporting processes, such as the number of days spent to recruit BOI members and to draw up and review the CO or TOR, nor is it equipped to determine how long the actual BOI proceedings took. DOS finds the percentages of time to complete the processes referred to in the above captioned paragraphs misleading. The Department ascribes the misalignment of perception and reality to the confusion created by the inspectors using the term "BOI mechanism" to engulf processes outside the purview of BOI personnel. It should also be noted that, while recruiting BOI members and submitting the report to legal review could be time consuming indeed, drafting the CO and TOR and submitting them to legal review is usually not. It might take longer, in fact, to get the CO and TOR approved by the Convening Authority (the inspection did not consider this stage), because these documents are usually not considered 'high-priority' in the Office of the Head of Mission.

Paragraph 83

10. DOS disagrees with the statement that the low rate of implementation of BOI recommendations addressed to UNHQ was because they were often broad, impractical, or inappropriately targeted. As previously advised to OIOS and correctly reflected in paragraph 51 of the OIOS report, the recommendations addressed to the UNHQ structures touched upon more complex issues which require more time to be resolved. Often, these recommendations require coordination with Member States, such as matters like Troop/Police Contributing Country (T/PCC) training and medical clearance. The implementation of some Contingent-Owned Equipment (COE)-related recommendations requires a decision of the COE Working Group, which meets only once in two years. Also, these recommendations might be ignorant of forthcoming policy changes or systemic solutions being developed by UNHQ, which results in them being overtaken by events.

Paragraph 106

17. DOS reiterates that the conclusion regarding high inefficiency of BOIs is based on OIOS' misrepresentation of the process as integrated. Even after the exclusion of the

investigation timeline, the remainder still includes the lengthy period of legal review, which, according to OIOS' own assessment, is responsible for 22 per cent of the total timeline.

Recommendation 1

19. DOS considers the recommendation partially implemented. The existing Standard Operating Procedure (SOP) on BOI clearly defines that the decision to forego a BOI and submit a Head of Mission (HOM) report rests with the Head of Mission. DOS agrees to develop this provision further and include additional guidance on the expanded use of HOM reports in the revised SOP on BOI, and add several indicators which could facilitate this decision. DOS wishes to stress, however, that this decision should always remain a matter of judgement depending on the circumstances of a particular case.

Recommendation 2

20. DOS considers the recommendation fully implemented. After considering several technical options, OICT developed a Power Business Intelligence program, which the BOI Unit uses to extract data from the BOI Case Tracker to produce quarterly reports on outstanding recommendations for program managers. DOS requested OICT to add to the Tracker the functionality for counting the number of days each recommendation remained open so that those open for more than 365 days could be flagged. DOS does not accept the recommendation to fill in every field in a case home page, since the case home page does not consider the difference between BOI and HOM reports. While all fields are mandatory for the former, not all of them are relevant for the latter. The Tracker re-configures the case home page according to whether a HOM or BOI report is uploaded, with all the necessary fields asterisked accordingly (HOM vs. BOI). DOS will address the recommendation to modify the Tracker to OICT so that it could produce basic reports on aggregated recommendation implementation rate and speed of recommendation closure within a given timeframe.

Recommendation 3

21. DOS considers the recommendation fully implemented. The BOI Tracker already has a functionality to automatically share all BOI reports that include actionable disciplinary elements with CDS. The same relates to sharing the reports with elements relevant to T/PCC claims compensation with the Uniformed Capabilities Support Division of DOS. BOI focal points in both structures receive the reports at a click of a button. DOS agrees to automate sharing BOI reports containing elements relevant to civilian staff claims with the Advisory Board on Claims Compensation. To further enhance coordination and ensure appropriate action, the SOP on BOI, which is currently under revision, will further emphasize that BOI reports with elements of misconduct should be formally shared at field mission level with CDTs.

Recommendation 4

30. DOS accepts the recommendation. The Department will reiterate guidance to missions on the requirement to establish renewable rosters with officials from different units serving as Board Members, stating that BOI assignments should be compulsory for these officials for the period of the roster validity and performing them should be reflected in their individual work plans and performance assessment documents. Missions will be requested

to confirm the implementation.

Recommendation 5

31. DOS accepts the recommendation and will include the relevant provision in the revised SOP on BOI. Missions will be requested to conduct an assessment in the first quarter of 2021.

Recommendation 6

32. DOS accepts the recommendation and will enhance guidance on making SMART⁵ recommendations in the revised SOP on BOI and Guidelines to Board members attached to it as Annex IV. In addition to that, the proposed draft SOP introduces a provision for a BOI Coordinator to be included in every BOI as an ex-officio member. This provision is expected to further improve the quality of BOI recommendations.

⁵ Specific, measurable, attainable, realistic and timely

Recommendation Action Plan
Inspection of Boards of Inquiry mechanisms in peacekeeping operations

IED Recommendation	Actions	Responsible Entity(ies)	Target date for completion
<p><u>Recommendation 1</u></p> <p>In order to make the process more efficient, DOS should outline clear criteria to use Head of Mission (HOM) for routine cases and Boards of Inquiry (BOIs) for cases of greater materiality and complexity, as judged by the HOM based on available evidence, as well as proper delegation of authority to make decisions in this regard.</p> <p><i>Indicators:</i> An updated Board of Inquiry SOP, or additional guidance provided on the expanded use of HOM reports.</p>	<p>DOS considers the recommendation partially implemented. The existing Standard Operating Procedure (SOP) on BOI clearly defines that the decision to forego a BOI and submit a HOM report rests with the Head of Mission. DOS agrees to develop this provision further and include additional guidance on the expanded use of HOM reports in the revised SOP on BOI and add several indicators which could facilitate this decision. DOS wishes to stress, however, that this decision should always remain a matter of judgement depending on the circumstances of a particular case.</p>	<p>BOI Unit, ARBOIS, OUSG, DOS</p>	<p>Second quarter of 2020</p>

IED Recommendation	Actions	Responsible Entity(ies)	Target date for completion
<p><u>Recommendation 2</u></p> <p>To improve BOI recommendation monitoring and implementation, and in alignment with the Security Council resolution 2378 that emphasized use of data streams to improve analytics based on well identified benchmarks, the BOI data management system should be suitably modified to enable the following:</p> <ul style="list-style-type: none"> a. Better manipulation of data to enhance timeliness, data completeness, and implementation rates <ul style="list-style-type: none"> i. Send programme managers quarterly updates on open recommendations, highlighting cases deemed critical ii. Flag recommendations open for more than 365 days, sending notifications to high-level management as appropriate, missions' BOI unit, and ARBOIS iii. All fields should be required when cases are submitted to BOI tracker, with validation conditions incorporated on select numeric 	<p>DOS considers the recommendation fully implemented.</p> <p>After considering several technical options, OICT developed a Power Business Intelligence program which the BOI Unit uses to extract data from the BOI Case Tracker to produce quarterly reports on outstanding recommendations for program managers. DOS requested OICT to add to the Tracker the functionality for counting the number of days each recommendation remained open so that those open for more than 365 days could be flagged. DOS does not accept the recommendation to fill in every field in a case home page, since the case home page does not consider the difference between BOI and HOM reports. While all fields are mandatory for the former, not all of them are relevant for the latter. The Tracker re-configures the case home page according to whether a HOM or BOI report is uploaded, with all the necessary fields asterisked accordingly (HOM vs. BOI). DOS will address the recommendation to modify the Tracker to OICT so that it could produce basic reports on aggregated</p>	<p>BOI Unit, ARBOIS, OUSG, DOS</p>	<p>Not applicable</p>

<p>fields</p> <p>b. Produce basic reports on aggregated recommendation implementation rate and speed of recommendation closure within a given timeframe.</p> <p><i>Indicators:</i> An enhanced BOI data management system capable of above-mentioned functions.</p>	<p>recommendation implementation rate and speed of recommendation closure within a given time frame.</p>		
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IED Recommendation	Actions	Responsible Entity(ies)	Target date for completion
<p><u>Recommendation 3</u></p> <p>To improve coordination with CDS (Conduct and Discipline Service) on cases that have actionable disciplinary elements, and with ABCC/Uniformed Capabilities Support Division (UCSD, formerly FBFD) with elements of claims compensation, the BOI reports should be shared systematically with CDT in missions and with CDS or ABCC/UCSD in UNHQ.</p> <p><i>Indicators:</i> Updated BOI data management system or other appropriate measures that incorporates a CDS and ABCC/UCSD reporting/referral mechanism.</p>	<p>DOS considers the recommendation fully implemented. The BOI Tracker already has a functionality to automatically share all BOI reports that include actionable disciplinary elements with CDS¹. The same relates to sharing the reports with elements relevant to T/PCC² claims compensation with the Uniformed Capabilities Support Division of DOS. BOI focal points in both structures receive the reports at a click of a button. DOS agrees to automate sharing BOI reports containing elements relevant to civilian staff claims with the Advisory Board on Claims Compensation.</p> <p>To further enhance coordination and ensure appropriate action, the SOP on BOI, which is currently under revision, will further emphasize that BOI reports with elements of misconduct should be formally shared at field mission level with CDTs.</p>	<p>BOI Unit, ARBOIS, OUSG, DOS</p>	<p>Not applicable</p>

¹ Conduct and Discipline Service, Administrative Law Division, Office of Human Resources, Department of Management Strategy, Policy and Compliance

² Troop/Police Contributing Country

IED Recommendation	Actions	Responsible Entity(ies)	Target date for completion
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IED Recommendation	Actions	Responsible Entity(ies)	Target date for completion
<p><u>Recommendation 4</u></p> <p>Missions should implement the provision of the SOP on BOI to establish a system of renewable roster with officials from different units serving as Board Members. BOI assignments should be compulsory for these officials and performing them should be reflected in their individual work plans and performance assessment documents.</p> <p><i>Indicators:</i> Documentation of the establishment of a secondment system for Board member recruitment.</p>	<p>DOS accepts the recommendation. The Department will reiterate guidance to missions on the requirement to establish renewable rosters with officials from different units serving as Board Members, stating that BOI assignments should be compulsory for these officials for the period of the roster validity and performing them should be reflected in their individual work plans and performance assessment documents. Missions will be requested to confirm the implementation.</p>	<p>Missions and BOI Unit, ARBOIS, OUSG, DOS</p>	<p>Second quarter of 2020</p>
<p><u>Recommendation 5</u></p> <p>Mission BOI units should carry out Biennial self-assessment exercises that utilize qualitative and quantitative data to identify trends in occurrences, systemic flaws and their impact on missions, re-occurring recommendations, as well as process choke points and best practices in overcoming them. ARBOIS should collate these findings and disseminate them to missions and programme managers at UNHQ.</p>	<p>DOS accepts the recommendation and will include the relevant provision in the revised SOP on BOI. Missions will be requested to conduct an assessment in the first quarter of 2021.</p>	<p>Missions and BOI Unit, ARBOIS, OUSG, DOS</p>	<p>First quarter of 2021</p>
<p><u>Recommendation 6</u></p> <p>SOP should stipulate that mission BOI offices guide the Board in making SMART recommendations and consult intended recipient</p>	<p>DOS accepts the recommendation and will enhance guidance on making SMART³ recommendations in the</p>	<p>BOI Unit, ARBOIS, OUSG, DOS</p>	<p>Second quarter of 2020</p>

<p>during recommendation drafting process.</p> <p><i>Indicators:</i> Board of Inquiry SOP updated to include guidance on drafting of recommendations.</p>	<p>revised SOP on BOI and Guidelines to Board members attached to it as Annex IV. In addition to that, the proposed draft SOP introduces a provision for a BOI Coordinator to be included in every BOI as an ex-officio member. This provision is expected to further improve the quality of BOI recommendations.</p>		
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³ Specific, measurable, attainable, realistic and timely

Annex-II OIOS response to DOS formal comments

1. OIOS thanks and appreciates DOS for the comments made on the report. With regard to the General comment in paragraph 1, paragraph 21 of the report clarifies the process and the focus of the inspection, while paragraphs 21, 22, 25(b), and 25(c) collectively define the scope of the inspection which was primarily on the stages of the BOI under DOS operational control.
2. With regard to paragraph 2, the summary and/or parts of the report, as applicable, were amended.
3. With regard to paragraph 3, with respect to the wordings in paragraph 19 that DOS found misleading, OIOS would like to reiterate that the paragraph mentions the role of various offices as “secondary” and “supportive”, not leading, to the BOI process. Additionally, paragraph 12 mentions that investigation is an independent part of the process.
4. With regard to paragraph 4, the paragraph 20 of the report mentions that BOI unit staff were responsible for the monitoring of the BOI work and updating the online BOI tracker. When read in conjunction with paragraphs 27(a) and 28(b), it provides further clarity on the spectrum of tasks performed by the BOI unit staff.
5. With regard to paragraph 5 where DOS raised reservation with the methodology adopted for cost calculation, OIOS acknowledges that the calculation of cost was at best an estimation of the amount of resources allocated to conduct BOIs in field missions. The cost must be seen through the perceived benefit of the BOI process which subsequent paragraphs elucidate.
6. With regard to paragraph 9 where DOS states that BOI tracker is not equipped to determine duration of the BOI-supporting processes, OIOS would like to reiterate that the BOI tracker provides dates that were relevant to DOS and had explicit time stamps that allowed the identification of the seven sub-processes as mentioned in paragraph 29(b). Furthermore, the misalignment of perception and reality has no bearing on the perceived “confusion” as respondents identified those sub-processes that they thought were the most time-consuming. This was matched with the actual duration calculated from the BOI tracker. OIOS considered the process involving the approval of COs and TORs by the Convening Authority. Figure 8 and paragraph 60 mentioned that the time taken, inter alia, involving approval of CO and ToR consumed the most time at 38 per cent. The available data from the BOI tracker did not allow a further breakup of the sub-processes to analyse the duration of the Convening Authorities for approving the COs and TORs.
7. With regard to paragraph 10, the explanation provided by DOS is reflected in paragraph 51 of the report. The assessment of the recommendations was based on a structured content analysis of 973 recommendations.
8. With regard to paragraph 17 on the inefficiency of BOIs, OIOS maintains that the BOIs were inefficient as it took 250 days on average to complete a BOI. While investigation and legal review consumed 150 days, the remaining 100 days were seemingly in operational control of the BOI units, which were already over the mandated 90-day timeframe.

9. OIOS acknowledges DOS acceptance of all six recommendations. The progress made on the implementation of the recommendations will be monitored by OIOS through existing procedures.