# A Culture Review of the Investigations Division of OIOS

Consultant's Report
Submitted to:

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by

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July 13th, 2007

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## Preface

The calls for wide-ranging reform within the United Nations[1] are leading to a re-examination of governance structures and processes within programmes, Departments and Services. Within the Office of Internal Oversight Services (OIOS), certain events have prompted questions about the adequacy of practices in managing staff, and the integrity of some processes within the Investigations Division (ID). In some corners of the Organization, including senior executives, there appears to be widespread distrust in ID. Recently, the fraud case of Mr. Bahel confirmed this concern over ID operations and the overall capacity of the Division to produce reports of expected quality.

In 2004, the Audit Division reported on a number of "red flags" around the activities of Mr. Sanjaya Bahel in the Procurement services and communicated these to ID. ID then carried out an investigation on Mr. Bahel and totally exonerated him of any culpability in fraudulent activity. In September 2005, Ms Inga-Britt Ahlenius assumed her duties as the new Under-Secretary General of OIOS, and after reviewing the investigation report on Mr. Bahel decided to re-investigate the case first through a peer review by OLAF, and later when it was feasible through a complete re-investigation by the Procurement Task Force, a new investigations team created within OIOS. The events recently culminated in the conviction of Mr. Bahel for fraud and corruption in a New York Federal court of steering some $100 million worth of UN contracts to friends.

The resignation of the first ID Director in 2006 after being tarred with accusations of abuse of authority[2], and the findings of guilt of procurement fraud by Mr. Bahel raised questions of integrity in a Division that should not only be above reproach but that should set an example of adherence to the organization's core values. In addition to individual failings, these and other indicators suggested that there could be something fundamentally awry with ID, its operating procedures and its underlying culture. In this regard two pivotal decisions were made by Inga-Britt Ahlenius. The first was to appoint as interim Director of ID the head of the Monitoring, Evaluation, and Consulting

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[1] Report of the Secretary-General. A/60/846. Investing in the United Nations: for a stronger Organization worldwide. Department of Public Information, New York. March 7, 2006.

[2] Ackerman, J. (2006). Report of investigation concerning allegations by the United Nations staff council against the former Under-Secretary-General for Internal Oversight Services.

Division (MECD). The MECD philosophy behind assessing the relevance, effectiveness and impact of outputs and activities against objectives sent a clear message that being accountable was to be a new watch word for the Division. Among other measures, the interim Director immediately launched a Division wide initiative for the creation of Standard Operating Procedures for investigators. (A decade of supposed professional work had been managed without this essential document.) Later, the interim Director outlined broad ranging strategic plans for increasing quality performance and outputs from investigators and managers.

The second key decision by Inga-Britt Ahlenius was taken in December 2006 when she commissioned two independent studies, one into the organizational culture of ID and a second into the operations of the Division. The culture review was to shed light on the style and tone of leadership of ID from the start of the Division in 1994 to the resignation of its first Director in 2006. This was to be contained in a report which would describe the ID culture in terms that everyone could understand, account for its origin and continued development, and which would make recommendations for sowing the seeds for a culture dedicated to integrity, quality, and commitment to organizational values.

The concept of organizational culture has wide currency among two professional groups: social scientists and practitioners. In this, the second of two reports on the organizational culture of ID, the audience is practitioners in OIOS. The first report is a technical document describing the construct of culture, its origins as a social science concept, and the rationale and methodology used to investigate it in ID. It shows the logic applied to quantitative data and presents the impressionistic findings from the raw data collected. It serves as a data archive for persons interested in the application of a social science perspective onto questions in the real world of ID.

This present report is a narrative account of the overall findings of the study. It is presented in a style that would be easily read by the widest audience in ID and OIOS. It is written in non-technical language, speaks of the past, describes the present culture, and addresses the possibilities for the future. In addition to presenting conclusions of the culture review this report aims to resonate with all ID stakeholders and serve as a point of departure for a wider discussion of the mandate and future of the Division.

## EXECUTIVE SUMMARY

The purpose of this culture review was to: (i) unearth the dominant themes underlying the particular culture within the Investigations Division, (ii) show links to the values, attitudes, beliefs and motivation of staffs and the impact these can have on the quality of work in the Division, (iii) explain how this culture has a grip on some employees, and holds progress in the Division captive by staff who are its product, and (iv) propose measures to give the Division new life and direction. The report is divided into three parts.

Part I of the report provides the context and describes background factors which framed early decisions and gave the Division its current philosophy and operational thrust. Since its inception the founding Director has been the single most important force in defining the mission and work of the Division and for controlling how the task of investigating violations of rules and regulations would be carried out and reported. With a background in law the management of the Division for more than a decade has been dominated by a narrow, legalistic and constraining view of its mandate. Consistent with this legal orientation, the major challenges identified by the Director were: (i) weak legal and administrative infrastructures within which to operate, and (ii) competition from an existing *ad hoc* informal justice system that subordinated the rule of law to tradition, diplomacy and politics. Difficulties encountered in the management of the Division over the years were typically attributed to these factors and to insufficient resources.

While remaining preoccupied with establishing formal protocols for meeting its mandate one area which received less attention concerned the recruitment, development and management of human resources. With no standard core competencies for selecting investigators staff with disparate qualifications from diverse backgrounds joined the Division. In the absence of standard operating procedures and unable to ensure a reliable and professional work product, a command and control system, hierarchical domination of case information, only managers with legal training shouldered the responsibility for controlling outputs and final products. With quality control resting at the top

management saw no need to develop or train investigators and many of them saw themselves as collectors of information and fact gatherers for the Director.

Secrecy and central control of information facilitated independence but also insulated managers from external review. While these have long been red flags of impending problems with the exercise of authority, and in spite of a lack of adequate oversight within OIOS, a BRASS report on ID did signal a heightened risk to impending failures in integrity within the Division[3]. In due course the additional independence afforded by secrecy might have made the informal *ad hoc* system for arriving at solutions to problems an attractive option, and contributed to the current perception of ID.

Part II of the report shows how the Division's organizational structure and its failure to invest in human resources through training and development in part underlie the uneven quality of work. Over time, this neglect, and at times, disrespect of human resources became a norm, was generally unconsciously accepted by staff, and became a hidden force in molding the Division's culture of obedience. Some staffs with knowledge, experience and potential came to accept that they were either not capable of more challenging work or that they did not merit being given a chance to try. Today, new staff members greet these attitudes with some puzzlement. Unsure about what are the standards within the United Nations or normative practices for investigators new staff fear discovering that a highly valued staff member is one that is obedient, anti-intellectual and offers no independent voice.

Among staff in general there is a feeling that little can be done to change the content of their job or its environment. They have learned that the best way to get along is to yield and obey. With close supervision and external controls, with abilities that are insufficiently recognized and with little encouragement to better oneself, intrinsic satisfaction in the work and motivation has been diminished.

Job stress, difficulty adapting to a peacekeeping environment and a desire for better supervisors all contribute to job dissatisfaction among many staff. However, the

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[3] Office of Internal Oversight Services. An ethics audit of the Investigations Division. OIOS-BRASS Report submitted to Mr. Dileep Nair, Under-Secretary General, OIOS, Jan 19, 2004

factors that underlie most strongly a toxic environment in peacekeeping missions are a lack of trust, intimidation by managers, and a sense of being used and exploited for the benefit of supervisors and managers. Machiavellian tendencies on the part of supervisors are most directly linked to grief and the decision to quit working in the Division.

Part III of the report makes recommendations. Thrusts into two areas previously given insufficient attention are proposed.  The first reiterates time-honored objectives of investing in human resources to strengthen the capacity and commitment to quality work products. It describes how various activities aimed at improving performance can be turned into cultural tools that can succeed in sustaining a respect for excellence and professionalism.  It also proposes that the work of ID include responsibilities for assertively and actively exemplifying the values of the organization and the Charter in its work.

The second thrust is more challenging.  In broad terms it invites managers to conceptualize ID's mandate in a more comprehensive way, to bring its activities more in line with evolving risk paradigms, and to serve the interests of OIOS and the organization in more direct ways and effective ways. It proposes that ID's overall responsibilities and activities be less constrained by a formal, legalistic approach for operationalizing its mandate, and that it operationalize a neglected component of its mandate by working to uncover fault lines and analyze high risk areas for fraud and misconduct.  It recommends the use of task forces to arrive at quality standards, the development of cooperative efforts with IAD, and the pursuit of joint efforts with other departments and services for responding to key organizational risk problems.  The development of a Sexual Exploitation and Abuse Task Force is presented as a window of opportunity for implementing this new strategy, for bringing added value to OIOS, and for restoring faith in ID throughout the Organization.

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**Introduction**

Culture can be responsible for promoting and maintaining positive or negative organizational activities.  At IBM years ago the conservative leaders of this firm had long encouraged "blue-suit" conformity and a similar thinking style throughout the organization. This risk adverse culture is said to have reflected IBM's lack of vision, its inability to anticipate markets, and for bringing it to a near downfall.  At NASA, a study of the 1986 Challenger disaster brought the realization that a safety culture is grounded in employees' everyday beliefs and assumptions about what is normative and acceptable, and that managers and people at the very top are responsible for creating that attitude. Closer to home, the Independent Commission Against Corruption (ICAC) in Hong Kong stands as a noteworthy example of how leaders with a clear vision and mandate, open to new ideas, and competent in managing people and systems can fashion a culture of integrity and performance that is a model for anti-corruption units worldwide.

The purpose of this culture review is (i) to describe the culture of ID in OIOS, (ii) to understand how it got to be what it is today, and (iii) to recommend strategies for building an organizational culture dedicated to fulfilling its full mandate with pride and integrity.

The three part methodology used to unearth the culture consisted of: 1. A desk file review of ID's mandate, GA resolutions, Bulletins, STs, circulars, memoranda, personnel information, and documents related to the recruitment, selection, retention and separation of staff from ID.  2. A survey questionnaire of 128 questions designed to tap into key constructs related to organizational culture. 3. Interviews of staff into matters emerging from results of the questionnaire.

The participants comprised a total of 101 staff (68 ID and 33 from IAD) in New York, Vienna, Nairobi, and peacekeeping who completed the survey.  Forty-nine current and former ID staffs in the duty stations and peacekeeping missions were interviewed.

## PART I

### The Investigations Division in Context: 1994-2006

The culture of ID today has direct links to its early foundations. From the beginning a confluence of factors came together to set the stage for the way of ID was to do business. This Section of the report describes the conditions under which ID was founded, discusses the collective forces that impacted on the early decision makers and the direction taken by the Division, and sheds light on the background conditions leading to the cultural state of the Division today.

**Foundations: the Division's Mandate**

On 12 August 1994, OIOS was established by virtue of A/RBS/48/218 B. On 7 September 1994, through Articles 16 and 17 of ST/SGB/273 the main mandate of the Division was described. Article 16 called for legal analysis and linear thinking. It states:

> "The Office shall investigate reports of violations of United Nations regulations, rules and pertinent administrative issuances and transmit to the Secretary-General the results of such investigations together with appropriate recommendations to guide the Secretary-General in deciding on jurisdictional or disciplinary action to be taken."

Article 17 called for lateral thinking, research, and innovation typically found in administration, audit, and the social sciences. It states:

> "Activities of the Office in the area of investigation shall also focus on assessing the potential within programme areas for fraud and other violations through the analysis of systems of control in high-risk operations as well as offices away from Headquarters. On the basis of this analysis, recommendations shall be made for corrective action to minimize the risk of commission of such violations."

Together, the two articles provided sufficient authority and room to fashion a service capable of responding to the needs of the organization. It clearly allowed for analytical and empirical research into the dimensions of violations, their incidence, location, course, and causes. ID had the mandate to examine if deterrence (the rationale

for investigations and enforcement) was having its best effects and where it needed shoring up. Article 17 was an opportunity for the Division to define the scope of its contributions in ways that responded to the changing needs in United Nations operations. This opportunity was entirely missed and for over a decade the mandate and activities of the Division were construed almost entirely on operationalizing Article 16.  The consequence was a particularly narrow view of its responsibilities and a reliance on complaints and reports of violations for defining work.  In time, these kinds of inputs became the sole vehicles for driving the work of investigators and for building the Division.  Article 17, with its potential for merging imaginatively and operationally with the broader goals of OIOS and audit, gave way to a singular preoccupation with making Article16 work.  Also, some key decisions shaped the course ID would follow.

As stated previously the first choice made early on by the Director was to focus on the legal dimensions of its mandate, and to operationalize its warrant using these tools. Second was the decision to hire a group of diverse and generalist investigators to work on what were assorted cases of violations of rules and regulations. Third was the case management and human resource management approach adopted to contend with the risk of mistakes and uneven work quality. The approach called for centralized authoritarian decision making, tight controls, micromanagement, an emphasis on secrecy and closed systems. This insularity and narrow-mindedness prevented the on-going development of staff and subsequently laid the groundwork for poor communications, mistrust, and a toxic working environment prompting many staff to leave the Division. Finally, there was the informal *ad hoc* system of justice that existed in the United Nations from the beginning. This *ad hoc* system competed with and at times compromised the ideal of a professional investigative service based on the rule of law.

The first Director began in 1994 and served as the only Director of ID until 2006. Although the Director had experience as a prosecutor in New York and served for 10 years as Inspector General of the Health and Hospital Corporation investigating fraud and corruption with a multidisciplinary staff of 35 people, this experience may not have been

sufficient preparation for the challenge of creating a new Division and operationalizing its mandate within OIOS and the United Nations system.

In 1994 when OIOS was established through A/RBS/48/218 B the Director quickly realized that the United Nations did not have the instruments, administrative and legal infrastructure to support the "rule of law" - - the principle intended to safeguard people against arbitrary governance. Nevertheless it was believed that ID would have to manage without the usual supporting institutions common to democratic legal systems.

Compounding this were two matters that worked against grounding and stabilizing a strong Division. The first is that "investigations" as an activity, professional or otherwise, does not have a core body of knowledge and skills to give it a professional identity. There did not then, and still does not today, exist a recognized core body of knowledge needed to make for the accreditation of competent investigators, and there is still no established method for assessing the competence of an investigator. ID staffs employed as investigators in the Division arrived with uncertain skills acquired from diverse enforcement backgrounds from around the world. Some had worked in common law and others civil law systems; many had some experience in policing, others in international relations, and others in the military, security, or intelligence. The second matter concerned how to operationalize the mandate of the Division.

**Operationalizing Article 16**

Objectivity and independence were to be important cornerstones of the Division. It followed that all complaints and allegations were to receive attention. The engine driving the work of the Division was therefore inexorably tied to receiving reports and allegations of violations. With no control over these parameters the only recourse for managing the workload was to create a case prioritization and triage system. An analysis of this system is beyond the scope of this study but a quick look suggested it was based on vague definitions of risk and uncertain criteria for measuring it. Some investigators believed it was open to misuse and reported it to the appropriate authorities as such.

The first decade was devoted to hiring staff with some general knowledge and some general skills for conducting investigations in an array of cases.  Creating a cadre of "generalist investigators" meant that while someone was usually available to respond to varied complaints it increased the chances that staff with generalist skills might conduct incomplete or only surface investigations, or produce reports of lesser quality. The occasional misfit between generalist skills and specific demands of a case may have been inevitable in the first year(s) when the Division scoped out the environment from which referrals were to originate, but it should have been clear that ignoring this mismatch would pose problems in due course if not corrected.  Selecting staff to create working groups based on the *collective* competencies in a team was not a model that was used.

Two safeguards were adopted to mitigate the risk of poor quality work or outright errors. First, many investigators became information collectors in that all case information was fed to the one person most capable of analyzing evidence and judging its probity for writing legal judgments. Second, tight controls over the activities of investigators when out collecting information were instituted.

In seeking to steer investigators' activities step-by-step guides - - Preliminary Investigation: Aide-Mémoire; Case Progression and Analysis Chart; and the beginnings of an Investigations Manual were crafted. These were procedural tools to control the researching, preparing, and creation of an investigative workplan. They aimed at steering the course of investigative activity to ensure that operational and other risk factors had been identified.  The Director acted more as a "*juge d'instructions*" in creating work plans, directing the investigation, interpreting evidence, and then making the legal link between facts and conclusions in the final report on the investigation.  Later, when the number of cases increased significantly the task of safeguarding against poor investigations and reports was shared with other managers, but their lack of skills and experience became evident and legal Editors were hired to fill that gap.

**Attempt at exploiting Article 17**

An unsuccessful attempt to get beyond the generalist investigators model to service `Article 16 occurred in 2002 with a proposal for a "Trends, Patterns, and Analysis

Unit", which was later renamed "Knowledge Management" in 2003. (ID-MGMT: Circular on Knowledge Management). The authority and rationale for the KM was derived from Articles 17 and 18(b) and (c).

In the proposal the goals of the KM unit are generally described as serving case management, case load management, information collection, analysis and dissemination, investigations planning, and for supposedly increasing the scope and complexity of operations. The primary objective was described as redistributing caseloads. The stated outcome was that investigators would be able to assume a greater number of Level 1 cases because Level 2 cases would be assigned to the KM Analyst. In the proposal statistics were advanced to suggest that the average 50 case reports per year by the Division could be doubled by having KM staff relieve investigators of other responsibilities. Thus, KM invoked through Article 17 was proposed as a tool for more efficient internal management and not as a way of making its mandate more synchronous with risk or audit models.

Increasing efficiency and the sheer quantity of outputs might be attractive to administrators, but the proposal was really misleading in its intent and inadequate in anticipating consequences. Either the proposal misrepresented the rationale behind Article 17, or it attests to managers' limited capacity to comprehend what was intended in that Article. In the sub-text of the proposal it is clear that operational activities would have entailed a coordinated identification, development, and maintenance of a stable of sources, controlled informants and covert investigators, eventually carrying out proactive probes.

It is worth noting that one of the reasons this initiative fell by the wayside was that staff were unable to effectively manage the fundamental requirements behind codifying and protecting confidential informants. It is clear that the Division from the beginning was not equipped with the knowledge, skills, and experience to safely carry out these activities. That they may not have known of their limitations in this sensitive area again speaks to the incapability of these managers to execute ID's mandate.

**The *"ad hoc"* Culture**

       The initial ambition in 1994 was to build an investigations service based on a legal model of criminal and administrative justice.  However, for 50 years the United Nations had relied on an informal *ad hoc* system for the resolution of misconduct, corruption and fraud cases. In the absence of a culture of accountability, many within the organization thought this served them reasonably well. As with organizations accustomed to diplomatic negotiations, a political environment, and making informal arrangements this *ad hoc* system of justice, the Director allowed, was a known system and one that was preferred with the United Nations.

       Independence and objectivity were touchstones of the Division and were used in the organizational struggle between the new and the traditional instruments of justice. But *ad hoc* systems in the United Nations can be tenacious, especially when they obtain their warrant by authority of the Secretary General. It makes the challenge of creating an Investigations Division anchored in legal and administrative infrastructures, just policies for the collection of evidence, and a respect for due process a formidable one.  *Ad hoc* systems are silent and quick. However, in the very least they make for inconsistencies in decisions, and at worst - - corruption.  This is the dialectic which framed many of the battles fought by the first Director.  It should not go unnoticed that the decision to create the Division based largely on Article 16 and emphasize a *legal* leg for its operational warrant was a choice made by the Director.

       The usefulness of the informal *ad hoc* system of justice and for getting matters resolved had its advocates. Most staff in ID had long been aware of the political dimensions of their work in investigating complaints, and many investigators were of the view that political actors could and indeed did play a significant role in resolving some complaints.

       Investigators could describe pressure they thought to have seen in dismissing a complaint or in arriving at a finding not based on the investigator's work. This was first described in the 2004 report of an Ethics Audit of the Investigations Division submitted to Dileep Nair then USG at the time. There it was found that investigators believed "that

the authority and integrity of ID could be usurped by political forces or events . . . ."  The report would only speculate as to where these beliefs originated but it did highlight the role the Director played in communicating the idea that investigations may not *really* be independent.  The most direct source of this comes from the first draft of the Investigations Manual (sic) written by the Director.  In this Manual the Director makes a point of underscoring that for ID *"Politics is the DNA of investigations."*

In the contest between the reality of the *ad hoc* system and the integrity of an ideal system based on the rule of law, it can be a toss up sometimes as to which will win out. We can only speculate about political interference in investigations or to what extent this informal *ad hoc* system of justice continued to be used expediently behind closed doors, but the events that led to the Director's separation from ID-OIOS in 2006 suggests to some observers that the informal *ad hoc* system may have succeeded on at least one occasion in momentarily surmounting the rule of law.

In responding to a concern by the Executive Office of OIOS over management weaknesses and ID's strategic capacity to manage its workload the Director of ID submitted: "Note to Mrs. Ahlenius: Management of ID/OIOS", June 12, 2006, and a chart entitled:  *Draft proposal for OIOS Investigations Division structural organization.* The chart not only depicts a new organizational structure for ID but proposes that that more than 250 investigator posts be created and be managed by three Deputy Directors in New York, Vienna, Geneva, Nairobi, and Bangkok. Clearly the emphasis was on expansion, creating new posts, and a larger structure. In this response, ID managers reveal how they view management weaknesses for they construed a strengthening of the Division in terms of increasing manpower.  The creation of a new function, Legal Editors, was the sole input for increasing the quality of work products.

**Hope on the Horizon**
The Procurement Task Force (PTF) started in 2005 was needed to do what investigators seemed unable to do with certainty. A change in morale and quality of work arose with the selection of 25 handpicked investigators to staff PTF in New York.  In this

successful investigations model we have investigators with more specifically defined skills, working with more narrowly defined offenses, with a clear mission of looking into possible criminal activities, operating as a team, and led by an experienced fraud investigator and manager.

The TF model of focusing attention on a *precise problem* and of bringing together investigators with *specific competencies* creates a critical mass of positive capacity resulting in *higher quality products*. In contrast with the current "generalist model" and case assignment the TF model allows for participatory management, dynamic team work, learning and sharing knowledge, and self policing. We will return to this model and its potential for increasing integrity and effectiveness of investigations in Part III at the end of this report.

### *Conclusions*

From the very beginning of its creation the activities of ID have not been directed by a vision of what the Division could be. Rather, energies and risk were managed by implementing the narrow mandate of investigating administrative rules and regulations. With limited staff and uncertain competencies managers assumed hierarchical control of case information, insisted on secrecy in all aspects of investigations, and shouldered the responsibility for controlling risks this way.  Secrecy and central control of information makes for independence and insulates one from external input.  These have long been red flags of impending problems of abuse of authority.

The diluted competencies of investigators, the absence of an administrative and legal infrastructure to support the Division's work, and the existence of an informal system for reaching solutions to violations of rules and regulations were "givens" from the beginning and thus defined the challenge for the leadership from the start.  Again, it is noteworthy that 10 years into its mandate ID managers continued to claim that any lack of progress in implementing its mandate is still due to these factors.

Today the control exercised by managers over intellectual outputs is a risk management strategy and reflects the lack of confidence and esteem in which many investigators are held.  Little effort is devoted to teaching investigators the skills for conducting an investigation - -. skills in interviewing, taking statements, how to identify

evidence, how to search for evidence, and skills for critically analyzing evidential material and considering the legal norm that might be applicable to the factual matter at hand.  With this, there is little incentive to document knowledge acquired or develop an institutional memory to be shared by staff both old and new.

Part II of this report describes a general disrespect of staff, the failure by managers to invest in human resources, and how these attitudes impeded quality work, and are still today responsible for investigators leaving the Division.

# PART II

## 1. Management Style

The structure of the PTF and its greater cooperative, communicative, and efficient management style speaks for itself. In the New York office of ID the atmosphere is open, accommodating, communicative, and supportive. There is an intensity of activity that comes from staff working together. The management and leadership style described below refers to observations made and conclusions derived from information collected in the Nairobi, peacekeeping missions, and Vienna offices.

**Command and Control Structure**

Outside of the PTF and the New York office, in February 2007 the organizational structure of ID resembled the kind of paramilitary management that has lost favor among modern police services. A rigid vertical structure with strict reporting lines, compartmentalization of information, and control of communication channels characterizes the structure. An authoritarian leadership style, distant, closed with sometimes intimidating relations with staff, and micromanaging are part of this style. There are staffs in ID who prefer the concrete and predictable, and this arrangement makes for a good fit with the present supervisory staff who are also meticulous, conscientious, organized and dutiful, and enjoy order in their work.

But allied to these controls is a static and machinist approach to managing human resources. Managers show little interest in motivating staff through positive incentives, or in having staff become part of a dynamic and changing Division. A manipulative exploitation of staff, a callous indifference to their emotional well being, and generally a lack of interest in them as persons is sensed in many quarters.

Much effort is devoted to accessing and controlling information about the performance of staff. Loyalty to leaders is rewarded. Dissent is chided. Advice is solicited but often discarded. Uniformity and conformity take precedence over suggestions for innovation and progress.

### Coercive Persuasion

In a 2004 ID Ethics Audit and BRASS report by the author the word "fear" was mentioned 7 times in regards to describing the nature of the relationship between ID-OIOS management and investigators.  We still see this today for the habits of nearly 12 years of an authoritarian and intimidating leadership do not dissolve with the departure of its founder.

Today's leaders use a similar tone and attitude in exercising influence over staff. The verbatim comments of one resident investigator capture the feelings of others.

> *My feeling is that the (Vienna and Nairobi) components are governed by a "management by fear" culture. I interpret many colleagues as having withdrawn into a position of securing and defending their own person and their own position. No one seems to trust anyone. It seems like unless you agree with and support the management, you will find yourself in trouble, and subsequently, differing opinions or expressions are culturally prohibited.*

> *It seems like colleagues will not necessarily help each other . . . but rather collect information on each others shortcomings, and if the time comes - - pull the information out of "one's sleeve" to portray themselves as being better or superior than their colleagues.  This is causing a defensive culture among staff and many will choose to leave. Unfortunately, the individuals leaving are those who cannot accept a "management by fear" working environment.*

### Poor Communication

There is a widespread view among staff that effective communication between the managers and investigators is seriously lacking. Some respondents describe this in terms of distant, cold or reserved relations and others as simple unresponsiveness to normal, friendly interpersonal interactions expected from managers. Others note that communications regarding work issues were noteworthy by their absence.  Team meetings are rare and deal with administrative matters generally. Management does not facilitate opportunities to exchange knowledge and experiences on interesting or complex cases from which all investigators can learn or contribute.

Managers, it was reported, send mixed messages regarding the participation of staff in the activities of the office. A common observation was when managers would ask

for staffs' opinion or ideas the contribution from staff was either mocked, rejected out-rightly, or not discussed or followed up. "They just want you to agree with them. They don't like new ideas", one investigators complains. Another writes on the questionnaire form, "Open and meaningful communication is a rare commodity in ID. There is a reluctance to partake in frank and open discourse because of fear of repercussions or 'taking sides.'"

In the Nairobi and Vienna duty stations the doors to staff offices generally remain closed. Only staff that have joined the office over the past months tend to leave their office door ajar when working. I observed little social or work exchange among investigators.   I found no spontaneous or informal gatherings of staff. In contrast, even if space in the New York office is crowded, we see staff working with their doors open facilitating contact and communication.   The PTF in New York is arranged much more along the lines of an open floor concept with dividers and the occasional private office. There is an open meeting for staff every morning where case matters are presented and everyone is genuinely invited to contribute.

One work setting where quality communication assumes considerable importance for performance, morale and good working relations is in peacekeeping missions. Poor communications here can have distinct consequences. One investigator writes:

> *"In our type of work we are dependent on other ID-OIOS offices and colleagues in other parts of the world.  We are therefore dependent on good working relationships over email and the telephone. We know people through email only, and the recipient or sender is known to us only by name, which makes good communications skills even more important. The email communication in this Division has to a large extent been removed of all greetings and general politeness, and is left with pure business with short phrases. Then, - - even if not meant in a harsh way - - these words are received as very harsh at the other end. Over time this destroys relationships. I witnessed this with ID-OIOS offices in Vienna and Nairobi.*
>
> *If we are to be posted in small groups all over the world like we currently are, we need training (and managers more than anyone) on how to communicate over email - and on the importance of creating and maintaining good relationships over email and over the telephone. Unfortunately, I think*

*that the present management style has little or no understanding of the need for communicating properly, politely, and respectfully with subordinates."*

Several themes emerged in discussions with separated staff. Again, harsh, insensitive, brusque and at times uncompromising exchanges between management staff are some reasons behind the toxic environment.

The potential for problems in missions was not anticipated by managers. These types of problems have been documented in missions elsewhere. Common sense would dictate that difficulties are inevitable when roles are not defined, tasks are not assigned, and structure and guidelines are not imposed upon a fast changing environment. In short, investigators and their immediate supervisors were inadequately prepared to direct and take on these missions.

Observers and others involved in mission investigations stated their views about the crises that occurred. One commented that difficulties among investigators arose from "childlike reactions to threatened egos." Another investigator felt abandoned by managers and OIOS. "When there was an evacuation of personnel from the mission everybody else had their departments calling in to see if they were OK. We were barricaded for our own safety for days and no one from Nairobi or Vienna even tried to contact us."

Another observer recalls being with a manager in a duty station when the manager just happened to received a call on his mobile. The observer recounts,

> *"It was a real emotional plea from one of his investigators in mission who was quite literally under siege in some mission and extremely fretful. I remember how appalled I was at his total lack of empathy and the wholly dismissive report he made of the matter to Barbara Dixon. That investigator resigned very shortly thereafter."*

One manager dismissed all of this "insensitivity" on the part of supervisors as gibberish, and expressed the belief that it was Post Traumatic Stress Disorder that really explains the irrational behavior - - nothing to do with management.

Where is the explanation? Is it the stress of a mission? Is it the difficulty adapting to a physically and culturally very different environment? If some people do

find it intolerable to continue in their job might there indeed be something about a manager's ethical leadership style that lies behind the exasperation and decision to leave?  We will look more closely at what underlies this frustration and desire to separate from the Division in the third section of this Part of the report.

## 2. Neglect of Human Resources

Managers who follow the hierarchical command and control model and have a strong liking for order, regulation, and structure seem to view people and human resources in the same stationary model of inputs – outputs and of fitting the round peg into the round hole.  Much akin to the Taylorism of the past human resources are seen as instruments for accomplishing goals of internal efficiency.

There appears to be either a gap in the knowledge base in regard to how to influence and manage human behavior, or there is a fundamental disinclination for management to entertain soft concepts.   The 5 areas below illustrate the limited view managers have had of human potential.

### *Recruitment and Selection*

Applicants are invited to complete written tests over a full day prior to the interview.  I found no document stating the rationale behind these tests or describing the administration, scoring, and interpretation of the results. It appears that across recruitment periods the Division sometimes uses a pass/fail system, and sometimes a rank ordering of candidates.  No data seem to be collected regarding the predictive validity of these tests, or indeed the job related criteria that define success.

Most staff was asked about what occurred at their selection interview.  Some talked about a 15 minute interview over the phone, others about a 2 hr session in person. Many reported being asked an unusual question. They were asked, *"If you could be any animal, what would you be?"* Many thought this question a little bizarre, assumed the interviewers knew what they were doing, but volunteered an answer in any event. The managers could not provide a valid explanation for asking this question, and I could find

nothing in the literature that would support asking this question in an interview looking at knowledge, skill, or personal suitability.

Recruiting investigators for peacekeeping missions is not an easy matter and there appears to be some irregularity in the way this is done at times. For example, one applicant recounted applying for one position, perhaps in Vienna or Nairobi, and was invited to travel a considerable distance to complete tests and take part in an interview. The person was then told that really they had only a 50-50 chance of obtaining the spot for which they had applied. But . . . "if you drop your application for the duty station we could *guarantee* you a spot in a peacekeeping mission instead. Are you willing to do that?"

### *Preparation for Assignments*

In responding to the statement "I did not receive the proper preparation I needed before arriving in this post" 27% of staff in peacekeeping missions agreed with it. In duty stations the incidence varied from 0 – 15%. ID staff members in peacekeeping missions made more consistent and elaborate comments to this question than any other. "Poor", "inadequate", "insufficient", and "non-existent" were typical adjectives.

- *"I managed to get sufficient environmental information about the mission area itself on my own, but received no information from ID-OIOS on living and working conditions, requirements, essential equipment, etc."*

- *"I would have benefited from a training session on the ID-OIOS mandate, the tasks, and the practical aspects of conducting investigations in the field in the name of OIOS. Other staff had insufficient experience when I arrived and every investigator had to reinvent the wheel by making mistakes. We need to get on board quickly and provide professional work immediately.*
"

- *"(Also) . . . a unified approach and a common understanding of our mandate and tasks in mission are essential to provide the international community with what we are asked and mandated to provide them. We did not get that"*

There is still today no adequate preparation of staff for working in peacekeeping missions generally, or guidance for translating the mandate of ID-OIOS into concrete activities on the ground.

Elsewhere the lack of training and preparation for investigating SEA complaints stands out in interview comments.  While this new area was thrust upon ID and expertise was lacking to deal effectively with legal, operational, ethical, and psychological dimensions of this type of crime, it is difficult to understand why a training module designed to equip investigators with this capacity has still not been developed.  A CD created for this alleged purpose is inadequate and not focused on key issues. The workshop on the subject presented at the Mombasa retreat has no documentation, and is not part of institutional memory. Moreover, no follow up or effort to evaluate its effectiveness has been undertaken.

Managers continue to see their mandate and priorities as derived from Article 16, even when the authority in Article 17 to engage in analytical processes would clearly contribute to finding solutions to SEA.  In light of the United Nations' and the public's serious concern with SEA and given the pronouncements from high level committees to come up with an effective response to the problem the Division's inability to operationalize Article 17 of its mandate for this very problem is telling of managerial limitations.

### *Training*

Some staff members have benefited from opportunities to attend outside conferences on subjects of their interest, and this has been appreciated. Induction training for new staff, on group in-service training to fill gaps, training in new areas of investigative activity - - none of this was found. Peculiarly enough, managers claim to have made training a priority and point to the following as success in this area:

> *"I (have given) staff a chance to interact with others in the same world and share experiences in a different environment. The last couple of years have seen us test that out and get some positive results and some not so positive results. The Mombasa Retreat was a great success as a chance for staff - mainly new to the Office - to come together and discuss common issues, meet the management*

*team, have a break from the daily grind of investigations in the missions and network with their colleagues for personal and professional reasons."*

This year, managers responsible for organizing a retreat were unable to supply a cogent training agenda or learning objectives for this costly exercise, and the retreat planned for the spring of 2007 was therefore cancelled.

### *Misuse of the "Case Progression and Analysis Chart"*

The first Director anticipated a need for investigators to manage data collected in a case, especially if the case was to unfold over a longer time period or when investigators were to manage several cases at a time. The Case Progression and Analysis Chart had the hallmarks of a new and imaginative instrument for helping investigators link logically evidence from an interview for example with the proof needed to support the final  argument behind sustaining and not sustaining an allegation or complaint. While lawyers receive more formal training at this than paralegals it is a competency that should be acquired by all investigators who have to write reports of investigations. Such competencies should be supported by cognitive aids, coaching, practice and feedback. The potential usefulness of this investigative tool was underscored in the 2004 BRASS report by the author.

At this time, however, the Case Progression and Analysis Chart is of limited use to investigators.  It is being used as a management tool to track the progress of investigations. It serves as a template for junior staff to complete, to submit to the CRI and Operations Manager, and so comply with a demand for weekly tabulations on case activity.  And, it is being completed by Investigative Assistants, not the investigators who complete the interview process. "Gaps" if they are found are not being sufficiently addressed if they are found. Furthermore, its role as a cognitive, learning, evidence, or product development tool generally has been lost.  Legal Editors seem to be aware of this and have quite rightly expressed a concern with abandoning the learning objectives it served for investigators.  This change has relegated the Legal Editor to that of proof reader and of correcting an investigator's cognitive gaps after the fact. Legal Editors are in an excellent position for cultivating skills in people who are capable of learning how to do better work but it seems managers are discouraging them from doing so.

*Promotion*

Managers were asked for their opinion about what went wrong in some peacekeeping missions and what could be done to avoid problems in the future. They replied, *"You know, we haven't figured that one out yet. We made mistakes and picked the wrong people. We need to find the right people for these missions but we don't really know what that is."* This candid admission may be appreciated but not once was the question of better preparation of supervisory staff ever advanced as an option.

A not uncommon approach to managing human resources when one is short on knowledge is to use trial and error. When asked about any plans in the works for finding new managers, I was told, *"We have people temporarily promoted to higher responsibilities to help assess promotional opportunities."*

# 3. Machiavellian Leadership Style and Turn Over

The reasons behind turn over can point to organizational problems.  This review found that ID and IAD staffs leave for different reasons.

*Separation by audit staff*

Over the past 24 months 8 IAD staff in missions left OIOS. These 8 auditors were distributed evenly across 6 peacekeeping missions: 2 in Burundi, 2 in Kosovo, and one each in Sierra Leone, Liberia, Cyprus, and Kinshasa. Six of these staff did so voluntarily purely for family reasons while two IAD staffs were separated by management for performance reasons. IAD staffs generally leave missions because they want to return to their families.

*Separation by investigators*

Over a similar period among ID staff in missions, at least 6 staff left OIOS voluntarily in the past 24 months.  These departures were not distributed across different missions - - all were working in one mission - - MONUC.  Six investigators that had separated from ID over the past 2 years were contacted. Some had found work in other United Nations departments, others in the private sector, and others were still looking for

employment. They were asked to participate in this Culture Review and were interviewed over the telephone.  All claimed they left because they could no longer work effectively in peacekeeping missions, and that managers were a major source of difficulties.  One alleged that a former supervisor had prevented the staff member from securing meaningful employment elsewhere.

**Desire to Separate from OIOS**

What could explain the desire of investigators to terminate their assignments today? An analysis of questionnaire data concerning a Desire to Terminate by staff and the reasons behind this is informative.

**Figure 1. Percent of Investigators Who Want to Leave More Than Stay with ID-OIOS**
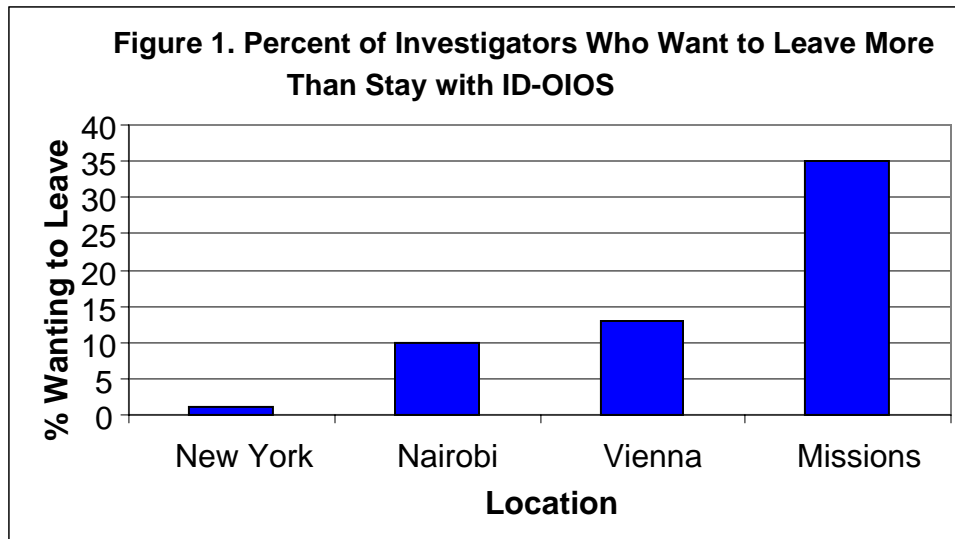


Overall, among the 96 OIOS staff participating in the study 16 (17%) express a stronger desire to leave than to remain in their present post. Figure 1 shows the distribution of these preferences for ID staff across their locations. As shown, ID Staff in missions account for the greatest proportion of ID personnel who wish they could leave.

For comparative purposes among the 33 IAD staff participating in the study 4 (13%) would prefer to leave. Three were located in New York and one in mission.

**What underlies the desire to leave ID?**
*Stress on the Job*.

While none of the Duty Stations or missions reported an incidence of distress that was noteworthy from a mental health standpoint, ID staff in missions reported moderately higher stress levels.  Figure 2 shows this finding.  Investigators reported higher stress levels than auditors in the same missions.  There is a significant correlation between reported stress and desire to leave ID.



Figure 2.  Emotional Stress by Work Location Among OIOS Staff
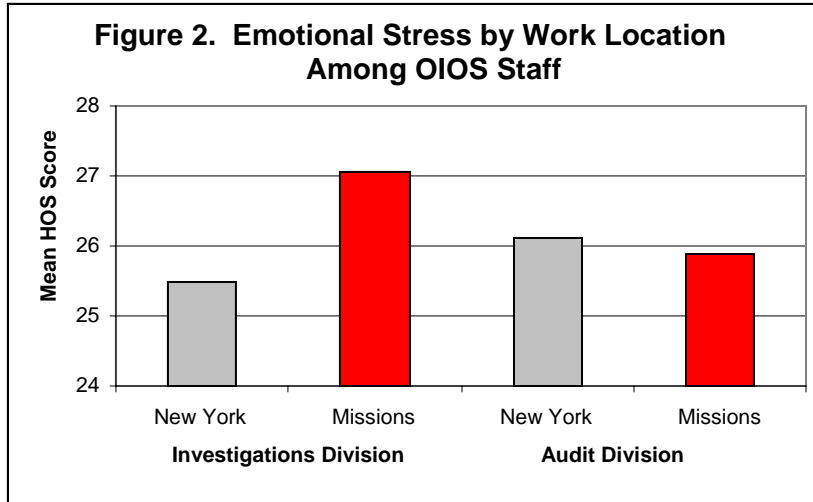
### Difficulty Adapting to a Foreign Environment

Difficulty adapting to a foreign environment is recognized as a major factor for quitting assignments before they are completed. The higher scores depicted in Fig 3 indicate a greater *success* in adapting interculturally. Although scores of mission staff are lower than in New York, they do not reflect particularly noteworthy levels of adaptation difficulties.



Figure 3. Cultural Adaptation to Work Location by OIOS Staff
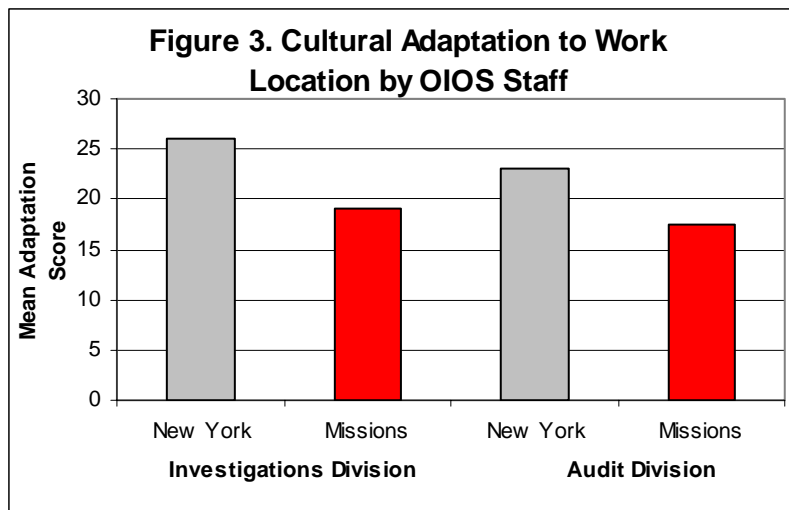
*Desire for Better Supervisors/Managers*

As is illustrated in Figure 4 ID staff in missions expressed a stronger desire for better supervisors and management.  In missions, 62% of the investigators wanted a change in supervisors or managers than not.  In Vienna, 60% did *not* necessarily want a change in supervisors, while the remaining 40% did.

**Figure 4.  Wish for a Better Supervisor in My Next Job**
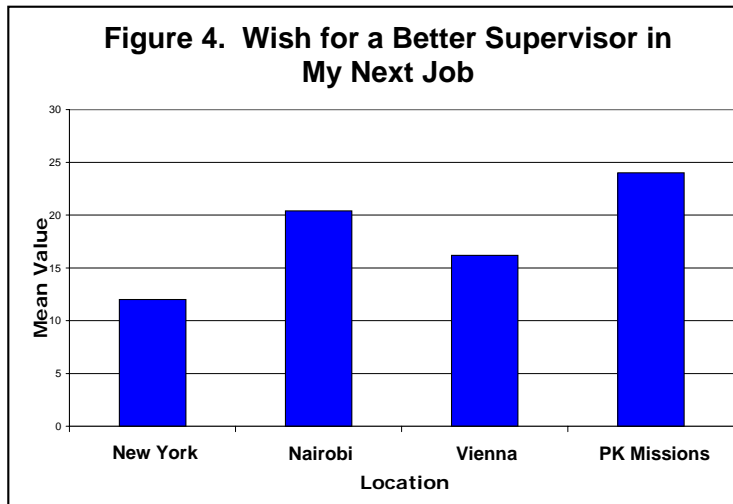


*Leadership Styles*

What is it about supervisors and management that could lead to a desire to terminate? Leadership styles, especially as they involve interpersonal ethics and the treatment of employees can be a key factor.  Leadership style was conceptualized in terms of interpersonal conduct anchored in *ethical attitudes and choices about ways to use one's power to influence others.*  Here, two leadership styles were found to be related to staff attitudes and opinions.

*Transformational Leadership*

This style is characterized by interpersonal relationships with employees that are noted for its allure, charisma, intellectual stimulation, its individualized consideration, and attention to employee work needs.  Below is a sample of the behaviors attributed to these leaders by their staff.

-- My supervisor would like his/her effectiveness to be judged in terms of the well being of the lives he/she has touched

-- My supervisor sees his/her job principally in terms of setting objectives and seeing to it that they can be met in an organized and orderly way

-- My supervisor is most effective because he/she acts more like a coach or mentor

-- My supervisor is a person who believes that to get things done you have to emphasize the development, communication, and motivation of staff

-- My supervisor is a person who is effective because he/she looks at people in terms of their potential

-- My supervisor is a person who will actually motivate people by giving them more responsibility and authority to get things done.

### *Machiavellian Leadership*

This involves the use of interpersonal relationships by managers to exploit their own need for power. The methods are manipulative, exploitative, and means-end oriented. The need for power motivates such behaviors. Below is a sample of the behaviors attributed to these leaders by their staff.

-- My supervisor is really into acquiring power so he/she can control things.

-- My supervisor is a person who wants his/her success to be judged by the contacts he/she has developed with people who have power

-- My supervisor is the kind of person who cultivates certain relationships and aligns him/herself with those who have influence

-- My supervisor is a person who thinks that the best way to keep staff "on their toes" is by leveraging promotions, rewards, and disciplinary measures

-- My supervisor is a person who never reveals too much about him/herself but who will try to learn as much about the other person to get an advantage

Figure 5 shows that ID staffs who want to leave the Division see their supervisor's interpersonal ethics in terms of Machiavellian Leadership. In Vienna staffs are split in regards to what they experience. Some staffs see strong Transformational styles and other staff see strong Machiavellian styles in their managers.

**Figure 5. Leadership Styles and Desire to Stay or Leave ID-OIOS**
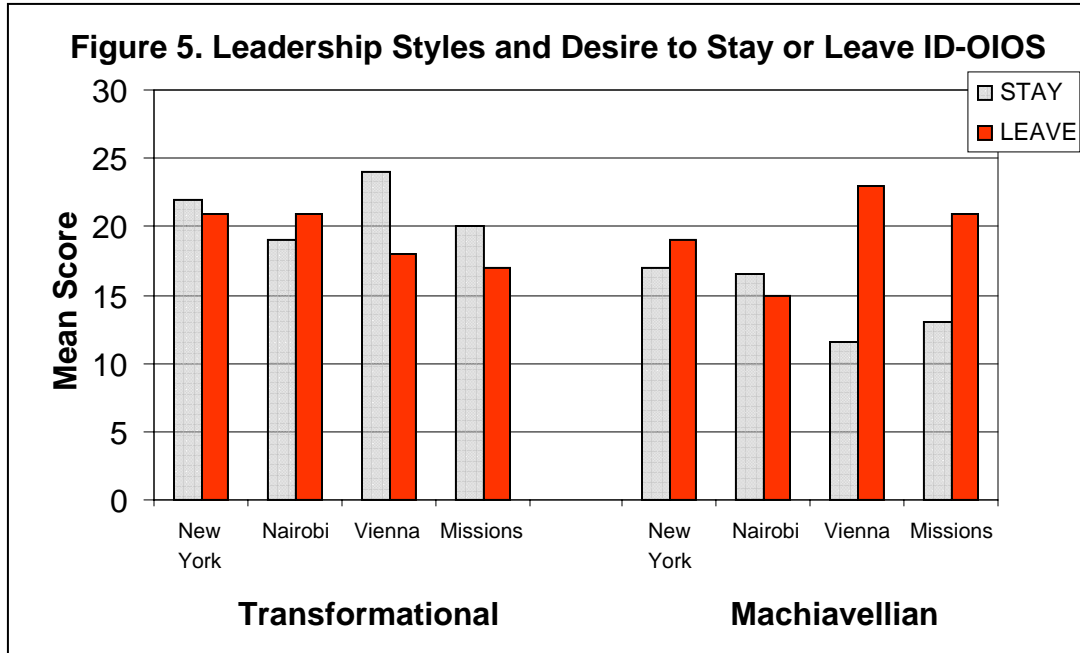
Does this apply to auditors as well? No. Figure 6 below shows that for auditors it is more the relative *absence* of a Transformational Leadership style that is associated with a desire to leave IAD.

**Figure 6. Leadership Styles and Desire to Terminate in IAD-OIOS**
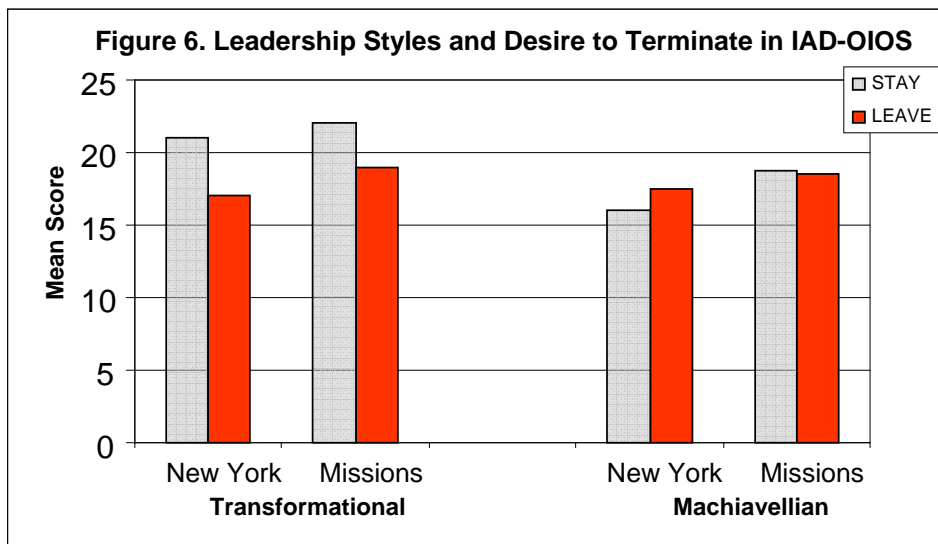
***Violation of an Implicit (Psychological) Contract with the Employer***

The employer in this case is not the United Nations per se.  Here we refer to the person or persons responsible for interviewing and hiring a staff member - - the person or people responsible for communicating unwritten expectations and prospects about what it would be like to work in the Division and what is expected in turn..  These expectations form a kind of *psychological* contract.  That there has been a violation of this kind of implicit contract with the people who were responsible for employing a staff member is a real phenomenon and may exist in some organizations. Violations of implicit Trust in ID and a violation of an implicit Understanding one had with ID are two related concepts. These may or may not be part of an underlying attitude that causes a desire to leave ones job.

*TRUST.*  Among all OIOS staff in the study there was a strong positive correlation [$r = .51$ (95), $p < .001$) between perceived violation of TRUST and a Desire to Terminate. Notwithstanding this, 75% of staff sustained their confidence in implicitly trusting their employer, while another 25% of staff obtained scores more indicative of some mistrust.  These patterns were the same across all groups, including IAD, ID, mission staff and those in Nairobi and Vienna.

*UNDERSTANDING.*  Again a strong correlation [$r = .68$ (93), $p < .001$) was also found between perceived violation of an implicit UNDERSTANDING with the employer and a Desire to Terminate among all staff. Again however, in spite of this relationship staff as a whole (86%) indicated they thought the implicit understanding they had with their employer *was* being respected, including 30% who thought that the employer was holding up their end of the bargain completely.

We can conclude that while some ID and IAD staffs feel a sense of psychological contract violation, overall OIOS staffs generally do *not* feel the trust they placed in their employer was misguided or that their employer has violated basic agreements about working for their respective Division.  But some do, and when they do, it is linked to specific causes and consequences.

**Machiavellian Leadership is the Leading Cause for Leaving**

       Stress, intercultural adaptation, desire for a better supervisor, leadership styles, and, implicit contract violation - - these factors all seem to be related to staff's desire to leave their Division.  But are any of these factors *uniquely* at the heart of a desire to leave? What factor really counts after the common frustration and negativity behind all the complaints are factored out?  I other words, "Is there a factor that trumps the others in importance?

*Figure 6. The Unique Factors that Predict a "Desire to Terminate an Assignment" Among Investigators (ID-OIOS)*

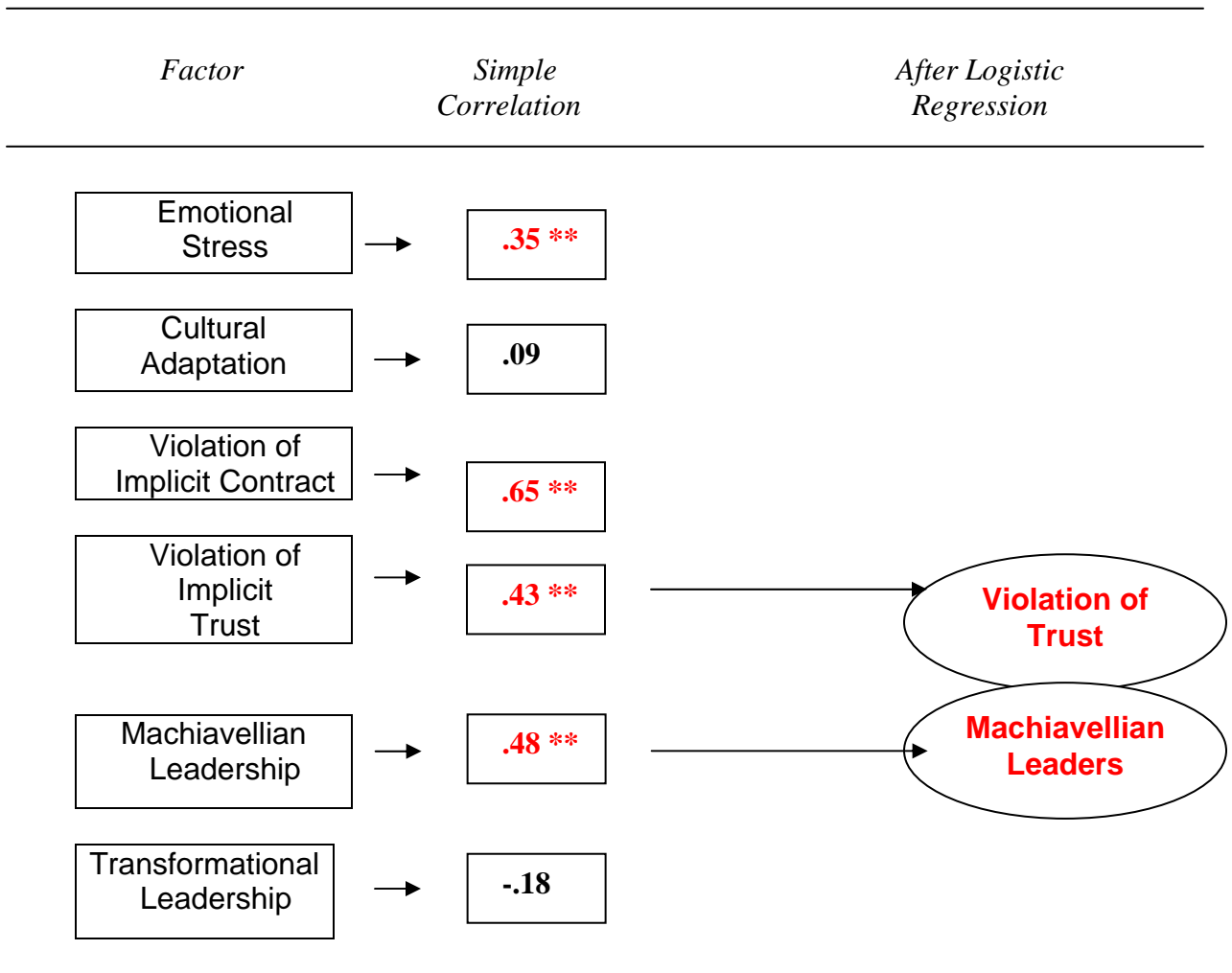| Factor | Simple Correlation | After Logistic Regression |
|---|---|---|
| Emotional Stress | .35 ** | |
| Cultural Adaptation | .09 | |
| Violation of Implicit Contract | .65 ** | |
| Violation of Implicit Trust | .43 ** | Violation of Trust |
| Machiavellian Leadership | .48 ** | Machiavellian Leaders |
| Transformational Leadership | -.18 | |

       Figure 6 shows that four factors are positively correlated (\*\*) with the Desire to Terminate. When the underlying common negativity in all these factors are removed

from the equation through a Logistic Regression, only two factors remain as unique predictors of the Desire to Terminate. *In other words, for ID staff the primary reason for wanting to leave ID is related to a perceived violation of trust and that they see themselves manipulated, used, and exploited for the personal benefit of their supervisors/managers.*

The next Figure shows the results of an identical analytical procedure calculated for auditors.

*Figure 7. The Unique Factors that Predict a "Desire to Terminate an Assignment" Among Auditors (IAD-OIOS)*



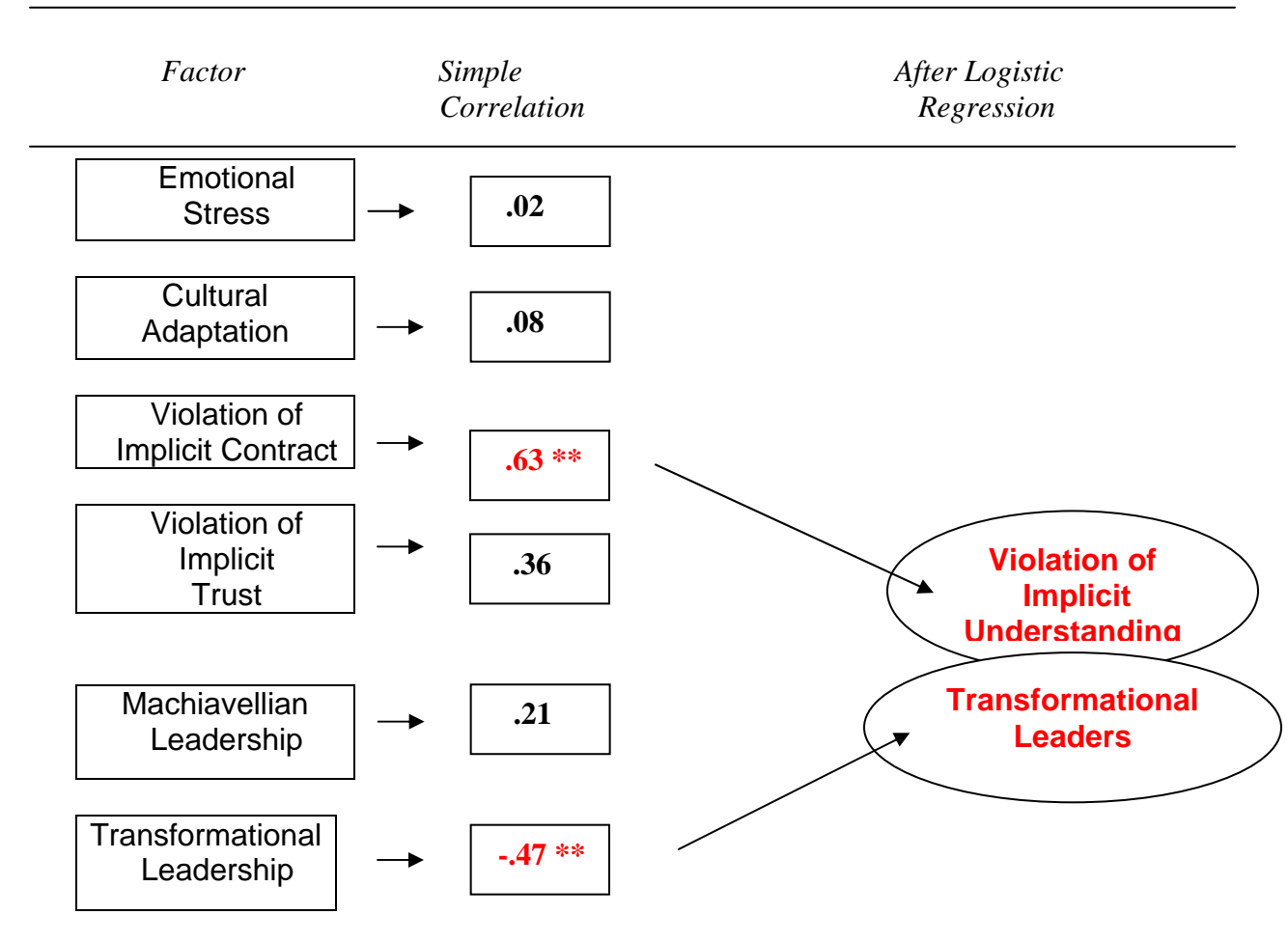| Factor | Simple Correlation | After Logistic Regression |
|---|---|---|
| Emotional Stress | .02 | |
| Cultural Adaptation | .08 | |
| Violation of Implicit Contract | .63 ** | Violation of Implicit Understanding |
| Violation of Implicit Trust | .36 | |
| Machiavellian Leadership | .21 | Transformational Leaders |
| Transformational Leadership | -.47 ** | |

Figure 7 shows that, for auditors two factors remain as unique predictors of the Desire to Terminate.  These are *not* the same factors found in ID.  Moreover there is an inverse relationship between Transformational Leadership and a Desire to Terminate. In

other words, *auditors are more inclined to want to terminate when there is an insufficient degree of personal attention, coaching, and mentoring accorded to them.* Investigators, on the other hand, want to leave when the management environment is noted for its manipulative style or when perceptions of Machiavellian influence are no longer endurable.

### *Conclusions*

That the Division has failed to invest in its human resources is clearly evident. What seems also evident is the limited capacity for managers to manage people professionally. The very serious neglect of normative training and development of staff to help in conducting investigations contributes to the uneven quality of work. This represents a noteworthy risk and appears as if managers today are not overseeing this risk in a manner that doesn't create other difficulties.

The centralized control of investigations, the micro-management, and the lack of training opportunities and interest in staff development has robbed staff of the opportunity for building self confidence and esteem, for finding their work intrinsically satisfying and from contributing in a healthful way to the strengthening of the Division. This has reinforced the assumption held by many that a highly valued staff member is one that does what he or she is told and offers no dissenting voice.

Among staff in general there is a feeling that little can be done to change their job environment. They have learned that the best way to get along is to yield and obey. With such close supervision and external control, with abilities that are insufficiently recognized and little encouragement to better oneself, intrinsic satisfaction in the work and motivation is prevented. Instead, what many staff aspire to have are the rudiments of extrinsically motivated work - - a better salary, to move up the GS and P levels, or the occasional exotic travel to collect DSA.

# PART III


## Towards a New Culture
### *Director in New York*


Concern over the unevenness of the quality of investigations is being addressed by the Acting Director of the Division and his staff in New York.  Education, learning, and training are operative words for the future. This is to be inspired by is a determination to make integrity, professionalism, and quality the defining goals.

In addition to creating SOPs  the Acting Director has plans to install new operational systems for better information management, and for better case management and caseloads, and to eliminate micromanagement. The plans also call for a dedicated focus on learning, teaching, information and knowledge transfer in a number of operational areas.

What can be done to help pave the way for a new *culture* in ID?   If the new culture is that is to be described as one committed to quality work and one that favors professional management practices, then the institutions, practices, and ceremonies that reflect this culture must be created and maintained.  Culture itself will not be imposed. It will be derived from new artifacts, from expressing new values in actions, and from measures that create new unconscious beliefs for staff to hold about the Division.  Two broad strategies can help move the Division forward in these respects.  Institutionalize cultural tools, and operationalize more completely the ID mandate to add new value to OIOS.


### *Cultural Tools*

Managers can cultivate intrinsic incentives for quality work by creating *cultural tools* of the kind illustrated below.


### *Emphasize excellence through learning*

Encouraging all staff to question assumptions, to explore new ways of doing an old job, to emphasize communications both vertical and lateral would lead to a new

attitude of creativity and openness.  Importantly, the culture of anti-intellectualism that prevails in some quarters of ID should be discouraged from setting roots with new management.  Specific cultural instruments should be encouraged to establish new symbols in support of excellence and quality.  For example:

1. Individual analytical and practical contributions to problem solving should be overtly valued, encouraged and publicly recognized.

2. Staff should take turns preparing and leading monthly case conferences.

3. Staff should initiate weekly brown bag lunches where an investigator shares experiences on a subject related to a recent investigation.

4. Managers should plan regular "lessons learned" exercises.

5. Staff at all levels should be encouraged to write pieces for OIOS News.

6. Staff should conduct internal research and analyses related to their work, to patterns of violations, and on innovative ways of strengthening the deterrence effects of successful investigations and enforcement (see also below).

7. Staff should be encouraged and supported to present the results of their work to United Nations audiences, and peers in other organizations.

8. A manual and practical guide aimed at preparing staff for peacekeeping assignments should be developed, and regularly updated by staff returning from missions.

9. Documenting Divisional events and preserving them in a suitable format should create an institutional memory for all to consult.

10. Managers should be evaluated in terms of the extent to which they have actively supported these and similar activities.

### *Focus on team work*

The ideal would be to have investigators with multi-skill sets, but the reality is that very few investigators arrive with these or will develop cross disciplinary skills on the job.  In deciding on how best to deploy resources, the concept of *group* competencies such as those represented in a working team or task force has much to recommend it.

The building of collective skill sets within a Task Force is a recognized practical model and is supported by the first principle of the General Standards for Investigative Organizations, which states: *"Individuals assigned to conduct investigative activities must collectively possess professional proficiency for the tasks required."*[4]

The PTF with its dedicated investigators working as a team in more narrowly defined fraud investigations should be looked upon as a useful experiment producing lessons learned. This type of model works well when investigators are purposefully selected to join a team because of the individual skills they will bring to make for professional competency. The TF concept lends itself well to participatory management, to team building and dynamic team work, to learning and sharing knowledge, to creativity, to organizational development and to accepting change as an organic process. Investigators themselves will fight for quality work products when they, as part of team work, have a say in setting and meeting individual and group objectives. We see the beginnings of team work and a new approach to management in the New York office of ID today. This was witnessed in the interviews and confirmed in the survey responses from staff in New York.  It is an example of one approach to team work translating itself into fresh energy and heightened morale.

The TF concept is recommended for seeking an effective response to the problem of Sexual Exploitation and Abuse in peacekeeping (see below).

### *A professional approach to knowledge transfer*

A mediocre, substandard, and haphazard approach to modernization should not be transferred to others. The training of administrators and managers in the field to conduct preliminary investigations or to resolve simple cases of fraud or misconduct is a new commitment.  It is essential that ID managers get this knowledge transfer right and manage the risks that accompany this transfer if they are not to find themselves exposed to significant criticisms later. Risk tolerance, who owns it and who is responsible for its management is a central question in audit and OIOS work.  Here, ID is in a good position

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[4] Quality Standards for Investigators. (2004). The President's Council on Integrity and Efficiency. http://www.ignet.gov/pande/standards/invstds.pdf.

to set the standard for risk tolerance in this new area of responsibility and it should prize this function.

This skills transfer should be based on a task and gaps analysis. The training should have a detailed Course Training Standard, a professional approach to delivering it, a documented method of assessing learning, and an evidence based evaluation linking the training outcome to criterion performances on the job. Training should then be modified as a function of these findings. There should be a built in quality assurance mechanism and oversight capability, including solicited feedback from stakeholders (participants and subjects in these investigations).

Minimum criteria for selection/screening should be established. Certification of these managers by OIOS may be desirable. Not everyone will succeed in applying their investigative skills impartially and with probity. Withdrawing such certification may be a quality assurance method for ID to consider.

### Investigators should exemplify core values of the United Nations

Throughout the United Nations, because of the nature of their work, staffs are exposed to varying opportunities to engage in corrupt activities or misconduct. Likewise, staffs are given varying opportunities to demonstrate their loyalty and adherence to values and ethics. Investigators are part of OIOS and have the capacity to use their position in ways that promotes the mission of OIOS. It should be a responsibility for ID to model the application of core values and the United Nations Charter in the course of its work. More specifically, because investigators have unique power and influence the use of that power should be placed at the service of demonstrating adherence to core values. Specific principles of conduct should guide investigators in the performance of their duties, but in addition to complying with these principles, there should be a further onus of responsibility on the investigator for *positively* demonstrating these values each time opportunities are encountered in his or her work. These recommendations were part of the 2004 BRASS report and two of the ways it was suggested investigators could positively affirm ethics and core values are reprinted below.

*1. Investigators should show the just and considerate use of their authority in gathering information in pursuit of its objectives.*

Investigators should understand that simply being the object of an investigation can undercut the dignity of both those who are and who are not implicated in disreputable activity. Exculpatory evidence and mitigating events are important in the restorative process of dignity for all who have been touched by an accusation. To the extent practicable, investigators should undertake to collect information and present their findings with this goal also in mind. Assisting in investigations can be intimidating for all who comply with an investigator's exercise of power and this should impose a positive obligation to ensure that all witnesses, suspects, and victims are treated with fairness and respect throughout the process.

*2. Investigators have a duty to demonstrate professional and ethical conduct in ways that are manifestly exemplary.*

The credibility, warrant and voice of OIOS are augmented when the conduct of all its members is above reproach. Staff should aim to personify probity, and set the standard by which others should be judged. There would be an obligation for staff to positively model and actively demonstrate, in the course of their work, their adherence to the organization's core values. This applies to fraud and property crimes investigations but more so in instances where people are victims of crime.

***Transparency and accountability***

Trust among all staff and with managers is strengthened by frequent vertical and horizontal communication, transparent processes, regular feedback, including timely examination and discussions about how the unit communicates.

The independence, impartiality and fairness of investigations should not only be present it should be made apparent. One of the important tasks in a renewed Division is to describe clearly the criteria that are used in a "risk analysis" of matters and cases that come to the attention of ID. The process used in opening and closing an investigation, and in relegating matters to an intake and outcome category should be explicit and open.

Essential for encouraging accountability are monitoring mechanisms, an oversight body, and more detailed annual reports of activities.

## Adding New Value to OIOS

### Identity and Attitude

One way ID can add value to OIOS is to re-conceptualize a part of its mandate that appears to have been ignored over the past 12 years. It can also cease cultivating two perceptions.  First, it could stop modeling itself exclusively after investigative bodies that serve police functions or operate primarily as legal units.  A specialized Task Force such as the PTF within the Division might do this, but in light of the authority provided by Article 17 of its mandate it is wrong that the entire work of the Division be cast from this enforcement mold only. The Division should conceptualize its purpose and role in the organization and within OIOS in more contemporary and practical terms, embracing a broader oversight, risk analysis and prevention framework.  The most direct way ID can do this is to bring its resources and talents to bear on joint initiatives with IAD and to invite audit specialists to work cooperatively with ID on certain aspects of its investigations.  Second, ID should remove barriers to cooperation with other Divisions, Offices, and Services. In the same spirit that allows translators to be actively present in the course of interviewing witnesses and complainants, ID can cease maintaining that confidentiality is a proprietary concept, that investigative work is unique, and only its own staff can be trusted to enter its domain.

### Identifying Significant Events through Proactive Investigations and Analyses

Rule of law is a necessary principle in the control of behavior, but it is not sufficient to prescribe solutions to all human affairs. ID has concentrated on investigating reports of violations of regulations, rules, and administrative documents, and has neglected assessing the potential within program areas for fraud and other violations through the analysis of systems of control.  ID can align some of its activities with the goals of analysis and oversight in mind, and incorporate in its plans a risk assessment and

preventive approach to its mandate.  ID can broaden its identity and appropriate concepts that can create new value for OIOS and the organization's stakeholders.

ID can acquire these concepts in the course of implementing Article 17 and by looking at the approaches used in a risk management audit framework.  This framework, for example, can include *identifying significant events or circumstances in the organization that lead to violations and then proactively addressing risks and opportunities.*

More specifically, ID can conduct analyses of systems of control in high risk areas such as SEA.  While various SEA reports and have led to prevention programmes by DPKO the role of ID in this high risk area has been limited to implementing Article 16. In acting on the responsibility and authority derived from Article 17, for example, ID could ask, "What are the factors that impact on complaints and deterrence in SEA cases?" On the basis of intelligence probes and analyses, recommendations could be made to programme managers for corrective action to minimize the risk of commission of such violations.  Significantly, these strategic probes and risk analyses can also assist ID by providing operations managers with the predication needed for proactive investigations.

The rationale behind enforcement is deterrence, and ID has a key part to play in the triangle of detecting, adjudicating, and punishing violators of rules.  Deterrence is the rationale upon which the entire system of investigation, adjudication/prosecution, and punishment rests.  The factors that impact on deterrence are: (i) the probability of getting caught, (ii) the severity of punishment, and (iii) celerity (the distance in time between committing and offense and receiving punishment).  Even a cursory examination of the evidence suggests that today, given the *reactive* nature of SEA investigations, the *unresponsiveness* of some peacekeeping managers to the need for action, and the difficulty in having state jurisdictions act on facts collected by ID, these inadequacies make for a minimal deterrence for SEA. Indeed, given this breakdown of a social control system, some have asked if the current approach to SEA investigation has not become irrelevant.

ID can rethink about the way it can make its part of the deterrence triangle more effective.  An imaginative methodology for conducting proactive investigations and for

doing its part in making deterrence work should be considered.  The single greatest benefit that investigations can itself have on deterrence and reducing the incidence of SEA is by *increasing the probability that SEA violators will be caught*. At this time reactive investigations will not do this. Proactive investigations based on intelligence from the field and a publicizing of the success with this technique will strengthen the one arm of the deterrence triangle that ID can control. Later, following analyses of the SEA control environment, ID can make recommendations to DPKO for increasing the *severity* of (local) punishment, and for making the consequences of SEA more *immediate*. In so doing ID, in this one high risk area, will have fulfilled an important part of a mandate previously ignored.

### *Conclusions*

This culture revue has presented some options for ID to consider. Thinking outside of the legalistic discipline will help find solutions to for sustaining quality work, and supporting OIOS goals more effectively.  It will help more easily align the Division's activities with contemporary risk paradigms and help ID visualize more clearly the proactive work it has been mandated to perform.

ID's work needs to step outside of its decade old, insular, box segregated from other organizational activities.  It can build on the principle of making for collective competencies and enlarge on the Task Force concept by joining in partnership with *other departments and services* in targeting problems proactively. These kinds of initiatives are more likely to be successful with a fresh and determined commitment by all staff.  It will need a visionary and transformational type of leadership the Division seems to have been lacking.

There is an immediate opportunity for this type of renewal in the creation of an SEA Task Force - - one based on operationalizing both Articles 16 and 17, and aimed at genuinely responding to this highly visible and urgent area of misconduct.  Success with the SEA TF is one way to restore faith in ID throughout the organization, to build a secure niche for itself within OIOS, and to give pride to staff members as they fulfill their mandate in bold and innovative ways.

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