INTERNAL AUDIT DIVISION

REPORT 2019/063

Audit of the Justice and Corrections Standing Capacity in the Department of Peace Operations

Though widely acknowledged as an invaluable support to the field, improved strategic planning, human resources management, performance monitoring and assessment of results would enhance the utilisation and impact of the Justice and Corrections Standing Capacity

22 July 2019
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Audit of the Justice and Corrections Standing Capacity in the Department of Peace Operations

EXECUTIVE SUMMARY

The Office of Internal Oversight Services (OIOS) conducted an audit of the Justice and Corrections Standing Capacity (JCSC) within the Office of Rule of Law and Security Institutions (OROLSI) of the Department of Peace Operations (DPO). The objective of the audit was to assess the adequacy and effectiveness of the mechanisms in place for ensuring that the JCSC remains a source of timely, relevant and cost-effective start-up capability for new operations, and for support to existing operations and other entities. The audit covered the period from January 2016 to February 2019, and reviewed the activities of JCSC, focusing on: (a) coordinated strategic planning and needs analysis; (b) performance assessment and reporting; and (c) outreach and knowledge management.

JCSC is widely acknowledged as an invaluable tool for support to the field. However, improvements to strategic planning and assessment (particularly enhanced knowledge management and use of lessons learned), human resource management, and performance monitoring and assessment of results, would further enhance the utilization and impact of the expertise of the capacity.

OIOS made nine recommendations. To address issues identified in the audit, OROLSI needed to:

- Develop a formal mechanism to document the key results, recommendations, common challenges and lessons learned resulting from the activities of JCSC for ready reference and use in strategic planning and prioritization of mission support needs;
- Clarify the participation of its standing capacities in the Global Focal Point arrangement to ensure coherence in the support provided by JCSC across the United Nations System, particularly in the context of non-mission settings;
- Develop a strategy and plan for coordinated and coherent sustainable resource mobilization to finance the rule of law support provided through its standing capacities;
- Work with the Department of Management Strategy, Policy and Compliance to increase mission awareness and implementation of the 2017 guidance on the use of programmatic funds to finance the support activities of OROLSI's standing capacities;
- Develop and formalize mechanisms for ensuring the availability of relevant expertise to meet the rule of law support requests from the field;
- Develop a formal plan for managing the deployment cycle of individual JCSC staff;
- Ensure that terms of reference for JCSC deployments routinely include indicators for measuring its performance and specify the mechanisms by which information will be collected to inform these assessments;
- Develop a broader suite of indicators by which its performance can be measured and assessed; and
- Develop a formal strategy to better communicate its activities and promote the availability and nature of the rule of law support that it has to offer missions and other United Nations system partners.

DPO accepted the recommendations and has initiated action to implement them.

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I.   BACKGROUND

1.   The Office of Internal Oversight Services (OIOS) conducted an audit of the Justice and Corrections Standing Capacity (JCSC) in the Department of Peace Operations (DPO).

2.   Recognizing that the early re-establishment, strengthening and reform of justice and corrections systems can play a key role in restoring and consolidating peace, the Secretary-General identified rule of law assistance as one of the recurring core early peacebuilding priorities. However, as identifying suitable personnel for rapid deployment to undertake these tasks was proving challenging, the Special Committee on Peacekeeping Operations in 2009 requested the implementation of measures to ensure that United Nations staff are made available to fully implement mandates related to the rule of law throughout the life of peace operations.

3.   In response, and building on the successful experience with the Standing Police Capacity (SPC, which had been established in 2007 and provides advice, expertise and assistance regarding policing and other law enforcement issues), the Secretary-General recommended the establishment of a justice and corrections standing capacity to complement and operate alongside SPC and ensure "from the outset, a holistic and coordinated approach to strengthening rule of law". The General Assembly authorized the establishment of JCSC in 2010.

4.   In operation since June 2011, JCSC is an integral part of the Justice and Corrections Service (JCS, formerly the Criminal Law and Judicial Advisory Service) within the Office of Rule of Law and Security Institutions (OROLSI) of the Department of Peace Operations (DPO). Together with SPC, JCSC operates as a tenant unit of the United Nations Logistical Base at Brindisi (UNLB) in Brindisi, Italy. Administrative and logistical support for JCSC is provided by the Department of Operational Support (DOS) through UNLB.

5.   JCSC assists United Nations peacekeeping operations, as well as special political missions, in implementing their mandates as they relate to strengthening justice and corrections systems by:

- Providing the start-up capability for justice and corrections components in peacekeeping operations and special political missions;
- Providing time-limited and targeted support through deployments to field missions facing staffing shortages and surge requirements; and
- When appropriate, conducting needs assessments or reviews of justice and corrections components to assist the components in determining risks and challenges in the implementation of their programmes and analyzing their overall performance.

6.   JCSC was established with an initial staffing strength of six posts: one Team Leader (P-5); two Judicial Affairs Officers (P-4 and P-3); two Corrections Officers (P-4 and P-3); and one Administrative Assistant (G-5). In the current budget period 2018/19, an earlier added general temporary assistance position (P-4) brings the total staffing to seven. In addition, JCSC has access to financial resources amounting to $48,764 in 2018/19.

7.   Comments provided by DPO are incorporated in italics.

II. AUDIT OBJECTIVE, SCOPE AND METHODOLOGY

8.   The objective of the audit was to examine the adequacy and effectiveness of the mechanisms in place for ensuring that the JCSC remains a source of timely, relevant and cost-effective start-up capability for new operations, and of support to existing operations and other entities.

9.   The audit was included in the 2018 risk-based work plan of OIOS as a result of the strategic importance of rule of law support in the context of the recent reforms taking place within the Organization, particularly with respect to the peace and security pillar. Moreover, the already planned separate audit of SPC provided an opportunity for the two audits to be conducted concurrently, allowing issues common to both capacities to be addressed, especially as JCSC had not previously been subject to OIOS review since its inception in 2011.

10.   OIOS conducted this audit from February to April 2019. The audit covered the activities of JCSC from January 2016 to February 2019. Based on an activity-level risk assessment, the audit covered higher and medium risk areas related to the activities of JCSC, focusing on: (a) coordinated strategic planning and needs analysis; (b) performance assessment and reporting; and (c) outreach and knowledge management.

11.   The audit methodology included:

(a) Interviews of: (i) key personnel staff in OROLSI and DPO; (ii) officials in other Secretariat departments and the United Nations System organizations in New York (including within the global focal point for police, justice and corrections); (iii) selected senior staff in the field, including heads of mission, heads of justice and corrections components, as well as other United Nations System partners; and (iv) former officials within JCSC and JCS;

(b) A survey on the activities of JCSC involving 31 senior staff within 14 peace operations and three United Nations System organizations with rule of law mandates;

(c) Reviews of relevant policies, procedures, guidelines, past reviews and other documentation relevant to support for rule of law and conflict prevention;

(d) Analytical reviews of JCSC performance and staffing data; and

(e) Reviews of past and ongoing support activities undertaken by JCSC, including deployment terms of reference and end of mission reports.

12.   The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

III. AUDIT RESULTS

A. Coordinated strategic planning and needs analysis

OROLSI needed to further develop mechanisms for strategic planning of justice and corrections support

13.   Leadership in field missions usually initiate requests for JCSC support to the Assistant Secretary-General for Rule of Law and Security Institutions through JCSC and JCS. Following an analysis of the nature of the request and the availability of appropriate expertise and resources, terms of reference are agreed specifying the timing and support objectives.

14.   The small number of staff available within JCSC has meant that JCSC has been fully engaged in responding to requests for support from the field (responding to 29 out of 34 requests since 2016) and had not undertaken longer-term strategic planning of its support activities. Responsibility for planning

programmes to strengthen legal, judicial and prison systems within peace operations and across the United Nations system, resides within JCS in New York in coordination with other relevant partners in the Secretariat as well as United Nations agencies, funds and programmes. Despite their geographic separation, JCSC maintains close working relationships with staff of JCS and contributes, both formally and informally, to JCS planning processes through regular interactions with JCS colleagues and participation in wider-JCS and mission-specific discussions. JCSC has also developed effective informal working relationships with the heads of justice and corrections components within missions, which (in addition to facilitating the generation of support requests, especially from missions having previously received JCSC support) contributes to JCSC's knowledge of mission support needs and gaps in expertise.

15.   However, the informal interaction between JCSC and JCS, although working well at present, depends heavily on the interpersonal relationships developed between the individuals involved, especially Headquarters utilization of the extensive networks that have been formed between the current chief of JCSC and the justice and corrections components within missions, and beyond. As OROLSI, JCS and JCSC develop their responses to implement the recent peace and security pillar reforms, there is an opportunity to formalize the arrangements for strategic planning and analysis within JCS, particularly the role of JCSC in contributing its knowledge and insights into the expertise gaps and support needs arising in the field. For example, the recent note on the creation of the JCS regional teams makes no mention of the role of JCSC in this process, particularly in the provision of real-time insights into the workings and needs of supported missions. Although JCSC discusses the results of its work through the informal interactions with JCS, and also makes copies of its end of assignment reports available to JCS mission focal points, there is no formal cataloguing by JCS of the recommendations or observations contained in these reports or systematic use of this information for the purposes of identifying common requirements for support or for strategic planning of support activities.

16.   Moreover, although one of the functions of JCSC is to conduct "needs assessments or reviews of justice and corrections components" and analyze "rule of law issues to assist United Nations field missions and presences in determining risks and challenges in the implementation of their mandate priorities", the limited staff of JCSC and the absence of formal mechanisms for cataloguing and incorporating JCSC's work, has meant that the potential for this aspect of its mandate to also support JCS planning in New York remains to a large extent untapped. Increased involvement of JCSC in assisting missions with strategic planning of their justice and corrections activities was also a key area of potential benefit raised by justice and corrections components in their responses to the OIOS survey and in telephone interviews.

17.   The joint development by JCS and JCSC of a matrix of gaps and needs in justice and corrections skills and expertise in the field would enable better prioritization of potential requests for JCSC support, and also enable a more informed analysis of the adequacy of existing JCSC and JCS resources, (and where justified, in advocating for additional resources) to meet those support needs.

18.   This is especially important as OROLSI, JCS and JCSC develop strategies for responding to the demands that each act as a provider of system-wide support on conflict prevention and rule of law. More formal planning and analysis of needs within both mission and non-mission settings would also help to better facilitate the transmission of requests for support to other actors within the United Nations system who, because of their respective expertise or comparative advantage, would be best positioned to respond. Such an approach would also help offset the limited staff and financial resources available within JCSC and JCS, particularly for support to non-mission settings, and the potential need for JCS to ensure that its limited resources are directed to those areas of highest need and impact. As the Secretary-General noted in a recent report (A/73/480), there is scope for both Headquarters and field-based entities to jointly plan and implement programmes based on their mandates and comparative advantages to deliver United Nations rule of law assistance in conflict and post-conflict settings, and here there are opportunities for JCSC to

participate more broadly in strategic planning undertaken at Headquarters in relation to supporting the justice and corrections needs in the field.

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(1) OROLSI should develop a formal mechanism to document the key results, recommendations, common challenges and lessons learned resulting from the activities of the Justice and Corrections Standing Capacity (JCSC) for ready reference and use in strategic planning by the Justice and Corrections Service and field missions and in prioritizing mission support needs to inform future JCSC deployments.

OROLSI accepted recommendation 1 stating that it would establish a document that captures the items requested in the recommendation, to be shared with relevant partners as a resource for strategic planning and institutional learning. Recommendation 1 remains open pending receipt of evidence of such a mechanism.

<u>OROLSI needed to clarify the participation of its standing capacities in the Global Focal Point for Police, Justice, and Corrections</u>

19. The Global Focal Point for Police, Justice, and Corrections Areas in the Rule of Law in Post-Conflict and Other Crisis Situations (GFP) was established in 2012 to improve the coherence and quality of United Nations' rule of law support to crisis- and conflict-affected countries. As part of the arrangement, both DPO and the United Nations Development Programme (UNDP) assume joint responsibility and accountability for responding to country-level requests with timely and quality police, justice and corrections assistance. The GFP arrangement covers peace operations, as well as non-mission conflict-affected countries.

20. The Chief of JCS and the Chief of the Strategic Policy & Development Section of the Police Division formally represent OROLSI on the GFP management team. In addition, OROLSI staff (including JCS mission support/desk officers and JCSC) interact with GFP partners on mission and country specific issues, as required. The current DPO policy on the functions and organization of JCSC also specifically reflects the role of GFP as a vehicle for coordinating requests for JCS expertise to other United Nations partners, agencies, funds and programmes.

21. Previous reviews of the GFP arrangement have identified a number of challenges to its effectiveness. In particular, the 2018 review noted that while the GFP had thus far relied on personal and informal relationships among desk officers in New York, more structure was needed to deepen the collaboration. The review also observed that the lack of clear working methods of JCSC and SPC was also an issue, since there were no clearly established procedures for their participation in the GFP. This was especially an issue with respect to SPC, which (because of its greater resources for providing support in non-mission settings than JCSC) directly receives many requests for assistance.

22. The review also made a number of recommendations relating to clarifying roles, responsibilities and working methods that provide opportunities for closer collaboration by OROLSI in fulfilling (through responding to requests for support) its increasing mandate as a system-wide provider of rule of law support. In particular, the review recommended greater involvement of the two GFP partner Assistant Secretaries-General. This was needed given the ultimate role of the Assistant Secretary-General for Rule of Law and Security Institutions in approving requests for support by both SPC and JCSC, and also given the need (already identified by OROLSI) to potentially broaden the scope of support to include expertise in security sector reform and disarmament, demobilization and reintegration.

23. Discussions have recently taken place between OROLSI and GFP partners for more formal and direct participation of SPC in GFP processes and internal convening structures. The continued dedication

of time and resources for the participation of the relevant parts of OROLSI in discussions on the implementation of the recommendations arising from the previous GFP reviews will ensure that any changes to the GFP arrangement would facilitate the more coordinated and coherent provision of rule of law assistance by JCSC (and SPC) to non-mission settings.

> **(2) OROLSI should clarify the participation of its standing capacities in the Global Focal Point arrangement to ensure coherence in the support provided by the Justice and Corrections Standing Capacity across the United Nations System, particularly in the context of non-mission settings.**
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> *OROLSI accepted recommendation 2 stating, however, that JCSC participation in the GFP arrangement should not compromise the utilization of JCSC as flexible rapid response mechanism.* Recommendation 2 remains open pending receipt of evidence of clarification of OROLSI's participation in the GFP arrangement.

There is a need to develop a strategy and plan for sustainable financing of rule of law support activities

24.   Costs associated with the provision of field-based assistance by JCSC are generally borne by the requesting entity. In exceptional cases, where the requesting entity does not have sufficient funds and alternative funding sources are not available, JCSC may utilize its operational resources to deploy staff.

25.   However, the financial resources available to JCSC are few, have been decreasing over time, and are intended to support activities necessary for maintaining the skills and expertise of JCSC staff and for the ancillary support functions that it provides, such as the delivery of expert training. For example, in 2018/19, JCSC received $36,688 (after originally requesting $49,070) for travel and training costs related to its support activities, almost a two-thirds reduction in the amount it had received for similar expenses in 2014/15, despite the fact that the number of deployments in 2018 was 50 per cent higher (12 in 2018, compared to 8 in 2015).

26.   Although missions have been instructed to include the costs necessary to support JCSC (and SPC) in their budgets, declining resources for peacekeeping (particularly for rule of law components), coupled with competition for scarce operational resources, has meant that missions often do not have the resources available to cover the costs. Indeed, only 9 out of 23 respondents (39 per cent) that indicated a need for justice and correction support in their responses to the OIOS survey had included the related costs in their budgets. In some cases, this was because the relevant section or component was not involved in developing the mission operational budget, while in others, proposals for inclusion were not accepted.

27.   Discussions have taken place over many years within OROLSI on ways to better fund the costs associated with JCSC (and SPC) support, and recent efforts have focused on ways to respond to needs arising in non-mission settings. For example, JCSC has funded some deployments through United Nations system partners (such as through UNDP for missions to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations - African Union Hybrid Operation in Darfur (UNAMID)). Previous studies have also explored the use of programmatic funds to support such assistance. Programmatic funds were used by JCSC to finance a deployment to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), although other missions have resisted the use of such funds to support JCSC deployments. In discussing the reforms of the peace and security pillar, the Secretary-General noted that programmatic funding can play an important role "to advance missions' strategic objectives and facilitate sustainable transitions", particularly in preventing "gaps in United Nations delivery as missions draw down". Guidelines issued in 2017 by (the then) Department of Peacekeeping Operations addressed the use of "peacekeeping assessed budgets to fund mandated programmatic activities as a tool to more effectively pursue political progress and wider mandate

delivery" either by a mission, or through implementing partners. The Guidelines note that programmatic funding can be used for a range of programmatic activities, including capacity-building, temporary consultancies and technical expertise not available in a mission.

28.   The Secretary-General has also noted the need for voluntary contributions to address gaps in resources not provided by the assessed budget. In this context, in February 2019, OROLSI concluded an agreement with a donor to provide extrabudgetary funds of approximately $2.2 million over two years to support the activities of SPC and JCSC. These funds promise not only to help alleviate the lack of budgeted mission funds as an obstacle to the provision of necessary support, but also enable JCSC (and SPC) to undertake the ancillary activities necessary to maintain its capacity and the effectiveness of the support that it provides. However, uncertainty over the continuation of such extrabudgetary resources poses risks to the sustainability of JCSC (and SPC) support activities.

29.   In addition to exploring opportunities for securing extrabudgetary resources and for encouraging the greater use by missions of programmatic funds, OROLSI should also continue to examine expanding its current remote support being provided by the standing capacities. For example, the increased configuration of support that involves staff being deployed to the field for shorter periods (thus reducing travel costs) offset by increased concomitant support provided remotely from Brindisi, could be a way to use limited resources more efficiently and economically. Two recent JCSC deployments to the United Nations Assistance Mission in Afghanistan have begun to utilize such an approach.

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(3)   OROLSI should develop a strategy and plan for coordinated and coherent sustainable resource mobilization to finance the rule of law support provided through its standing capacities.

OROLSI accepted recommendation 3 stating that it is in discussions with GFP partners on a sustainable rule of law funding mechanism, and that JCS has already initiated outreach to donors on securing funds (including travel costs) for JCSC special rule of law experts. Recommendation 3 remains open pending receipt of the strategy and plan.
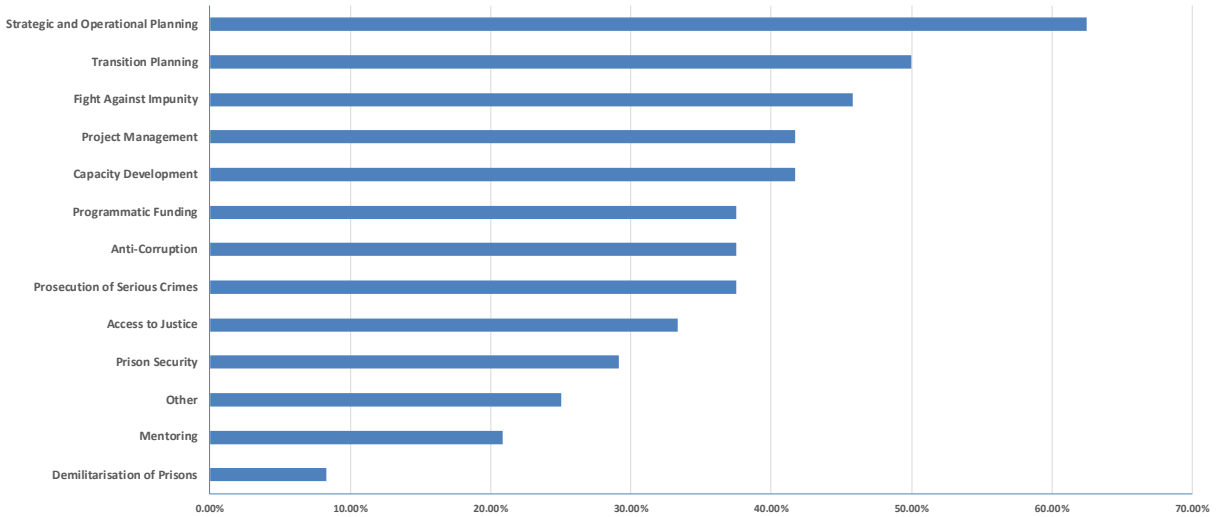
(4)   OROLSI should work with the Department of Management Strategy, Policy and Compliance to increase mission awareness and implementation of the 2017 guidance on the use of programmatic funds to finance the support activities of OROLSI's standing capacities, not only for ongoing peacekeeping operations but also in the context of drawdowns, transitions and in non-mission settings.

OROLSI accepted recommendation 4 stating that JCS proposes to provide additional guidance to peace operations on the use of programmatic funding during the planning phase on the budget cycle, particularly in the context of drawdowns and transition. Recommendation 4 remains open pending receipt of evidence of efforts to increase mission awareness and implementation of the 2017 guidance.

<u>Additional approaches to human resource planning would better position OROLSI in responding to future rule of law support needs of the field</u>

30.   The small size of JCSC poses challenges for ensuring that it maintains the broad range of technical expertise required by missions, while also ensuring a diversity of backgrounds, languages, and other skills (such as knowledge of the various legal systems likely to be encountered in the field). Nevertheless, JCSC currently offers expertise across a wide range of areas missions had identified that they would likely require support. For example, Figure 1 shows the categories of support that respondents to the OIOS survey identified as being likely required in the future. All survey respondents indicated that they anticipated approaching JCSC for assistance in these areas.

Figure 1 Types of future justice and corrections support anticipated by survey respondents

Source: Based on the OIOS survey to 31 individuals (of whom 29 or 94 per cent responded). Respondents were asked to nominate the areas in which they anticipated requiring future support from JCSC (or elsewhere). The figure shows the percentage of respondents nominating the need for support in the listed areas. All respondents indicated that they would approach JCSC for support assistance.

31.　　JCSC has focused on selecting candidates with a wide range of technical experience and, once recruited, supplemented the technical expertise of staff with knowledge on the United Nations context in which rule of law and conflict prevention support activities are undertaken, including the planning and administrative aspects of United Nations support. One of the key competencies identified by missions in interviews and responses to the survey, was the need for JCSC experts to possess practical experience of United Nations operations, particularly in the field. Forty-two per cent of respondents to the survey also identified the need for JCSC to expand the technical areas in which it could offer support.

32.　　Given the small size of JCSC, OROLSI has also called upon staff in New York to supplement the expertise available in JCSC to meet particular mission requirements for support. Such an approach could be formalized through the development of a matrix or roster of expertise (both available within JCS in New York, and within justice and corrections components in the field and across the United Nations system more broadly) that catalogues not only the technical competencies of staff, but also their language and mission experience. This could be developed in partnership with the GFP arrangement and used to ensure that support requests are able to be adequately met and delivered in a more coordinated and coherent manner, while leveraging the comparative advantages of respective United Nations system entities. This is consistent with one of the findings of the recent review of GFP, which noted that a strengthened GFP could facilitate "expert deployments through JCSC (or SPC) or from a roster". It is also consistent with the vision of the Secretary-General outlined in his recent reports on the reforms to the Organization, particularly the peace and security pillar.

> **(5)　OROLSI should develop and formalize mechanisms to catalogue and roster relevant justice and corrections expertise available within OROLSI and through Global Focal Point partners to effectively respond to rule of law support requests from the field.**
>
> *OROLSI accepted recommendation 5 and stated that it would review its current capacities and expertise and work with GFP partners to catalogue other relevant expertise available within the*

<u>Need to formalize the deployment tempo of JCSC staff</u>

33. A further issue that was frequently raised by current and former staff of JCSC during interviews was the effect that the frequency, duration and tempo of deployments had on the ability of staff to devote adequate time to the range of functions for which they are responsible in addition to the time spent in the field, and also on their health and well-being. For example, the small number of staff within JCSC, coupled with the focus on achieving high rates of deployment, had meant that staff spent extended time in the field, often with only short periods in Brindisi between deployments.

34. As a result, JCSC staff observed that they often had limited time between deployments to focus on activities necessary to adequately perform functions at the conclusion of a deployment (such as finalization of end of mission reports or engaging in analysis and sharing of lessons learned and good practices), or for conducting thorough strategic planning and other preparatory work for subsequent deployments. This was also exacerbated by the fact that, despite serving time in often difficult mission conditions, because of existing Organizational rules JCSC staff did not always qualify for the rest and recuperation breaks to which other mission staff are entitled and that would help to balance the professional pressures of working within these environments (which included extended hours of work under narrow time constraints).

35. These conditions could also help to partly explain the high staff turnover rates experienced within JCSC. For example, the median time that an individual has spent serving with JCSC over its existence has been less than two years (although the Chief of JCSC has remained since shortly after its inception), and these difficult working conditions were identified as a primary reason by current and former staff for this level of turnover, despite wide recognition that the work itself was rewarding.

36. Although as a field-oriented capacity JCSC should aim to ensure that its rate of deployment as-a-whole is sufficient to meet the demands for support from the field, further attention should be paid to ensuring that individual staff members sustain an appropriate balance between their professional and personal well-being. This is especially important because JCSC's comparative advantage is in its practical experience and knowledge in applying technical rule of law expertise to the United Nations environment. A high turnover risks the loss of the investments made in developing, through on-the-job experience, a highly competent justice and corrections support capacity. In this respect, JCSC has already begun to implement informal mechanisms that limit back-to-back deployments of individual experts.

> **(6)** **OROLSI should develop a plan for managing the deployment cycle of individual staff in the Justice and Corrections Standing Capacity, including through further use of remote support arrangements, to ensure sufficient time between field-based work, planning for next deployment, updating their technical competence and expertise, as well as for maintaining their professional and personal well-being.**
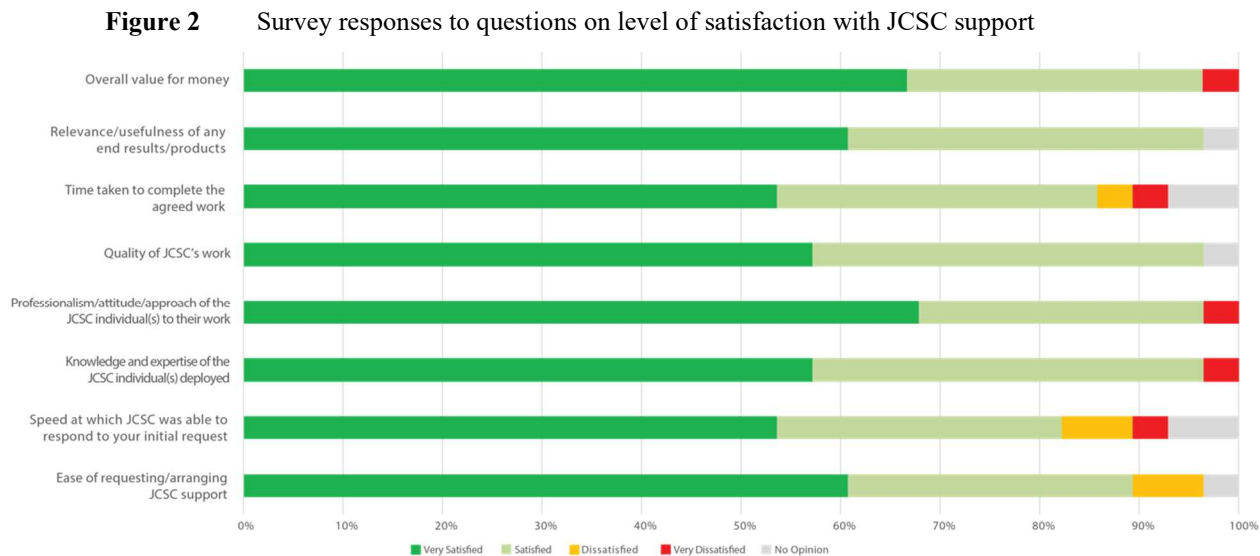>
> *OROLSI accepted recommendation 6 stating that it would gradually introduce the required plan.* Recommendation 6 remains open pending receipt of evidence that a plan for managing the deployment cycle of individual staff in JCSC has been developed and formalized.

B. Performance assessment and reporting

JCSC is widely acknowledged as an invaluable field support tool

37. In line with its mandate, JCSC has since 2015, undertaken 51 deployments to 19 different missions/countries, with each deployment lasting, on average, 60 days (with the longest deployment lasting 184 days, and the shortest 6 days). Forty-eight of these deployments (that is, 94 per cent) were to peace operations, with three to non-mission settings (UNDP or UN Women country offices). For example, in 2018, JCSC undertook 11 deployments to field missions such as the United Nations Mission in Liberia, UNAMID and MINUSMA, that included support for transitions (planning, implementation, lessons learned), investigation and prosecution of crime/transitional justice, prison security, anti-corruption, and training.

38. There was generally unanimous agreement that JCSC is an invaluable tool for support to the field. As can be seen in Figure 2, most respondents to the OIOS survey that had previously received JCSC support were either satisfied or very satisfied with the support that they had received, including in the quality of JCSC's work, and the relevance/usefulness of any end results/products. Any dissatisfactions were mostly related to speed at which JCSC was able to respond to the initial request (three respondents), to the ease of requesting/arranging JCSC support and the time taken to complete the agreed work (two respondents), and to the knowledge, expertise and the professionalism/attitude/approach of the JCSC individual deployed (one response). Follow-up interviews with the latter respondent indicated that the opinion was related to a single deployment and that they had been satisfied by JCSC's work in subsequent deployments. All but one respondent indicated that, based on their experience working with JCSC, they would use them again if needed in the future, and for the single respondent that would not, the reason given was that the anticipated expertise required was not currently available in JCSC.

Figure 2   Survey responses to questions on level of satisfaction with JCSC support

Source: Based on the OIOS survey to 31 individuals (of whom 29 or 94 per cent responded). Twenty-eight of the respondents had previously received support from JCSC and responded to the questions seeking their opinions on the quality of JCSC support.

39. Some of the top issues commonly raised during interviews and in the OIOS survey on potential areas in which JCSC support could be improved included:

- Increase remotely-provided support;
- Greater sharing of lessons learned or good practices from similar deployments;

- Providing more detailed information on the skills and competencies of individual members of the JCSC team;
- Increase JCSC involvement in, or advice on, mission planning activities;
- Expand and improve communication on the areas of expertise in which JCSC can assist;
- Increase the length of time allowed for deployments;
- Increase follow-up at the conclusion of a deployment/support assignment; and
- Simplify the process for requesting/arranging JCSC support.

40.   Another issue frequently raised was the need for JCSC to extend the level of support it could provide to special political missions and to the United Nations Country Team, particularly in the context of transitions and in countries emerging from conflict. Apart from the previously identified limitations of financing of such support, the small current size of JCSC has meant that it has been primarily occupied with responding to requests from traditional peace operations and has limited human resources capacity to adequately support requests in non-mission settings.

An improved qualitative and quantitative reporting is necessary to better assess JCSC performance

41.   As a tenant unit of UNLB, JCSC prepares and reports its budget and performance in the UNLB budget and performance documents. Indicators of achievement presented within the results-based budgeting framework for JCSC have previously focused mainly on inputs and outputs, rather than on measures of quality of support. However, for the first time in 2018/19, some indicators were developed that provide greater insight into the efficiency and effectiveness of JCSC in the delivery of its support. For example, indicators of achievement listed for JCSC included:

1.3.1   Prompt processing of requests for deployment within seven days of their receipt;
1.3.3   Deployment of staff members of JCSC to new, adjusted or transitioning operations within 30 days of relevant Security Council resolution or request; and
1.3.4   Satisfactory accomplishment of agreed terms of reference for deployments.

42.   Nevertheless, inclusion of JCSC in the budget performance report of UNLB meant that there was only limited scope for more fulsome reporting of JCSC performance in terms of the timeliness, quality, and results of its activities. Only a single paragraph in the 36-page report for 2017/18 dealt with JCSC performance, and this mostly described the outputs that had been delivered. Likewise, the performance and results of JCSC's activities were only briefly mentioned in the budget performance report for the support account for peacekeeping operations for 2017/18 (wherein the performance of JCS and OROLSI as a whole is reported). While some JCSC activities and results are reported through other means, such as the annual newsletters prepared by JCSC, the JCS Justice and Corrections Update (last published in June 2018), as well as through intermittent updates on OROLSI social media channels, there remains an absence of formal mechanisms by which Member States and others can assess the efficiency and effectiveness (including the quality, timeliness and impact) of JCSC's work.

43.   Moreover, to date, one of the primary measures that has been used to internally assess JCSC performance has been its "deployment rate"—that is, the proportion of staff time spent in the field compared with that spent on other activities. Indeed, the revised JCSC policy on its functions and organization notes that as a field-oriented capacity, JCSC "should be deployed for seventy per cent or more of the capacity's actual work time". However, given that (as the policy also recognizes) JCSC's workload is "subject to the receipt of requests from the field", the deployment rate provides only a partial insight into the performance of JCSC's support functions as low deployment rates during periods of limited demand do not necessarily reflect on the performance and utility of the capacity itself. Thus, rate of deployment should be considered as partly a measure of the adequacy of the resources available to respond to the needs of the field, with high

rates perhaps reflective of the need for additional resources to meet this demand, or low rates reflective of the need to reassess the necessity of the capacity (or of the relevance of the expertise available within it).

44.   As mentioned previously, a singular focus on deployment rate can also create distorting incentives that prioritize time spent in the field, at the expense of necessary ancillary support activities (such as remotely provided follow-up, lessons learning and analysis, knowledge sharing and dissemination, and contributions to strategic planning and doctrinal development) that cannot be ascribed to any particular field deployment. It also poses the risk that staff of JCSC are placed under pressure to be constantly deployed, at the expense of performing these ancillary activities, as well as maintaining an appropriate balance to maintain their professional well-being.

45.   While JCSC has begun to undertake some efforts aimed at more comprehensively assessing its performance (for example, by conducting post-deployment surveys of satisfaction, along with engaging in informal discussions between the Chief of JCSC and the mission during and after a deployment), more can be done to develop a system for better monitoring and assessing performance. Although current terms of reference agreed for each assignment list in broad terms the aims of the deployment and the work to be done, only in rare instances is any attempt made to identify criteria or indicators for measuring the timeliness, quality and impact of the assignment. Nor do terms of reference routinely specify the steps to be taken or the sources of data for informing any such assessment, particularly with respect to the sustainability, usefulness and lasting impact of the support provided by JCSC.

46.   Improved monitoring and reporting of the results of individual deployments, as well as of the performance of JCSC as a whole, would also be consistent with the recent calls of Member States, and of the Secretary-General, for an improved focus on performance and results. In introducing the new comprehensive performance assessment system as part of the Action for Peacekeeping, the Secretary-General noted that "data collection and analysis is an integral element of performance assessment", the aim of which is "to promote better-informed decisions by senior leadership to refocus efforts and take corrective action [and] direct resources towards areas where missions can make the biggest difference". Such a system would also facilitate discussions on resource mobilization, demonstrating the need for, and results of, extrabudgetary resources that support JCSC's work.

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(7)   OROLSI should ensure that terms of reference for its deployments routinely include indicators for measuring its performance and assessing impact and that they specify the mechanisms by which information will be collected to inform these assessments.

OROLSI accepted recommendation 7 and stated it would introduce the need for indicators in the revised draft Policy on the JCSC, and gradually include indicators in terms of reference for forthcoming JCSC deployments. Recommendation 7 remains open pending receipt of evidence that terms of reference include the recommended indicators and assessment mechanisms.

(8)   OROLSI should develop mechanisms for assessing the contribution and impact of its rule of law and conflict prevention support activities.

OROLSI accepted recommendation 8 stating that JCS proposes to establish a mechanism for assessing the impact of JCSC's operations, whereby JCS regional support teams follow the results of JCSC's intervention based on the indicators in the terms of reference for JCSC deployments, as well as other measures. Recommendation 8 remains open pending receipt of evidence of the development and implementation of the mechanism for assessing the impact of JCSC's operations.

C.   Outreach and knowledge management

<u>OROLSI needs to adopt a more formal approach to advance the awareness JCSC and its work</u>

47.   In the context of OROLSI's work on United Nations policing, the Secretary-General recently noted that "strengthening partnerships with stakeholders, host States, civil society and local communities cannot be done without disseminating information about the work of the United Nations police to the widest possible audience" and that "social media platforms serve as a key interface for telling the stories of" contributions in the field.

48.   JCSC has a number of mechanisms for engaging with its stakeholders and partners to ensure that they are aware of the services it offers and of its work. For example, JCSC prepares annual newsletters that highlight its deployments and other achievements over the previous year that are made available on the OROLSI Internet website. JCSC also utilizes OROLSI's social media accounts to highlight some of its activities. However, many interviewees expressed the opinion that much more could be done to better manage and coordinate OROLSI's public information activities to promote its work and achievements. Mission staff also noted that JCSC could provide more information not only on the range of technical areas it could support, but also on the particular experience and previous support activities of the individual experts on the JCSC staff. Although OROLSI had prepared a document listing the professional and biographical information on each JCSC staff member, awareness of this document amongst field staff was not high (and biographical information on JCSC experts was not made available on the OROLSI Internet website), and some expressed the view that more user-friendly information would help missions to better understand the expertise available within JCSC in informing their decisions on whether to request JCSC support.

49.   This was also of relevance in the context of potential support JCSC could provide to non-mission settings where, because of the less frequent engagement, knowledge of JCSC and its expertise is likely to be more limited. Although JCSC has had good informal engagement with some actors across the wider United Nations System, such efforts have been associated with a reticence to advertise the support JCSC provides too broadly, lest this results in demand for support that JCSC does not have the present capacity to meet. However, as OROLSI begins to explore ways of better responding to its role as a provider of system-wide conflict prevention support, JCSC will need to develop a strategy for how it handles its engagement beyond traditional mission settings.

> **(9)   OROLSI should consider developing a formal strategy to better communicate its activities and promote the availability and nature of the rule of law support that it has to offer missions and other United Nations system partners, particularly through the Justice and Corrections Standing Capacity.**
>
> *OROLSI accepted recommendation 9 stating that it would revise its draft outreach strategy.* Recommendation 9 remains open pending receipt of the formal strategy.

<u>The adoption of a formal approach to cataloguing and disseminating the results of JCSC's work, including lessons learned and good practices, would expand the reach of the support that it provides</u>

50.   At the conclusion of each deployment, JCSC produces an end-of-mission report that contains a summary of the work performed and, in many instances, valuable recommendations for further action, as well as challenges and lessons learnt. These reports are shared by email with JCS colleagues in New York (as well as with the Assistant-Secretary-General for Rule of Law and Security Institutions), and the Chief of JCSC sometimes presents a summary of recent assignments while participating by teleconference in JCS meetings, or with responsible JCS mission support/desk officers, as required. Although these reports are

also stored on the OROLSI network shared drive, they are not routinely catalogued or otherwise made available through formal DPO knowledge management systems (such as the Policy and Practice Database or the Peacekeeping Resource Hub). Thus, the ability for relevant users, especially users in missions or beyond, to readily access these materials and to benefit from the lessons learned and guidance that they provide is limited. Respondents to the OIOS survey identified the need for greater sharing of lessons learned or good practices from other similar deployments as the key area in which JCSC support could be improved.

51. The Secretary-General has observed that "more needs to be done in terms of policy, planning and operational guidelines [and] training" to "systematically identify and apply good practices" and that OROLSI has a role to play in developing and making available guidance materials to "strengthen coordination, cohesiveness and collaboration on rule of law assistance to ensure the efficient delivery of rule of law and security-sector mandates".

52. The GFP review also noted that one of the functions of an enhanced GFP could be to "build a repository of lessons learned and best practices" to help to facilitate "a field-driven community of practice", with an expanded role for Headquarters in consolidating and making available relevant lessons learned and assessments of results.

53. The better use and greater availability of the knowledge and experience gained through JCSC activities also has an important role to play in informing the planning of transitions by contributing relevant insights into common challenges and lessons learned in the implementation of successful transitions and "ensuring a system-wide approach to rule of law beyond the departure of a peace operation". Recommendation 1 addresses this issue.

IV.   ACKNOWLEDGEMENT

54. OIOS wishes to express its appreciation to the management and staff of OROLSI for the assistance and cooperation extended to the auditors during this assignment.

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

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STATUS OF AUDIT RECOMMENDATIONS

Audit of the Justice and Corrections Standing Capacity in the Department of Peace Operations

Rec. no.	Recommendation	Critical[1]/ Important[2]	C/ O[3]	Actions needed to close recommendation	Implementation date[4]
1	OROLSI should develop a formal mechanism to document the key results, recommendations, common challenges and lessons learned resulting from the activities of the Justice and Corrections Standing Capacity (JCSC) for ready reference and use in strategic planning by the Justice and Corrections Service and field missions and in prioritizing mission support needs to inform future JCSC deployments.	Important	O	Receipt of evidence of the mechanism for capturing and documenting the key results, recommendations, common challenges and lessons learned resulting from the activities of JCSC, and for sharing this information with relevant partners as a resource for strategic planning and institutional learning.	31 December 2019
2	OROLSI should clarify the participation of its standing capacities in the Global Focal Point arrangement to ensure coherence in the support provided by the Justice and Corrections Standing Capacity across the United Nations System, particularly in the context of non-mission settings.	Important	O	Receipt of evidence of actions taken to clarify OROLSI's participation in the GFP arrangement.	31 December 2019
3	OROLSI should develop a strategy and plan for coordinated and coherent sustainable resource mobilization to finance the rule of law support provided through its standing capacities.	Important	O	Receipt of the strategy and plan for coordinated and coherent sustainable resource mobilization to finance the rule of law support.	30 June 2020

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[1] 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.

[2] 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.

[3] C = closed, O = open

[4] Date provided by DPO in response to recommendations.

STATUS OF AUDIT RECOMMENDATIONS

Audit of the Justice and Corrections Standing Capacity in the Department of Peace Operations

Rec. no.	Recommendation	Critical[1]/ Important[2]	C/ O[3]	Actions needed to close recommendation	Implementation date[4]
4	OROLSI should work with the Department of Management Strategy, Policy and Compliance to increase mission awareness and implementation of the 2017 guidance on the use of programmatic funds to finance the support activities of OROLSI's standing capacities, not only for ongoing peacekeeping operations but also in the context of drawdowns, transitions and in non-mission settings.	Important	O	Receipt of evidence of the efforts to increase mission awareness and implementation of guidance on the use of programmatic funds to finance the support activities of OROLSI's standing capacities.	30 June 2021
5	OROLSI should develop and formalize mechanisms to catalogue and roster relevant justice and corrections expertise available within OROLSI and through Global Focal Point partners to effectively respond to rule of law support requests from the field.	Important	O	Receipt of evidence of mechanisms for cataloguing and rostering justice and corrections expertise available to effectively respond to rule of law support requests from the field.	30 June 2020
6	OROLSI should develop a plan for managing the deployment cycle of individual staff in the Justice and Corrections Standing Capacity, including through further use of remote support arrangements, to ensure sufficient time between field-based work, planning for next deployment, updating their technical competence and expertise, as well as for maintaining their professional and personal well-being.	Important	O	Receipt of evidence that a plan for managing the deployment cycle of individual staff in JCSC has been developed and formalized.	30 April 2020
7	OROLSI should ensure that terms of reference for its deployments routinely include indicators for measuring its performance and assessing impact and that they specify the mechanisms by which information will be collected to inform these assessments.	Important	O	Receipt of evidence that terms of reference include the recommended indicators and assessment mechanisms.	31 December 2019

STATUS OF AUDIT RECOMMENDATIONS

Audit of the Justice and Corrections Standing Capacity in the Department of Peace Operations

Rec. no.	Recommendation	Critical[1]/ Important[2]	C/ O[3]	Actions needed to close recommendation	Implementation date[4]
8	OROLSI should develop mechanisms for assessing the contribution and impact of its rule of law and conflict prevention support activities.	Important	O	Receipt of evidence of the development and implementation of the mechanism for assessing the impact of JCSC's operations.	31 December 2019
9	OROLSI should consider developing a formal strategy to better communicate its activities and promote the availability and nature of the rule of law support that it has to offer missions and other United Nations system partners, particularly through the Justice and Corrections Standing Capacity.	Important	O	Receipt of the formal strategy for better communicating and promoting the availability and nature of the rule of law support that OROLSI has to offer.	31 December 2019

APPENDIX I

Management Response

Management Response

Audit of the Justice and Corrections Standing Capacity in the Department of Peace Operations

Rec. no.	Recommendation	Critical[1]/ Important[2]	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
1	OROLSI should develop a formal mechanism to document the key results, recommendations, common challenges and lessons learned resulting from the activities of the Justice and Corrections Standing Capacity (JCSC) for ready reference and use in strategic planning by the Justice and Corrections Service and field missions and in prioritizing mission support needs to inform future JCSC deployments.	Important	Yes	JCS Chief	31 December 2019	JCSC will establish a living document capturing items requested in the recommendation. This will be made available to JCS, GFP partners, SPC and will serve as a resource document for strategic planning and institutional learning.
2	OROLSI should clarify the participation of its standing capacities in the Global Focal Point (GFP) arrangement to ensure coherence in the support provided by the Justice and Corrections Standing Capacity across the United Nations System, particularly in the context of non-mission settings.	Important	Yes	GFP Management	1/ 31 August 2019 2/ 31 December 2019	We accept this recommendation with the caveat that JCSC participation in the GFP arrangement should not compromise its nature as flexible rapid response mechanism. OROLSI proposes that: 1/ JCSC/SPC deployments be discussed as a standing item in the GFP management meetings, and 2/ JCSC/SPC participation in the GFP be addressed as part of the ongoing reforms of the GFP management structure.

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[1] 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.

[2] 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.

Management Response

Audit of the Justice and Corrections Standing Capacity in the Department of Peace Operations

Rec. no.	Recommendation	Critical[1]/ Important[2]	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
3	OROLSI should develop a strategy and plan for coordinated and coherent sustainable resource mobilization to finance the rule of law support provided through its standing capacities.	Important	Yes	JCS Chief	30 June 2020	JCS is in discussions with GFP partners on a sustainable ROL funding mechanism. JCS has initiated outreach to donors with respect of funding special rule of law experts (with travel budget) for the JCSC.
4	OROLSI should work with the Department of Management Strategy, Policy, and Compliance to increase mission awareness and implementation of the 2017 guidance on the use of programmatic funds to finance the support activities of OROLSI's standing capacities, not only for ongoing peacekeeping operations but also in the context of drawdowns, transitions and in non-mission setting.	Important	Yes	JCS Chief	Next budget cycle	JCS proposes to provide additional guidance to peace operations on the use of programmatic funding during the planning phase on the budget cycle, particularly in the context of drawdowns and transition. For non-mission settings, OROLSI will engage with DMSPC and DOS on feasibility, and provide guidance accordingly.
5	OROLSI should develop and formalize mechanisms to catalogue and roster relevant justice and corrections expertise available within OROLSI and through Global Focal Point partners to effectively respond to rule of law support requests from the field.	Important	Yes	JCS Chief	30 June 2020	JCS proposes to proceed to a review of its current capacities and expertise, and work with GFP partners to catalogue other relevant expertise available within UN system entities. JCS will further explore additional rostering options and feasibility through the GFP arrangement.

Management Response

Audit of the Justice and Corrections Standing Capacity in the Department of Peace Operations

Rec. no.	Recommendation	Critical[1]/ Important[2]	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
6	OROLSI should develop a plan for managing the deployment cycle of individual staff in the Justice and Corrections Standing Capacity, including through further use of remote support arrangements, to ensure sufficient time between field-based work, planning for next deployment, updating their technical competence and expertise, as well as for maintaining their professional and personal well-being.	Important	Yes	JCS Chief	April 2020	JCSC will gradually introduce the required plan, by no later than the beginning of the next performance cycle for JCSC personnel.
7	OROLSI should ensure that terms of reference for its deployments routinely include indicators for measuring its performance and assessing impact and that they specify the mechanisms by which information will be collected to inform these assessments.	Important	Yes	JCS Chief	1/ 31 December 2019 2/ Next JCSC deployment	JCSC will: 1/ introduce the need for indicators in the revised draft Policy on the JCSC, and 2/ gradually include indicators in Terms of References for forthcoming JCSC deployments.
8	OROLSI should develop mechanisms for assessing the contribution and impact of its rule of law and conflict prevention support activities.	Important	Yes	JCS/ JCS Chiefs	31 December 2019	JCS proposes to establish a mechanism for assessing impact of the JCSC's operations, whereby JCS regional support teams follow the results of JCSC's intervention based on the indicators in the Terms of References for JCSC deployment, and other measures.

Management Response

Audit of the Justice and Corrections Standing Capacity in the Department of Peace Operations

Rec. no.	Recommendation	Critical[1]/ Important[2]	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
9	OROLSI should consider developing a formal strategy to better communicate its activities and promote the availability and nature of the rule of law support that it has to offer missions and other United Nations system partners, particularly through the Justice and Corrections Standing Capacity.	Important	Yes	JCS Chief	31 December 2019	JCS will revise its draft outreach strategy in light of the recommendation.