



JOINT INSPECTION UNIT
of the United Nations System

CORPS COMMUN d'INSPECTION
du Système des Nations Unies

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INVESTIGATION FUNCTION

CHECK AGAINST DELIVERY

INTRODUCTION OF REPORT
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JOINT INSPECTION UNIT

Agenda item number 136,
Fifth Committee, sixty-seventh session

The investigation function in the United Nations system
JIU/REP/2011/7

This review follows up on two previous JIU reports on oversight, “Strengthening the investigations function in United Nations system organizations” and “Oversight lacunae in the United Nations system”. The objective of the review is to provide recommendations leading to system-wide coherence and harmonization among the oversight mechanisms of the United Nations system in discharging their responsibilities with regard to investigations.

Main findings and conclusions

Significant progress has been made in strengthening the investigation function in the United Nations organizations in the past decade. However, notwithstanding the overall progress achieved, problems remain.

The Inspectors found that in a number of United Nations system organizations responsibility for investigations continues to be fragmented. As a result, investigations are being conducted by non-professional investigators and/or entities. Some of the most serious consequences of a fragmented function are that the individuals conducting the investigation are not independent but are a part of management and that there is an uneven application of investigation standards within the organization.

Problems remain also with the independence of the internal oversight entities in discharging the investigation function:

- No oversight entity is free to decide its own budgetary requirements; the budget remains the subject of scrutiny and control by functional managers and ultimately by the executive head.
- The heads of internal oversight entities do not enjoy full operational independence as they do not exercise full managerial responsibility and control over their human resources.
- There is a risk, because of mobility issues, that investigators could be negatively influenced or even manipulated in performing their duties by individuals who may become their direct supervisors or play a role in their future career advancement.
- In some organizations no investigation can be opened in the absence of the executive head's explicit approval or specific instruction.

In managing investigations, the Inspectors found that:

- Other entities in the organizations where the function is fragmented do not apply the same professional standards and guidelines to the investigations they are conducting.
- Although all the organizations' internal oversight entities rely for guidance on the Uniform Guidelines for Investigations, the manuals and methods used vary significantly from organization to organization.
- There is no institutionalized forum on the discharging of the investigation function in the United Nations system.
- There is no separate allocation for investigations in the oversight budget of some organizations.
- The majority of organizations lack consistent and effective follow-through on the investigations conducted.

Recommendations

Most of the recommendations are for the executive heads to implement and address the problems found by the Inspectors. Of particular note is the recommendation addressed to the United Nations Secretary-General requesting that he establish an inter-agency task force under the auspices of CEB that will develop options for the creation of a single United Nations system Investigation Unit by the end of 2013 for presentation to legislative bodies. This ultimate consolidation of the investigation function into a sole United Nations entity would benefit small agencies without investigative capacity, harmonize business practices, result in common standards and procedures in conducting investigations, resolve independence issues, result in hiring only professional investigators, allow staff promotion opportunities as well as address fragmentation issues, etc. The Inspectors recognize that this will be a difficult and very complex undertaking but are confident that, if addressed positively by all parties, attendant problems can be overcome and the benefits to the organizations and their staff will be significant.

Recommendations for consideration by legislative bodies

- **The legislative bodies of United Nations system organizations which have not yet done so should direct their executive heads to ensure that internal oversight entities or investigation units are authorized to initiate investigations without the executive head's prior approval.**
- **The legislative bodies of United Nations system organizations should review the adequacy of resources and staffing of the investigation function on the basis of the recommendations of the respective audit/oversight committees either annually or biennially depending on the organizations' budget cycle.**

A/67/140, Add.1

THE INVESTIGATION FUNCTION IN THE UNITED NATIONS SYSTEM

**Hand-out for the 5th Committee,
October 8, 2012**



General information on the Review

- Objective:** Provide recommendations leading to system-wide coherence and harmonization among the oversight mechanisms and actors of the United Nations system organizations in discharging their responsibilities with regards to investigations.
- Authors:** Inspectors M. Deborah Wynes, M. Mounir Zahran
- Scope:** System-wide
covers 21 JIU participating organizations (UN Secretariat, Funds and Programmes, specialized agencies, IAEA)
- Website:** http://www.unjiu.org/data/reports/2011/JIU_REP_2011_07Final.pdf



Areas and Main Findings of the Review

- ❑ Strengthening of investigation functions in UN organizations
- ❑ Fragmentation of investigation activity within organizations
- ❑ Problems of independence of the investigation functions
- ❑ Management of investigations
- ❑ Towards a consolidated investigation entity for the UN system



Strengthening of Investigations

- ❑ **Investigation has become an integral part of the oversight activity:**
 - ✓ separate units within oversight entity or dedicated investigators in most of UN organizations,
 - ✓ most cases separate allocation of resources for investigation or handled within the oversight budget,
 - ✓ general reliance on Uniformed Guidelines for Investigation
 - ✓ most of the organizations adopted policies and established procedures and promulgated investigation manuals,
 - ✓ some progress from reactive investigation to proactive one



Fragmentation

- ❑ Generally there is a consolidated responsibility for investigation in one single entity
- ❑ Half of the organizations allocate some investigations responsibilities to another entity,
- ❑ Problems generated:
 - ✓ Staff involved is part of the management and this may jeopardize the independence of the process
 - ✓ Questions arise concerning the professional preparedness of the non investigative staff
- JIU recommendation aims at strengthening the consolidated investigation function with professional investigators



Independence Issues

- Independence of investigations is challenged by:
 - ✓ lack of freedom to decide on resources (budget)
 - ✓ control over the human resources (recruitment)
 - ✓ mobility policy concerning the investigator staff
 - ✓ reporting/access of investigations unit to external auditor/oversight committee or legislative body
 - ✓ right of executive heads to approve/disallow the opening of an investigation



Enhancing Independence

- Recommendations

- ✓ reiteration of the previous JIU recommendation on Oversight Lacunae to change the process of budget submission and approval of budget for the oversight entity;
- ✓ investigation staff to be selected independently of management and administrative influence (based on staff rule, merit and professional investigator qualification and experiences);
- ✓ no mobility of investigators to other posts but to encourage their transfer to the investigative services of other UN organizations;
- ✓ internal oversight/investigation units should be authorized to initiate investigation without EH's approval



Managing investigations

- UN investigation units have the necessary tools but policies, procedures and operational practices differ and to be improved:
 - ✓ better information of staff on investigation process including more visibility on web sight
 - ✓ better accessibility and transparency to UN tribunals jurisprudence,
 - ✓ observer participation of Staff representatives upon request of the subject
 - ✓ more frequent and better organized interaction of the UN organizations with respect of investigation

- **JIU Recommendation # 5: Establish a UN system sub-group for investigators** [already being addressed]



Managing Investigations

- ❑ Allocated resources are very different (0.04-1.2 % of the total budget), due to fragmentation and different budget breakdown it is impossible to make a judgment;
- ❑ Joint or shared investigation units could be established for small UN organizations or “in-source” this function to any other UN organization;
- ❑ “Spikes” in the investigations caseload likely but expected not to be constant and periodic review of the adequacy of resources is justified;
- ❑ Capacity to conduct investigation and competence of investigators has improved, however, training for investigators needs to be enhanced, including professional certification



Towards One UN system Investigations Unit

- ❑ Uneven application of investigative policies and practices for stakeholders within and among the UN organizations while they are entitled the same rights across the system due to:
 - ✓ organizational culture
 - ✓ limited interest in top management
 - ✓ bureaucratic resistance to change

- ❑ Need for a system wide solution

- **JIU Recommendation # 8: Interagency task force to be set up to develop options for establishing a single consolidated Investigation Unit for the UN system.**



Recommendations for consideration by legislative bodies

- ❑ **Rec # 4:** The legislative bodies of United Nations system organizations which have not yet done so should direct their executive heads to ensure that internal oversight entities or investigation units are authorized to initiate investigations without the executive head's prior approval.
- ❑ **Rec # 6:** The legislative bodies of United Nations system organizations should review the adequacy of resources and staffing of the investigation function on the basis of the recommendations of the respective audit/oversight committees either annually or biennially depending on the organizations' budget cycle.

