

**Statement
by
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before the
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House Committee on Foreign Affairs
Subcommittee on Africa, Global Health, Global Human Rights, & International Organizations
Hearing
on
UN Peacekeeping in Africa

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Thank you Chairman Bass and Ranking Member Smith for the opportunity to testify at this hearing.

I spent four years as an investigator in the UN, in the Office of Internal Oversight Services (“OIOS”) - the office which is supposed to investigate¹ reports of violations of UN rules and other misconduct.

Prior to joining the UN I had spent 18 years as an investigator in the private sector in Asia where I am recognized as an authority on money laundering and terrorist financing. I am admitted to practice law in my home country of Scotland, in Hong Kong and in New York. I also MBA from Strathclyde, in the UK and an LLM from the University of Torino in Italy.

I am a Director of 'Hear their Cries' a small and specialised NGO focused sexual abuse of children by UN personnel, and have published many articles on investigation management and other issues, including an assessment of the UN's misguided strategy towards sexual offences committed by its own personnel. I recently published 'Neither Protection Nor New', an analysis of the UN's “new approach” to the investigation of 'Sexual Exploitation and Abuse'² and have drawn on some of the research for that book for my presentation today.

1 ST/SGB/273 Online at: <https://undocs.org/ST/SGB/273>

2 Peter A Gallo. 'Neither Protection nor New; Why the UN's policies on 'Sexual Exploitation and Abuse' are guaranteed to be ineffective.' ISBN-10: 1642542547 / ISBN-13: 9781642542547. Available online at: <http://thebp.site/165757>

Introduction

I would like to begin by deliberately misquoting Shakespeare, specifically Mark Antony's speech where he explains that he came "*not to bury Caesar, but to praise him.*"

Being critical of the UN in any way is often interpreted as promoting a form of anarchy and an attempt to destroy the Organization. Nothing could be further from the truth.

That there is a need for the intervention of international organizations in a peacekeeping role in Africa is not in dispute, but my concern is that the UN continues to be wilfully blind to the harm that those peacekeeping activities brings with them.

My concern for the future is, as Shakespeare went on: "*The evil that men do lives after them, the good is oft interred with their bones.*"

There is a danger that the UN will be more remembered for the sexual abuse of children in Africa than the reason the Organization was there in the first place.

The world needs the UN to function efficiently, and in accordance with the Charter, not to exploit the people it is supposed to protect or to harbour the criminals who do so.

Given my background, my position focuses on accountability, and I appreciate that yours is the lack of independent information about what is actually happening in the UN field missions. Those two are not unrelated.

UN Peacekeeping, by its very nature, takes place in remote areas not well covered by independent information sources, leaving the outside world with the UN as the sole source of information. This is not healthy, particularly where – as was seen in the Central African Republic – the staff working in the mission will not speak out about anything, no matter how egregious, corrupt or wasteful it may be.

The UN has elevated obfuscation to a professional level, but understanding what is really happening in the peacekeeping missions has to be understood in terms of the UN culture, which involves its lack of accountability for senior staff and those who enjoy their patronage, and the lack of whistleblower protection for those who do not. It also requires a realistic appreciation of the risks, specifically the financial corruption risk.

It is the scale of sexual abuse - particularly child rape – and the UN's failure to take resolute action to eradicate the practice, that is seriously undermining any credibility that UN Peacekeeping has.

In addition, I am concerned that the flow of funds from badly managed UN peacekeeping operations is, at least in part, funding the armed conflicts that required the intervention of a peacekeeping mission in the first place.

The problem with the flow of information from peacekeeping environments is that they are remote and independent reporting is sparse. As a result, Member States are dependent on information provided by

the UN itself.

When it involves anything negative – such as wrongdoing - the problem is that the UN is so conflicted and biased that I believe any information is so seriously tainted as to be unreliable.³

Extent of the Problem

Hear their Cries' has been soundly criticised for our estimate that there were 60,000 women and children raped or sexually abused by UN personnel in the 10 years that Ban Ki Moon was Secretary-General.

That figure is an estimate – but neither the UN, any NGO or any other organization has been willing to challenge the basis⁴ on which that estimate was based.

Shocking as though that figure may be, it is likely to be a very conservative estimate. An academic study published in 2016 indicated the number of women sexually exploited (mostly) by UN personnel in Liberia alone to be in the region of 58,000.⁵

The number of 'Sexual Exploitation and Abuse' cases reported to the UN remains very small, and the number successfully investigated is miniscule.

In September 2017 however, speaking at the “high-level meeting on the UN's response to sexual exploitation and abuse” Secretary-General Guterres admitted: “*it is necessary to say that the majority of the cases of sexual exploitation and abuse are done by the civilian organizations of the United Nations, and not in peacekeeping operations.*”⁶

This contradicts the UN's traditional response to questions about such abuses, which was to deflect attention on to the Troop Contributing Countries and explain that the UN has no jurisdiction over them.

That is not entirely correct, but what is more significant is that the UN was responsible for accepting those peacekeeping troops in the first place. Although the UN is obligated to vet the troop members for histories of sexual crimes, it has often failed to do so.⁷

3 Colum Lynch, 'They Just Stood Watching' Foreign Policy. 7 April 2014. Online at: <https://foreignpolicy.com/2014/04/07/they-just-stood-watching-2/>

4 Hear Their Cries. Explaining 60,000 Estimate. Online at: <http://www.heartheircries.org/wp-content/uploads/2018/05/Explaining-HtC-60000-Estimate.pdf>

5 Beber, Gilligan, Guardado & Karim, 'Peacekeeping, Compliance with International Norms, and Transactional Sex in Monrovia, Liberia.' International Organization, 71(1). Online at: <https://www.cambridge.org/core/journals/international-organization/article/peacekeeping-compliance-with-international-norms-and-transactional-sex-in-monrovia-liberia/A4CEBAC07B57B1DF13DA6E12CDDA9D6C>

6 UN Press Release: SG/SM/18691-HR/5369. 18 September 2017. Online at: <https://www.un.org/press/en/2017/sgsm18691.doc.htm> Para 2

7 OIOS/IED Evaluation Report 'Evaluation of re-hatting in the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). 12 February 2018 Assignment No. IED-18-002. Online at: <https://oios.un.org/page/download2/id/49>

Deployment of Ill-Disciplined troops to the CAR

In March 2016, the recently retired Assistant Secretary-General for the Department of Field Support disclosed, in an op-ed piece for the New York Times, that the UN had knowingly deployed troops that were known to be ill-disciplined, in a peace-keeping role in the Central African Republic.⁸

Unsurprisingly, their performance subsequently turned out to be so poor that they had to be withdrawn.⁹ This raises serious questions about why the decision was made to deploy them in the first place.

The argument seems to be that the UN is beholden to any Member States willing to contribute troops, and appears to be concerned that they will not do so if their soldiers are to be prosecuted for rape.

This argument overlooks the fact that there is a financial incentive for Troop Contributing Countries to provide troops. To suggest that they would forego this revenue in order to protect an individual soldier from prosecution for something for which he could be prosecuted at home anyway is simply irrational.

Why then, did the UN knowing deploy ill-disciplined troops in the CAR? Given the financial incentive, it is impossible to exclude the possibility of bribery influencing that deployment decision – but the UN will simply not consider the possibility, much less investigate it.¹⁰

Military/Civilian Proportional Complaints

When I worked in OIOS, one of the projects I worked on was an analysis of the reports of sexual exploitation and abuse from the various peacekeeping missions.

This showed that the numbers of complaints were about evenly split between military personnel and civilian staff, but given the huge imbalance in numbers between the military and civilian personnel deployed, it was very clear that the problem was proportionally much worse among the civilian staff – over whom the UN most certainly does have jurisdiction.¹¹

Rather than prosecute complaints against UN personnel to the full extent of the law, the UN relies on the 1946 Convention on Privileges and Immunities¹² to shield corrupt staff members and insulate them from prosecution.

Other Crimes etc

Sexual abuse and child rape are, however, far from the only outrages being perpetrated in the name of the UN, and by UN personnel in peacekeeping environments.

8 Anthony Banbury 'I love the UN, but it is failing' New York Times, Sunday Review. 18 March 2016. Online at: <https://www.nytimes.com/2016/03/20/opinion/sunday/i-love-the-un-but-it-is-failing.html>

9 Code Blue Statement on Withdrawal of Congo/Brazzaville Battalion from CAR. 20 June 2017. Online at: <http://www.codebluecampaign.com/press-releases/2017/6/20>

10 When the previous Investigations Director sought to create a Proactive Investigations Unit within OIOS/ID there was considerable opposition to the idea from within the Division, from senior staff who have repeatedly been enjoyed the patronage and protection of senior management.

11 I do not have a copy of that report or any of the supporting research.

12 Convention on the Privileges & Immunities of the United Nations. 13 February 1946. Online at: <http://www.icj-cij.org/documents/?p1=4&p2=5&p3=3>

Just a few weeks ago, after a long and thorough investigation, NBC news reported that UNHCR staff in Kenya soliciting bribes from refugees hoping for resettlement abroad¹³ and from men victimized by sexual violence who turned to the UN for help.¹⁴

Like many UN scandals, investigative journalists were able to identify serious criminal activities while UNHCR investigators were either unable or unwilling to establish misconduct in relation to these allegations.¹⁵

A large part of this is due to a combination of inept investigations and an institutional unwillingness to recognise wrongdoing.

My own investigative background includes a lot of work on money laundering & terrorist financing. One of my concerns is that the budgets of the various UN Peacekeeping Missions in Africa are not insignificant sums; MONUSCO (D.R. Congo) has a budget of \$1.2 Billion. UNMISS (South Sudan), UNAMID (Darfur), MINUSMA (Mali) and MINUSCA (Central African Republic) all running about a billion dollars.

All Organizations lose money to fraud waste and abuse, so even if that were only 10% of the total; 10% of a Billion is \$100 Million.

That would be a significant sum anywhere, but these missions operate in countries that have some of the highest levels of corruption anywhere in the world; so we have to be concerned about where that money might be going – particularly in view of the terrorist financing risk.

This is not just a hypothetical scenario.

In 2015, OIOS investigated just three NGOs in Somalia, and found fraud or otherwise unexplained losses of between 70 and 80% of the funds they received from the UN Office of Co-ordination of Humanitarian Affairs (“OCHA”). OIOS also uncovered evidence of funds being diverted to the Al Shabaab terrorist organization.¹⁶

The UN's response was to withhold this information from the Member States and try to bury it.

When I was with OIOS, on one particular matter, the office spent \$1.8 Million investigating some 80 individuals for fraud and – despite information that all the claims were inflated – relied on statements from co-conspirators to close all of the cases and find no fraud anywhere.

13 Sally Hayden. 'Refugees say some U.N. workers demand bribes for resettlement.' NBC News. 6 April 2019. Online at: <https://www.nbcnews.com/news/world/asylum-sale-refugees-say-some-u-n-workers-demand-bribes-n988351>

14 Sally Hayden. 'Male refugees victimized by sexual violence say officials wanted bribes to help' NBC News. 7 April 2019 Online at: <https://www.nbcnews.com/news/world/asylum-sale-male-refugees-victimized-sexual-violence-say-officials-wanted-n988396>

15 Sally Hayden. 'Whistleblowers say U.N. refugee agency does not always address corruption' NBC News. 7 April 2019. Online at: <https://www.nbcnews.com/news/world/asylum-sale-whistleblowers-say-u-n-refugee-agency-does-not-n988391>

16 George Russell. 'Millions in UN Somalia aid diverted; hints that some went to terrorists.' Fox News. 20 January 2015. Online at: <http://www.foxnews.com/world/2015/01/20/millions-in-un-somalia-aid-diverted-hints-that-some-went-to-terrorists/>

When I later pointed out that one of the witnesses whose information was material in the decision to close all those cases clearly had strong connections to a proscribed terrorist organisation; the USG/OIOS wanted to hear nothing of it.

Even if we completely disregard the possibility of senior UN officials being influenced by bribery and corruption, it is still necessary for Member States to question whose interests they are actually representing.

A video¹⁷ was recently brought to my attention, where Mr. Wu Hongbo a former UN Under-Secretary-General for the Department for Economic & Social Affairs explained to a Chinese television audience of how he used his position to protect Chinese national interests and had a Uyghur politician and Human Rights activist barred from the UN.

This certainly appears to be a violation of the UN Charter, but it should come as no surprise that this sort of partisan bias is quite acceptable in the UN today.

This is particularly suspicious in view of the UN's recent corruption scandals involving Chinese entities, which the Organization appears very anxious not to investigate fully.¹⁸

In general, senior officials of the UN are so concerned with protecting one another that there is no political will to address serious misconduct, and the UN “justice” system serves to defend and protect mismanagement. The UN Dispute Tribunal – and by extension, the Department of Management Strategy, Policy and Compliance - is exclusively concerned with *processes*. That Department is, perversely, unconcerned with the *merits* of any actions taken or decisions made, no matter how unreasonable or ridiculous they may be, or the motives or implications of those decisions.

The UN's gymnastics of reasoning are very useful in ensuring that absolutely any decision can be justified, even where it borders on insanity. I was recently consulted on a ruling by the UN Ethics Office where they determined that it is not “misconduct” for a staff member to knowingly breach rules that were established by the Member States for an intergovernmental body, and even complicity in international crimes was not “misconduct” for the purposes of the UN because that was not specifically prohibited in the UN staff rules.

In OIOS, a Deputy Director was cleared (by his own staff) of withholding evidence in an investigation on the basis that nothing in the Staff Rules, or even in the OIOS Investigations Manual, specifically prohibited withholding evidence.¹⁹

Leaving aside the logic of these decisions, they illustrate the lengths the UN senior managers will go to in order to justify mismanagement, *when they wish to do so*.

17 Online at: <https://www.facebook.com/watch/?v=649658305496919>

18 <https://www.justice.gov/usao-sdny/pr/former-un-general-assembly-president-and-five-others-charged-13-million-bribery-scheme>

19 Nguyen-Kropp & Postica (UNDT/2013/176) Online at: <http://www.un.org/en/oaj/files/undt/judgments/undt-2013-176.pdf>

The lesson for the ordinary staff member is clear, and it serves to discourage them from speaking out against fraud, waste and abuse – and in peacekeeping environments, that is usually enough to ensure the Member States are never made aware of the matter.

The UN Appeals Tribunal can be just as perverse, and is clearly unconcerned with the rights of staff members. In the case of Wasserstrom,²⁰ for example, the Tribunal rendered the entire “whistleblower protection” mechanism in the UN to be only advisory and not legally enforceable.

Judge Faherty said, in para. 41 of her dissenting opinion in that judgement: “[I]t is inconceivable that a finding of the Ethics Office pursuant to its statutory mandate can be otherwise than an “administrative decision” capable of review by the Dispute Tribunal. **To hold otherwise would render nugatory the substantive protection and remedies afforded to staff members under ST/SGB/2005/21.**” (Emphasis added). That was, however, the majority ruling, which was a veritable gift to vindictive UN supervisors and managers; the perfectly foreseeable result of the Wasserstrom judgement was to further encourage them to retaliate against anyone they consider to be a “trouble-maker” or simply a threat.

UN staff are usually very well aware of the risks of reporting misconduct. Doing so can be career suicide because the Organisation's mindset is invariably focussed on how to protect the UN's reputation.

The CAR Child Sex Abuse Scandal

This “defensive” culture was amply demonstrated in the scandal of the child sex abuse in the Central African Republic in 2015, when no fewer than six of the most senior level officials of the UN failed to recognise the need to take immediate action to stop the sexual abuse of children. They were more concerned with taking punitive action against Mr. Anders Kompass - the one official who had taken the only action the UN could possibly have taken to do something about it.²¹

That entire scandal was only exposed because a single UN staff member in OHCHR – Ms. Miranda Brown – was prepared to take action and inform the outside world.²² That decision, of course, cost Ms. Brown her career with the UN, but the scale of the public outrage her information unleashed forced the UN to take action and appoint what they described as an independent and external enquiry. Unfortunately, the UN's definition of “external and independent” was a three member panel where one of the three was a professional consultant who relied on UN agencies for her income²³ and the other was a serving UN staff member who had himself been cleared of a fraud charge under very

20 Wasserstrom (2014/UNAT/457). Online at www.un.org/en/oaj/files/unat/judgments/2014-UNAT-457.pdf

21 Code Blue Campaign. 'The UN's Dirty Secret: The untold story of child sexual abuse in the Central African Republic and Anders Kompass' Online at: <http://www.codebluecampaign.com/carstatement>

22 Sandra Laville. 'UN aid worker suspended for leaking report on child abuse by French troops.' The Guardian. 29 April 2015. Online at: <https://www.theguardian.com/world/2015/apr/29/un-aid-worker-suspended-leaking-report-child-abuse-french-troops-car>

23 Bea Edwards. 'The UN's Independent External Panel on Sexual Abuse by Peacekeepers in Africa Not Independent, Not External' Government Accountability Project. 30 July 2015. Online at: <https://www.whistleblower.org/uncategorized/the-uns-independent-external-panel-on-sexual-abuse-by-peacekeepers-in-africa-not-independent-not-external/>

questionable circumstances and who was looking for a new post.²⁴

Moreover, the Terms of Reference for that panel were approved by Susanna Malcorra, then Chef de Cabinet who was herself implicated in the attempt to retaliate against Mr. Kompass rather than address the sexual abuse of the children.

There is no unbiased independence or any oversight of disciplinary decisions or indeed anything that suggests corruption; leaving the UN in control of any investigation.

The UN claims that the multiple allegations of sexual abuse in the CAR were fully and professionally investigated, but a Reuters press report from October 2016 indicates that – far from being “independent” OIOS was sharing information with the UN Conduct & Discipline Unit and already undermining the integrity and credibility of complainants from the town of Dekoa in the south-eastern Central African Republic.²⁵

Moreover, I am aware of an internal review having been carried out within OIOS into what appears to be their sexual abuse investigations in the CAR, co-incidentally also in the Dekoa region, on which they are believed to have spent US\$500,000 and established next to nothing.

Such reviews are very uncommon in OIOS, but it is my understanding that this one, which was ostensibly instructed to identify what lessons could be learned - was never completed but instead made to disappear.

The only logical explanation for which is that it was very critical of the investigation, and for that reason (like many other uncomplimentary documents) is being concealed, not just from the Fifth Committee and the Member States, but also from the OIOS staff supposed to learn the lessons from what went wrong.

This casts serious doubt on just how reliable the UN's own investigations into the allegations in the CAR might have been.

Quality of Investigations

On my very first day in OIOS in 2011, I asked what was what was the operational definition of the word fraud and was told that despite being established in 1994, OIOS did not actually have one. For an Organization that operates with \$14 Billion of the worlds taxpayers money, and had been in existence for some 70 years, I found this quite strange. My concern was later reflected by the Joint Inspection Unit that confirmed the UN was clearly unable to even identify 'fraud'.²⁶

24 Bea Edwards. 'UN External Panel Reviewing Child Sexual Abuse Charges Compromised by Member's Conflict of Interest.' Huffington Post. 8 July 2016. Online at: https://www.huffpost.com/entry/un-external-panel-review_i_b_7752992

25 Reuters 'U.N. memo casts doubt on some Central African sex abuse accusations' 11 October 2016. Online at: <http://www.reuters.com/article/us-centralafrica-un-crime-exclusive-idUSKCN12B268>

26 Joint Inspection Unit Report; 'Fraud Prevention, Detection and Response in the UN System' 2016. Online at: https://www.unjiu.org/sites/www.unjiu.org/files/jiu_document_files/products/en/reports-notes/JIU%20Products/JIU_REP_2016_4_English.pdf

Attempts to investigate financial irregularities therefore (when the complaints were not just been summarily dismissed) have verged on the comical.

A very recent example of this can be seen in the case of Aahooja (UNDT/2019/033).²⁷

UNICEF have so far failed to respond to my letter (which I am happy to make available) about the implications of this judgement.

Quite apart from holding that an investigator “*must never ask questions just to satisfy their curiosity*” - OIOS has repeatedly promoted individuals who have been responsible for a number of investigations that are publicly known to have been mismanaged because the facts were made public in UNDT judgements.

For their part, the Department of Management – motivated by a desire to protect the individuals responsible – has refused to disclose the financial cost of settling these UNDT cases before the facts of were publicly established in a published judgment.

The result is that there is no disincentive for investigators to do bad work! Promotion is based on patronage not competence so investigators will not be penalised for unethical behaviour or gross incompetence – provided their actions do not embarrass any senior official (or associate of any such official) the Organization wishes to protect.

The importance of Whistleblowers and Member States access to independent information

The UN field missions in Africa operate in areas remote from any oversight. If there is malfeasance or criminality of any sort, the only way this will be discovered is if the UN staff on the ground are prepared to report it.

The reality is that reporting misconduct is tantamount to *career suicide* in the UN and US Government pressure to strengthen 'whistleblower protection' provisions in the Organization have hitherto been unsuccessful.

The UN Ethics Office continues to go to extraordinary lengths never to find 'retaliation' and the OIOS Investigations Director has now begun simply asking the subject to come up for a plausible explanation for his actions; essentially abdicating any investigative responsibility under an already flawed 'whistleblower protection' policy²⁸ but one unashamedly implemented for the purpose of “*keeping the Americans off our backs.*”

UN staff members who have offended more senior and/or politically protected managers by reporting misconduct - including some who have testified before this very committee – all too often suffer for their efforts.

The UN “justice” system offers no relief. The various offices invariably concur in insisting that the

27 <https://www.un.org/en/oaj/files/undt/judgments/undt-2019-033.pdf>

28 Peter A Gallo. 'Designed to Fail; an analysis of ST/SGB/2017/2' February 2017. Online at: <http://peteragallo.com/wp-content/uploads/2017/02/Designed-to-Fail-PAG-on-ST-SGB-2017-2.pdf>

staff member's subsequent grievances are both illusory and completely unconnected with their having reported misconduct.

The UN Press Office has also been particularly vitriolic in condemning them, impugning their character and assisting in the destructing of their reputation. When a journalist in the UK received libelous emails from the spokesman for the Office of the High Commissioner for Refugees (OHCHR) savaging the reputations of both Anders Kompass and Miranda Brown (who testified before Congress in 2016²⁹), a US-based NGO brought this defamation to the attention of the Under-Secretary-General for Management, who later she determined that no action was appropriate because the Spokesman was only expressing his *personal* opinions. This was a preposterous conclusion; the offending email was sent from the spokesman's official OHCHR email account in the course of his official duties responding to an official press inquiry.

That was another example of the Organizations pay-back against the whistleblowers who had the temerity to expose the allegations of child rape; and it sends a signal that other staff members take heed of.

In short, the UN is happy for the Press Office to misrepresent the facts to the point of defamation, while subtly discouraging staff members from reporting misconduct.

The result is that Member States have a biased and unrealistic impression of how UN peacekeeping operations are conducted.

I am consulted by UN staff members from all over the world on a regular basis on a variety of investigative and disciplinary questions, and am no longer willing to recommend that they report misconduct within the UN system, or that they waste their time trying to challenge decisions through the UN "justice" system.

The Organization has no political will to investigate serious misconduct and the retaliation risk for staff members willing to report it is simply too great.

The Cover-up Culture

An illustration of how investigations are manipulated can be seen in how OIOS reacted when the FBI arrested and charged two UN diplomats in October 2015. Acting in concert with a Chinese businessman, John Ashe and Francis Lorenzo were charged with bribery and money laundering, over a scheme which involved the falsification of an official UN document; something that could not have been done without the complicity of a senior official named Mr. Ion Botnaru; identified as "UN Official-1" in the Sealed Complaint.³⁰

The UN's response to those implications illustrate the Organization's unwillingness to hold the official³¹

29 <https://docs.house.gov/meetings/FA/FA16/20160224/104528/HHRG-114-FA16-Wstate-BrownM-20160224.pdf>

30 <https://www.justice.gov/usao-sdny/file/781076/download>

31 Mr Botnaru held the post of Director, General Assembly & ECOSOC Affairs Division in the Department for General Assembly & Conference Management. In that role, he reported to Under-Secretary-General Ms. Catherine Pollard. She was previously ASG/OHRM, and has a history of protecting senior OIOS officials implicated in corrupt and otherwise

accountable for his actions. Mr. David Kanja, then the acting Under-Secretary-General of OIOS, ordered that the matter be reviewed by the Internal Audit Division. This allowed the Secretary-General to state (not untruthfully) that OIOS was looking into the matter, but it also allowed the OIOS Investigation Division to then drag their feet for five months, waiting for the Audit Division to complete an assignment that was pointless to begin with.³²

When, after the audit was completed and the investigation began, I have a document that shows it was handled by the most junior and least experienced investigator in OIOS, under the supervision of a senior investigator who has a history of mismanaging major investigations and who is on record as stating that an investigator should “never ask questions just to satisfy their curiosity.”³³ The result was that the investigation report was completed and sent to the Department of Management far too late for any disciplinary action to be taken.

OIOS did find that almost \$2.7 Million that had been contributed by 13 Member States, was embezzled or otherwise diverted to the personal bank accounts of “*various high-level United Nations officials.*”³⁴ No criminal action appears to have followed and Mr. Botnaru retired with an unblemished record, even to be lauded for his contributions to the Organisation.³⁵

This was not the only occasion when OIOS sabotaged an investigation by delaying sending the report until the staff member had retired.³⁶

The “new approach” to Sexual Exploitation and Abuse

The CAR child sex abuse scandal may have been a crisis for the UN, but nothing has changed. The Deschamps Report³⁷ has been filed away and quietly forgotten. Instead, when he took up his post as Secretary-General, António Guterres promulgated what the UN has been keen to describe as a “new approach” policy on sexual exploitation and abuse.³⁸

On closer inspection however, this is not a “new” approach at all. It continues with the same mindset as before, concentrating on *processes*, establishing yet more senior posts, setting up more committees and more working groups and focussing on the public relations effort, all in the attempt to somehow combat the problem by *raising awareness* of its existence or persistence.

unethical behavior. Ms. Pollard was the subject of the complaint by the then Investigations Director that the Organization was anxious to covered up. See UNDT Order No. 185 (NY/2015).

<https://www.un.org/en/oaj/files/undt/orders/ny-2015-185.pdf>

32 email Vlad Dzuro to Michael Dudley. Subject; Nine new cases initiated in relation to the FBI investigation to John Ashe et al. 15 March 2016 at 18:01Hrs.

33 email Vlad Dzuro to Michael Dudley. Subject: Job well done! 4 August 2016 at 13:46hrs

34 OIOS Annual Report for the year to 30 June 2017. A/72/330 (Part I) Online at: [https://undocs.org/A/72/330\(Part %20I\)](https://undocs.org/A/72/330(Part%20I)) . Para 59

35 Iseek. (UN Intranet, not accessible to outside parties) 'Behind the scenes: Ion Botnaru's memories' .Monday, 17 October 2016

36 See 0496/11. http://peteragallo.com/?page_id=424

37 ‘Taking Action on Sexual Exploitation and Abuse by Peacekeepers; Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic.’ December 2015. Online at: <http://www.un.org/News/dh/infocus/centafricrepub/Independent-Review- Report.pdf>

38 Online at: <https://undocs.org/A/71/818>

What the “new approach” does, however, is reflect the UN's love for lots of activity, with no actual result.

This “new approach” strategy is doomed to fail for four basic and fundamental reasons, namely:

1. The UN refuses to acknowledge that ‘sexual exploitation and abuse’ (most importantly the sexual abuse of minors) is inherently **criminal** conduct.
2. The UN refuses to acknowledge that effective deterrence of any criminal conduct is directly related to the likelihood of the offender being apprehended and held accountable for their criminal acts.
3. The UN still prefers to consider that ‘raising awareness’ of certain conduct being a criminal offence will somehow deter the activity.

And finally:

4. That the UN fails to recognise that that the 1946 Convention on Privileges and Immunities of the United Nations was never intended to provide immunity for sexual offences.

Sexual abuse, which is endemic in UN peacekeeping environments, could (like all misconduct and criminal activity carried out by UN personnel) be addressed by removing the investigative and disciplinary functions from the Organization and having complaints investigated thoroughly and independently by a genuinely impartial external agency.³⁹

Even just increasing the *perception* that perpetrators will be apprehended and punished will increase the effectiveness of that deterrence effort.

The UN will resist such a move; it would expose senior officials to the risk of prosecution for their own misconduct, and remove the Organization's ability to use and misuse the Staff Rules selectively to protect individuals they wish to protect and harass others they wish to dismiss. The result of this resistance will be an Organization doomed to remain blighted with the same corruption, inefficiencies and scandals as it has been for the past 70 years

Reform of the UN Investigative Function

The idea that OIOS needs to be abolished is not a new one. Even the former Under-Secretary-General of OIOS (with whom I have openly disagreed on many things) came to that conclusion.⁴⁰

The Secretary-General has even called for an external review of OIOS, saying:

“The implementation of my strategy to combat sexual exploitation and abuse and our strengthened whistleblower policy will be greatly enhanced by our ability to conduct robust and timely investigations. OIOS is an important partner in those efforts. I encourage Member States

39 See previous proposal: <https://docs.house.gov/meetings/FA/FA16/20160413/104766/HHRG-114-FA16-20160413-SD001.pdf>

40 Colum Lynch. ‘The UN’s Investigation Wars’. Foreign Policy. 26 August 2015. Online at: <http://foreignpolicy.com/2015/08/26/the-u-n-s- investigation-wars/>

to mandate an external review of the mandate and capacity of the Office, focusing on its functions in the areas of auditing, investigation and evaluation.”⁴¹

If the Secretary-General seriously believes that the UN has a “whistleblower protection” system worthy of the name or that investigations are “robust”- he is being badly misled. The investigative regime as it exists today is part of the problem, not part of the solution, but it protects certain politically protected individuals, so there are elements in UN management who will prefer the *status quo*.

I would venture to suggest that is why, after 18 months, there is no enthusiasm among senior managers of the Secretariat to encourage the Member States to take a hard and serious look at the corruption within OIOS.⁴²

There is often a misperception that any suggestion of reform is an attack on the very existence of the UN itself. This is erroneous; the objective is not to abolish the UN but simply to ensure that the Organization functions efficiently, and in accordance with the Charter.

Until the Member States take cognisance of the serious problems associated with corruption and the lack of accountability in the UN, the organization will continue as before. This means the Organization will retain control over the information available Member States and condemns (at least) another 60,000 women and children to sexual abuse.

That will ensure that refugee camps in Africa remain occupied so the refugees can continue to be exploited and extorted to pay bribes in return for resettlement.

It will also ensure that funds embezzled or otherwise wasted from the UN peacekeeping budget will continue to fund armed groups and ensure that progress towards a real and lasting peace is never achieved.

That is not the UN that the world needs or that the Member States should be paying for.

Thank you very much

41 Secretary-General's Report on United Nations Reform: Measures and Proposals: '*Shifting the management paradigm in the United Nations: ensuring a better future for all.*' A/72/492 dated 27 September 2017. Online at <https://undocs.org/A/72/492>. Para 62. (See also para 63)

42 See also JIU Report: 'The Investigations Function in United Nations System' (JIU/REP/2011/7) Online at: [https://www.unjiu.org/en/reports-notes/JIU %20Products/JIU_REP_2011_7_English.pdf](https://www.unjiu.org/en/reports-notes/JIU%20Products/JIU_REP_2011_7_English.pdf)