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G3 OPERATIONS/PLANS - FIELD ADMINISTRATIVE

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- c. the secretary of the LPSB shall be responsible for submitting semi-annually to Headquarters a recapitulation of "AW" cases completed in the preceding six months; this report shall form part of an overall report on property survey actions.

#### 8.0 Procedure for "A" cases

8.1 Procedures for handling property survey board cases ("A" cases) may vary in detail among missions. Internal routing of cases shall be left to the discretion of the CAO or Head of Mission. However, satisfactory property survey action shall include the elements described below:

8.2 Discovery and report: any person having responsibility for United Nations property shall report loss or damage to the CAO or Head of Mission or to the secretary of the LPSB.

8.3 Identification: the CAO or other accountable officer shall ascertain and show in writing the extent of the loss, identify the items and show their inventory value (or, if not available, the best estimate), their identification numbers and the date they were acquired.

8.4 Preparation of cases: the secretary of the LPSB shall prepare the case, presenting in an orderly fashion all the pertinent details and facts necessary for judicious consideration by the Board. The following information shall be presented:

- a. quantity: the number of items for disposal in each descriptive category;
- b. description: a short description of the property (e.g. "typewriter, Remington Rand"; "desk, wooden"; "automobile, Chevrolet Biscayne, 1969 sedan, 20,000 miles");
- c. identification: manufacturer's serial number (for vehicles, the chassis number); if none, identification number used in United Nations property records (if such exists);
- d. year of purchase: year the property was received from the vendor;
- e. inventory value: cost at time of purchase, as shown in the inventory records;



- f. nature of the case: a survey case may have resulted from any of the causes listed below. It is important that the cause be identified and that a detailed explanation be provided if necessary.

- . normal wear and tear
- . scheduled replacement
- . surplus
- . loss
- . damage
- . theft
- . vehicle accident
- . inventory discrepancy
- . other (specify).

- g. summary of the case: a description of the circumstances and, if applicable, a summary of the relevant investigation as detailed below:

8.5 Vehicle accident cases: in the case of vehicle accident cases it is imperative that the summary cover thoroughly the following points:

- a. details of

- . to and from where the vehicle was travelling
- . whether it was on official business
- . if not on official business, the reason(s) why it was being used
- . the speed of the vehicle, including that indicated by driver, passengers, witnesses, military police or any other authority (specify if speed unknown)
- . the date, time and location of the accident
- . any violation of traffic regulation and/or administrative instruction;

- b. the condition of

- . the weather
- . the road(s) (sealed, gravel or unknown)
- . the driver
- . the vehicle itself, naming any faulty parts (e.g. tyres, brakes, etc.);

- c. summarized statements of

- . all persons involved in the accident
- . witnesses
- . investigators;



- d. points made in any police report(s) (specify if none available).

The report should also state the estimated financial loss caused by the damage to the vehicle, and include a recommendation on financial liability (i.e. to whom the amount should be assessed: to the staff member, to another party or parties, or to the United Nations).

8.6 The following documentation should accompany the summary:

- a. signed statements by
- . the driver of the vehicle (specify if unavailable)
  - . the driver(s) of the other vehicle(s) involved in the accident
  - . persons (other than the drivers) in any of the other vehicles
  - . witnesses at the scene of the accident;
- b. a copy of the police report or, if none has been issued, a statement by a police official that the accident has been reported;
- c. correspondence between the mission and
- . the local insurance company (if any)
  - . the insurance company of the driver(s) of the other vehicle(s) involved in the accident;
- d. a sketch of the scene of the accident (on form FOS 17 or some other suitable form).

8.7 Loss, theft or damage cases: full details should be provided summarizing the salient points made by persons, witnesses and investigators involved and indicating who was responsible, whether there was negligence and what effort was made to recover the lost or stolen property. Where applicable and available police reports should be attached, together with signed statements of persons and any witnesses involved, and any United Nations security report, etc.. Recommendations should be made if appropriate as to the degree of responsibility of a staff member or possible violation by a staff member of any regulation, rule or administrative instruction. Where negligence or willful conduct by a staff member is found to have been the cause, recommendations should be made on the amount of any financial assessment which should be made against him/her. Recommendations should also be made as to the fault and as to any financial assessment which should be made against any other party.



8.8 Wear and tear, surplus and other cases: a brief explanation should be given to substantiate the recommendation for disposal. Where an item is for sale, the purchaser shall be responsible for any customs duties and/or taxes levied.

8.9 Other provisions: as stated above, a thorough investigation by competent authorities should be made into the cause of any loss or damage incurred to United Nations property. The LPSB may in addition delegate one of its members to make a physical inspection of a case submitted to it for survey; if the case so warrants, the entire Board shall make such an inspection. In large missions with a full-time inspector or inspection team the Board may accept the report of such inspector or team. Inspectors may be civilian and/or military as the situation warrants. The findings of an inspection shall be recorded and this record shall become part of the case file.

8.10 Recommendation of the LPSB: after full consideration of all aspects of the case, the LPSB shall agree on a recommendation for either repair or disposal. The recommended methods for disposal may be

- sale
- trade-in
- transfer to another United Nations mission or office
- cannibalization for re-use of parts
- destruction
- gift to a government or government agency or some other non-profit organization, or sale at nominal price
- discard.

8.11 The Board shall indicate in its recommendation the degree of responsibility attaching to any person who is accountable to the United Nations for any loss or damage. For cases involving surcharges see paragraph 12.1 of this section.

8.12 Minutes of the LPSB: The secretary shall be responsible for preparing the minutes of the meetings of the LPSB. The meetings shall be numbered consecutively starting from the inception of the Board. The minutes for each meeting shall show the name of the mission, the number and date of the meeting, the names and official positions of those attending and, in sufficient detail to be understood by a reasonable person not connected with the mission, a report of the proceedings and recommendations of the Board. This document shall be signed by the secretary and all members of the Board and approved by the Head of Mission. After the recommendations of the Board have been duly approved, they shall be reproduced and distributed to interested parties.



8.13 If the secretary plans to use initials or other abbreviations in the minutes to identify organizations, titles or property, he/she should spell out the full name the first time it appears, place the abbreviation in parenthesis immediately following, then use the abbreviation throughout the rest of the report.

8.14 Disposal: upon receipt of the approved recommendation of the LPSB, the CAO (or Head of Mission) should promptly arrange disposal of the items (within the prescribed financial limits applicable to the mission), as follows:

- a. Sale (outright): if any property is to be disposed of by sale, it is the responsibility of the CAO or Head of Mission to obtain the best available price. The sale shall be made after competitive bidding in accordance with Financial Rule 110.35, or without competitive bidding following the LPSB recommendations, as outlined in the same rule. Items should usually be sold on an "as is/where is" basis, with the United Nations making no claims or guarantees as to their condition.
- b. Trade-in: surplus property shall be traded in if its exchange in partial or full payment for new articles will be of greater advantage to the United Nations than its sale and the separate purchase of new articles. Whenever possible trade-in decisions should be finalized before the new purchase is made.
- c. Transfer to other United Nations mission: cases involving any property which has been declared surplus by a LPSB and may be usable elsewhere by the United Nations shall be reported to the FOD through the medium of the administrative report. The FOD shall consider the use of such property elsewhere and shall, if practical, issue instructions for its transfer. If transfer is not practical the Division shall instruct the mission to proceed with disposal in accordance with the recommendation of the LPSB.
- d. Cannibalization for re-use of parts: where local disposal by sale is not practical, property declared unserviceable or surplus to requirements shall be cannibalized if the parts can be economically used; any unusable remainder shall be disposed of locally.



- e. Destruction: disposal by destruction may be necessary because it is required by law or by the nature of the property. It shall be carried out in the most practical manner under the supervision of the CAO (or Head of Mission). The method of destruction shall be dictated by the item(s) involved and with due regard to all safety precautions and the most stringent rules for environmental protection.
- f. Gift to a government or government agency or some other non-profit organization, or sale at nominal price: if disposal as outlined in a. - d. above has not been found possible, surplus or unusable property may be disposed of by gift or sale at a nominal price to a government, government agency or other non-profit organization if this action serves the best interest of the United Nations. It should be noted that in such cases all United Nations markings must be removed.
- g. Discard: discard is the disposal of materials which cannot be disposed of by any of the methods described above. The term should not be confused with "write-off", which in these instructions means only writing-off from the property records and not a particular method of disposal of property. All military combat equipment which is required to be disposed of locally shall be rendered unusable and sold locally as junk or scrap.

8.15 Submission of minutes of the LPSB: in accordance with Financial Rule 110.34(b), copies of the minutes of the LPSB shall be submitted to the FOD for transmission to the HPSB at the end of each month.

#### 9.0 Procedure for "SB" cases

9.1 All cases which require consideration by the HPSB should be prepared on form HPSB.1 ("Headquarters Property Survey Board Case Report and Recommendation"). This form, available from the FOD, contains "instructions for completing case report and recommendation" which are self-explanatory. The completed form and recommendation should be submitted through the FOD for consideration by the HPSB. If space allotted on the form is insufficient to include all required information, a separate attachment should be prepared and the indication "See annex I" inserted under item 11.



9.2 Once the case is approved at Headquarters a copy of the form shall be returned to the originating mission, along with an indication of the final action to be taken.

9.3 The minutes of the LPSB deliberations on "SB" cases shall be forwarded with the administrative report to the FOD for transmission to the HPSB. All other pertinent information should be provided, as outlined on the back of form HQSB.1, including such documents as provisional condemnation certificates, medical or food hygiene officer certificates and police reports where relevant.

#### 10.0 Implementation of property survey action

10.1 Recommendations for the disposal of property shall be carried out as soon as practicable after their receipt. When a case is resolved within the financial limitations of the LPSB, and in "AW" cases where authority has been delegated to the CAO or Head of Mission, prompt action shall be taken after the publication of the LPSB minutes or after the decision of that official, as applicable. Whenever the decision of the Board cannot be implemented within three months, the CAO or Head of Mission shall notify the FOD of the reason(s) for the delay.

#### 11.0 Other missions

11.1 Missions that are not covered under the preceding provisions owing to their nature or to limitations of staff shall submit all cases to the HPSB for consideration. The CAO or Head of Mission shall assemble all the facts relating to surplus or deficiency of the organization's property, and based upon full investigation and inspection, recommend a method of disposal to the HPSB through the FOD. Submissions shall be prepared on form HQSB.1 as described above.

#### 12.0 Cases involving surcharges - Financial Rule 110.15(b)

12.1 Financial Rule 110.15(b), (writing-off of losses of property) stipulates that the final determination as to all surcharges to be made against staff members or others as the result of losses shall be made by the Controller. The procedure set out below should be followed by the CAO or Head of Mission or LPSB to determine, pursuant to the terms of Staff Rule 112.3, whether the financial loss suffered by the United Nations results from negligence on the part of staff members or from their having violated any regulation, rule or administrative instruction:

- a. Where there is no LPSB, the CAO or Head of Mission shall have the occurrence investigated and forward a full report together with all relevant documentation to the HPSB through the FOD. The report should include the evaluation of



the CAO or Head of Mission as to the degree of negligence involved and, taking into account all circumstances (including the amount of the loss and the salary of the staff member) his/her suggestion as to the financial assessment that should be made against the negligent party.

- b. At missions with LPSBs the local Board shall follow the procedure outlined in a. above and treat the case as an "SB" case, forwarding its minutes, including its opinion and suggestions, to the HPSB through the FOD.
- c. In order to determine the degree of negligence, consideration should be given to whether the loss or damage was caused through the lack of reasonable care or the violation of any regulation, rule, administrative instruction, local law or traffic regulation. While each case should be reviewed on its own merits, consideration should always be given to the circumstances of previous cases and decisions with a view to ensuring consistency and equality of treatment.
- d. In the determination of the amount to be assessed, consideration should be given to the condition of the item, its age, its original cost and the amount by which it had depreciated in value at the time of the loss. The Commercial, Purchase and Transportation Service (CPTS) should be requested to set the depreciation and current value figures so that survey boards can take them into account.
- e. Cases involving non-staff members such as members of delegations, military personnel and others should to the extent possible be dealt with on the basis of the criteria used for staff members.

12.2 Definition of gross negligence: Staff Rule 112.3 provides that a staff member may be required to reimburse the Organization for losses incurred "as a result of [his/her] negligence or ..... having violated any regulations, rule or administrative instruction". Financial Rule 110.14 contains a similar provision, and under Financial Rules 110.32(e) and 110.34 the HPSB and LPSBs are called upon to indicate in their recommendations "the degree of responsibility, if any, attaching to any official of the Organization for shortages, overages or damages"



12.3 The United Nations has elected to be self-insured for damages incurred to its vehicle fleet. For this reason it has been argued that staff members are exposed to a greater than normal risk of personal financial assessment and that this is not in accordance with the best prevailing employment conditions. In practice the results of "ordinary" negligence (as opposed to "gross" or "willful" negligence) are usually recognized as natural incidents of employment, which should therefore not normally give rise to personal liability.

12.4 In view of the above and to ensure system-wide consistency, LPSBs, in line with HPSB practice, should evaluate the degree of negligence in motor vehicle accident cases involving United Nations drivers and recommend assessment of surcharges in consequence.

12.5 It is emphasized that the "gross negligence" concept should be applied only to vehicle accidents. Other cases of loss or damage should be judged by the presence (or absence) of "ordinary" negligence pursuant to Staff Rule 112.3. In this connexion the HPSB holds the view that if a vehicle accident results from non-compliance with an internal United Nations regulation, rule or instruction (rather than a violation of public traffic rules) the staff member may be found assessable based on "ordinary" negligence. An example would be use by a staff member of a United Nations vehicle without prior authorization, where the requirement for such authorization is known.

12.6 Moreover, in the application of the relevant financial rules a distinction is normally made between losses sustained by the Organization resulting from acts carried out in the performance of official duties, and those resulting from activities outside official business. In the latter case the standard of care required is higher and responsibility is attributed on the basis of "ordinary" negligence.

12.7 It is realized that it may at times be difficult to differentiate between "gross" and "ordinary" negligence, especially since mitigating or aggravating circumstances may often be present. Each case must be reviewed on its own merits, particular attention being paid to local traffic laws and actual driving patterns, whether in built-up areas or outside them.

12.8 Bearing in mind the above, the following criteria may be applied for guidance in determining "gross" negligence as distinct from "ordinary" negligence:

- a. "gross negligence" is negligence of a very high degree involving willfulness, recklessness or drunkenness and in consequence a manifest disregard of life and property;



- b. a case of "gross negligence" would be one involving an element of recklessness such as driving a vehicle at an obviously excessive speed or while intoxicated and/or in obvious breach of the rules of the road. (The expression "in obvious breach of the rules of the road" shall be understood in the light of the examples given; "recklessness" would encompass some but not all breaches of those rules;)
- c. all the facts of a case, including all mitigating circumstances, should be taken into account;
- d. necessity may excuse conduct that might otherwise be regarded as "gross negligence";
- e. "gross negligence" should not be inferred solely from:
  - failure to take a precautionary measure; or
  - a violation of a rule of the road or traffic regulation or other directivealthough either of the above should be taken into account in reaching a determination.

12.9 Few legal systems go into much more detail in the definition of "gross negligence", and the determination in each case is reached by the fact-finder, which in the United Nations administrative context is the HPSB or LPSB, or in some cases the Headquarters Claims Review Board.

### 13.0 Proceeds from the sale of surplus property

13.1 Financial Rule 110.37, which states that the proceeds from the sale of surplus property shall be taken into account as miscellaneous income, is based on Financial Regulation 7.1, which confirms the principle of gross budgeting for the United Nations regular budget. For budgetary purposes any revenue from the sale of property cannot therefore be applied against the purchase price of new equipment which replaces it.

13.2 The General Assembly normally authorizes the purchase of each item of property by providing for it in its budgetary appropriations. In case of trade-in, the trade-in allowance shall be treated as miscellaneous income unless in the budget presentation to the Assembly the cost of new equipment is presented as net cost (i.e. cost less the allowance) and the Assembly concurs in appropriations calculated on that basis.



CHAPTER 16.INVESTIGATIONS AND BOARDS OF INQUIRY

## I GENERAL


1.0 The United Nations assumes financial responsibility for the equipment and supplies, including contingent-owned property, used by a peace-keeping or other field mission and for protection of the mission and its members while on official duty against third-party claims. All accidents or other incidents involving personal injury/death or property damage/loss in which United Nations personnel or property are directly or indirectly involved, must immediately be reported to the appropriate officials.

## II REPORTING

1.0 In cases where military personnel are involved in a serious incident the unit commander/civilian section chief, another responsible United Nations official or the party involved shall immediately inform the Deputy Chief of Staff (Administration and Personnel) (DCOS (A&P)), the CAO, the contingent commander and the Chief Military Personnel Officer (CMPO). Where only civilian staff are involved they need immediately inform only the CAO. Alternatively, in cases involving personnel of either category it is sufficient that the nearest military police detachment, Chief Civilian Security Officer (CSO) or mission headquarters duty officer be informed. Such incidents shall include, but not be limited to, the following:

- a. those involving death or injury to United Nations military or civilian personnel;
- b. those involving death or injury to third parties when United Nations personnel are involved;
- c. the occurrence or discovery of any loss of or damage to United Nations-owned or contingent-owned equipment, stores or other property (except items on personal issue) which cannot be ascribed to fair wear and tear;
- d. loss of or damage to third party-owned property when United Nations personnel are involved.

1.1 A detailed description of the incident, including make and serial number of any damaged or lost items, shall be recorded to facilitate investigation and reporting of the occurrence.





1.2 A preliminary report should be sent to United Nations Headquarters (Field Operations Division) at the earliest opportunity and should include all known factual and relevant information available at the time of reporting.


### III INVESTIGATIONS

1.0 Upon receiving a report of any serious incident such as those described in a.- d. above, the Force Provost Marshall/CO MP Coy or Chief Civilian Security Officer at mission headquarters shall immediately carry out a complete investigation in order to obtain and record all factual evidence before it becomes obliterated. In this operation mission officials may be assisted by local police or military personnel. Commanding officers/civilian section chiefs, as appropriate, must ensure that the scene of any incident or accident within their area of responsibility is protected until the arrival of the appropriate authorities and that objects that might be useful as evidence are not disturbed. In some cases it may be necessary to post a guard (either military police, a United Nations civilian security officer or local police or military personnel) at the scene to ensure its security until it has been examined by the proper authorities.

1.1 In all cases the investigating personnel must, to the extent possible, complete their investigation before the individual(s) involved and any witnesses leave the mission area due to rotation or repatriation. Priority should be given to reports on incidents and accidents involving death, serious injury, or major property damage or loss. Completed reports should be accompanied by the following documents:

- a. statements from all personnel involved and witnesses to the incident, and English translations of such statements where necessary;
- b. medical reports on all injured parties;
- c. damage/discrepancy reports on all damaged vehicles;
- d. technical inspection reports on any United Nations- or contingent-owned weapons involved;
- e. sketches, maps and photographs relating to the incident.

1.2 Upon receipt of the investigation report, the contingent commander in consultation with the DCOS (A&P) and CMPO (or CAO in cases involving only United Nations civilian personnel) shall initiate Board of Inquiry action.





## IV BOARDS OF INQUIRY (BOIs)

1.0 Contingent and headquarters Boards of Inquiry

1.1 The circumstances of an incident determine whether a contingent or headquarters Board of Inquiry - or both - must be instituted. The following cases require both a contingent and a headquarters Board of Inquiry:

- a. those in which a mission member incurs serious injury or death;
- b. serious incidents involving members of different contingents;
- c. those in which a third party incurs serious injury or loss in an incident or accident involving a mission member;
- d. cases involving major property loss or damage.

1.2 In addition to the above cases, a contingent Board of Inquiry must be set up upon order of the unit/contingent commander in cases of:

- a. minor injury to a member of a peacekeeping force;
- b. minor injury to a third party in a case involving a member of a peacekeeping force;
- c. minor loss or damage to contingent- or United Nations-owned property.

1.3 The procedures and format for a contingent Board of Inquiry are set out in the relevant mission standing operating procedures (SOPs).

1.4 A headquarters Board of Inquiry must be instituted for all serious incidents, including but not limited to cases in which:

- a. a member of a mission dies or is seriously injured as a result of an incident, suspected misconduct on his/her part, or wilful act(s) or gross negligence on the part of another member of the mission or any other person;
- b. serious injury or death is caused to a third party in a case involving a mission member;



- c. major damage or loss occurs, including that resulting from suspected negligence, unsatisfactory control or accounting procedures, fire, explosion or similar occurrence other than in the course of operational activities, or that occurring in any other circumstances where responsibility for the loss or damage is unclear;
- d. members from different contingents are involved;
- e. the Head of Mission considers the incident serious enough to warrant investigation by a Board of Inquiry.

## 2.0 Composition and convening order of a headquarters BOI

2.1 In cases such as those outlined in a. to e. above, the Head of Mission shall, in addition to the reports forwarded to Headquarters by the CAO, convene a Board of Inquiry and appoint three responsible individuals.

2.2 In the case of military involvement the composition of the Board shall normally be military and the appointed chairman of the rank of Lieutenant-Colonel or above. If the case so warrants its composition shall be civilian and the appointed chairman a senior official (P-5 or above). The CAO and the Chief Finance Officer (CFO) are considered permanent members of all constituted Boards of Inquiry and may attend meetings as they desire and consider necessary. They are to be given notice of all meetings. The Chief Civilian Personnel Officer (CCPO) shall appoint a civilian secretary to assist the Board. Any appointed member who is unable to serve due to unforeseen circumstances must immediately inform the CMPO/CAO as appropriate.

2.3 A Board of Inquiry chairman or members shall not be selected from a unit which had charge of or responsibility for the servicing or safe-keeping of any item of equipment, vehicle or other mode of transportation implicated in the incident to be investigated.

2.4 Since lapse of time will increase the difficulty of obtaining all relevant evidence or locating and interviewing witnesses, it is most important that investigations be conducted as speedily as possible. The chairman, members and advisers of a Board of Inquiry should therefore not proceed on other missions or on leave until its investigation has been completed.

2.5 A Board should be convened and should meet as soon as possible after the incident, taking into account the requirement for a thorough investigation and proper documentation. The chairman, upon receipt of the convening order, shall immediately contact the Legal Officer who shall provide an initial briefing and subsequently review the final draft of the report prior to its submission to the Head of Mission for consideration and comment. The chairman must



advise the Legal Officer of the Board's progress and submit the final draft report for his/her review one week prior to the designated deadline.

2.6 See annex A of this chapter for the format of a convening order.

3.0 Terms of reference and procedures of a headquarters BOI

3.1 The terms of reference and rules of procedure of a headquarters Board of Inquiry shall be prescribed by the Head of Mission but in each case should follow the guidelines provided in this instruction.

3.2 A Board of Inquiry constituted to deal with an incident involving technical or other specialized matters should seek the written opinion of mission or outside experts in those matters.

3.3 In its inquiry a headquarters Board of Inquiry shall:

- a. determine the cause of the incident;
- b. establish the responsibility of individuals or groups, taking into consideration regulations, orders and procedures under which they were acting at the time and the Board's conception of negligence or misconduct;
- c. obtain the final Military Police/Chief Civilian Security Officer report on the incident from the CMPO or CAO, as appropriate, and any additional information required to complete its investigation. Any additional statements from witnesses should be obtained by the Board only when the statements attached to the report on the occurrence are insufficient to enable it to address all relevant issues;
- d. establish the facts of the case from the evidence presented in the above-mentioned reports and other documents; and
- e. present all relevant aspects of the incident so that the reviewing authorities can objectively assess the case.

3.4 United Nations staff members may be ordered to appear and testify as witnesses before a Board of Inquiry, as may members of national military or civilian contingents forming part of a United Nations mission, since they serve under the command of a United Nations officer. Any other person, including local citizens and



local police or military officers, may be requested to make a statement to the Board or answer its questions but is under no obligation to do so.

3.5 Witnesses should be questioned individually by the Board and in the absence of other witnesses, so that information received from one may be compared with that received from others. If necessary, witnesses who have provided information should be questioned by the Board to clarify any ambiguities in their statements and to indicate to what extent, if any, they have knowledge of relevant facts not mentioned in their statements.

3.6 If a witness refuses to make a statement to the Board, the Board should record that fact. If appropriate, it should also state the reason(s) why certain persons were not called as witnesses before it.

3.7 If feasible and deemed useful, the chairman and members of the Board should visit the scene of the incident and note any important features that could have a bearing on it.

3.8 A Board of Inquiry does not consider questions of compensation or legal liability.

3.9 Administrative procedures for a headquarters Board of Inquiry are set out in annex B to this chapter.

#### 4.0 Findings of a headquarters BOI

4.1 A Board must reach its findings only after it has considered all the evidence; they must be based upon and supported by the evidence contained in its report. If there is conflicting evidence as to a matter on which a finding is required, the Board must, if it prefers one version, explain in its findings why it has found that way.

4.2 A Board of Inquiry shall make at least the following findings relating to the incident under investigation:

a. Findings required concerning death or injury (cases other than motor vehicle accidents)

- i. full name of deceased or injured person;
- ii. time, date and place death or injury occurred;
- iii. cause of death or injury;
- iv. whether any person was responsible for the death or injury;



- v. if so, identification of person(s) responsible;
- vi. whether any court action (prosecution or law suit) has been initiated;
- vii. whether deceased or injured person was on United Nations duty at the time of the incident;
- viii. where and when hospitalized, if appropriate;
- ix. identification of doctor(s) who gave medical treatment;
- x. identification of police who investigated (attach copy of police report);
- xi. whether any United Nations regulations, rules, orders or instructions were contravened.

b. Findings required concerning motor vehicle accidents

- i. time, date and place of accident;
- ii. identification of vehicle(s) involved;
- iii. identification of persons involved (drivers, passengers and pedestrians);
- iv. identification of person(s) injured;
- v. weather, lighting and road conditions;
- vi. cause of the accident;
- vii. identification of person(s) responsible;
- viii. identification of damage to vehicles and other property;
- ix. identification of police who investigated (attach copy of police report);
- x. actual or estimated cost of repairs to vehicle(s) involved;
- xi. names and addresses of insurers of vehicle(s) involved;
- xii. whether or not the United Nations driver was on duty at the time of the accident (if applicable).



- c. Findings required concerning damage to or loss of other equipment
- i. time and date that the damage or loss was discovered;
  - ii. to whom, by whom, and when the loss was reported;
  - iii. who was responsible for custody of the equipment;
  - iv. the value of missing article(s) or cost of repairing equipment;
  - v. name and address of insurer, if any;
  - vi. whether theft is suspected and whether police authorities were notified (if so, identify police force).

5.0 Recommendations and report of a headquarters BOI

5.1 The recommendations should deal with any action that in the opinion of the Board should be taken by United Nations authorities, for example action to avoid the recurrence of an incident, such as specific additional safety precautions; or legislative or administrative action such as amending regulations, rules or instructions.

5.2 The format for the report of a headquarters Board of Inquiry is shown in annex C to this chapter.

5.3 The chairman must submit a typed draft report, together with all necessary documents and attachments, for review by the Legal Officer.

5.4 After review the report should be finalized. The Legal Officer, in consultation with the chairman of the Board, shall prepare a memorandum to the Head of Mission presenting the Board's report and any comments thereon.

6.0 Review of report by Head of Mission and closure of file

6.1 The Head of Mission shall review the report in consultation with the appropriate technical personnel on his staff (e.g. Legal Officer, Medical Adviser). When transmitting the report to United Nations Headquarters (Office for Special Political Affairs and the FOD) he/she shall indicate whether he/she has accepted the recommendations of the Board and what measures have been taken to implement them, along with his/her own comments on them and, if necessary, on the report in general.



6.2 Any recommendations submitted for the Head of Mission's decision, together with his/her comments thereon, shall be communicated to the commanding officer concerned and to the CAO.

6.3 The Board of Inquiry file may be closed after the Head of Mission has forwarded copies of the Board's report to United Nations Headquarters. However, the file and all relevant documentation should be retained in the mission archives indefinitely.

#### V SUMMARY DISPOSAL OF INCIDENTS WITHOUT CONVENING A BOI

1.0 Incidents not involving death or injury and in which the loss suffered by the United Nations and/or the contingent(s) implicated is not more than US\$500 per occurrence and where no serious disciplinary action can be foreseen, may be dealt with by the contingent commander in conjunction with the CAO without convening a Board of Inquiry.

1.1 Such cases shall nevertheless be properly documented, with identification of the individuals and any items of property involved; detailed findings and recommendations regarding responsibility for the loss and disposition of the property in question; and an indication of any resulting disciplinary and/or corrective action. The report shall be forwarded in triplicate to the CMPO in cases involving only military personnel and no financial loss to the United Nations; in cases involving civilian personnel, as well as those involving military personnel and financial loss to the United Nations, it shall be forwarded to the CAO.

1.2 See annex D of this chapter for the format of such a report.

#### VI CASES INVOLVING UNITED NATIONS FINANCIAL INTERESTS

1.0 Financial losses sustained by the United Nations in a peace-keeping or similar mission may later become the subject of reimbursement demands against the government whose personnel were responsible for the loss; governments may, in turn, claim compensation from the United Nations for service-incurred death or disability of their personnel. It is therefore desirable to coordinate, to the extent possible and without prejudice to national disciplinary procedures, the conclusions as to responsibility for accidents, other incidents or losses at both contingent and mission headquarters level.

1.1 A commanding officer should not finalize an opinion on any case involving United Nations financial interests before he/she has had an opportunity to study the results of investigations carried out by the mission headquarters. If considered necessary in the light of



statements obtained by the mission headquarters from non-United Nations complainants or material witnesses, or of other evidence established by a headquarters Board of Inquiry, a commanding officer shall order the contingent investigation carried out according to national procedures to be re-opened and reviewed in the context of the new evidence.



FORMAT FOR HEADQUARTERS BOARD OF INQUIRY CONVENING ORDER

(Name of mission)

Date: \_\_\_\_\_

To: (distribution)

From: (name and title of Head of Mission)

Subject: Convening Order: Headquarters Board of Inquiry

1. In accordance with page \_\_\_\_\_ of the Field Administration Manual, a Headquarters Board of Inquiry is hereby convened to investigate and report on the accident/incident which occurred on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_ hours at \_\_\_\_\_ when \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The Board is to submit the final report and 10 copies by:\_\_\_\_  
\_\_\_\_\_

3. Composition:

Chairman:

Member:

Member:

Chief Administrative Officer:

Chief Finance Officer:

Secretary:

(Distribution: Chairman, Members and Secretary of Board;  
Legal Officer;  
CMPO/CCPO or appropriate official of the related  
component;  
Claims Officer.)



## ADMINISTRATIVE PROCEDURES FOR A HEADQUARTERS BOARD OF INQUIRY

1. Boards of Inquiry are within the authority of the Head of Mission. Unless otherwise ordered by the Head of Mission, the Legal Officer, and in his/her absence the CAO, shall guide and administer Boards on behalf of the Head of Mission.
2. The Legal Officer's secretary shall maintain a record of all Boards noting the number of each, the incident being investigated, the date of the incident, the personnel involved, the contingent involved, the date on which the Board's deliberations commenced and the date the report is sent to United Nations Headquarters.
3. There is only one file of Board of Inquiry reports; it is kept in the office of the Head of Mission.
4. Because the CMPO is aware of tasking and rotation dates of military personnel, he/she may be asked by the Head of Mission or his/her delegate to assign military members to a Board of Inquiry, but this is the limit of his/her role in such a Board.

### 5. Issue of convening order

The Legal Officer's secretary shall type out one form, mark it with the BOI number and:

- . send it to the Head of Mission (or his/her delegate) for appointment of the chairman and members and for signature;
- . photocopy it and send one copy each to the Board chairman, members and secretary;
- . provide photocopies to the Legal Officer, the CAO, the CFO, the CMPO and the Claims Officer;
- . file the original, with note of issue and distribution, in the Head of Mission's file.

### 6. Completion of findings

- . Board's secretary types draft report and submits it with all annexes to Legal Officer for review;
- . Legal Officer returns it to chairman for final typing (with three copies) by the Board secretary and for signature by the chairman and members. All photocopies must be legible;
- . chairman returns report to Legal Officer for submission to Head of Mission.



7. Closure of the file

Distribution may be otherwise as directed by the Head of Mission but normally is as follows:

- . cover letter from the Head of Mission plus 2 copies of the report each to the Director, FOD and the Office for Special Political Affairs (OSPA);
- . original and one copy to Head of Mission's file;
- . secretary to make a note of distribution and dates on the Head of Mission's file copy of letters to FOD and OSPA.



## FORMAT FOR HEADQUARTERS BOARD OF INQUIRY REPORT

A Headquarters Board of Inquiry report should be structured along the following lines:

- a. Constitution: cite the convening order; the time, date and place of the incident; and the period during which the Board conducted its proceedings;
- b. Description of the incident: present the objective facts of the incident obtained from the available evidence, with full reference to the sources used, including details of duty being performed at the time;
- c. Deliberations: present the main issues to be addressed when assessing the incident and reaching substantiated conclusions;
- d. Findings and conclusions: address the issues raised by presenting the Board's findings and conclusions based on the available evidence and relevant mission headquarters/unit orders, directives, regulations or SOPs.
- e. Recommendations: recommend any remedial or preventive measures to avoid a similar incident;
- f. Signatures: affix the signatures of the chairman and members of the Board.
- g. Annexes: attach as annexes
  - i. convening order;
  - ii. MP/UN civilian security or other police or investigating authority's report, with original photographs;
  - iii. list of persons present at or involved in the incident, giving name, rank, unit and ID number for United Nations personnel and distinguishing them from other persons, whose full name, occupation and address must be listed;
  - iv. statements and reports of witnesses;
  - v. any additional relevant documents or statements, including all medical reports and technical inspection reports (e.g. weapon inspection reports, vehicle inspection reports);
  - vi. any maps or sketches of the scene of the incident;
  - vii. any claims, local police reports, pending proceedings or actual decisions of local courts;
  - viii. detailed description of property destroyed or damaged, attaching any available damage/discrepancy reports;
  - ix. relevant copies of mission headquarters/unit orders, directives, regulations, SOPs, etc.



(Name of mission)  
Date: \_\_\_\_\_

SUMMARY DISPOSAL OF INCIDENTS WITHOUT CONVENING A BOARD OF INQUIRY

1. Reference.....  
Convening Order to investigate .....  
.....  
.....
2. As the incident is within the conditions specified in para. 1.0, section V, Chapter 16 of the Field Administration Manual, I recommend that a Board of Inquiry NOT be held.
3. The following is a description of how the incident occurred:  
.....  
.....  
.....
4. The incident was immediately reported to .....  
and.....  
.....(action taken).
5. There were no injuries/There were minor injuries to civilian or military personnel.
6. There was no damage/There was minor damage to mission vehicle No: .....  
.....(see damage discrepancy report at annex .....)
7. There was no damage to any civilian vehicle or property/There was minor damage to a civilian vehicle/civilian property to the value of .....
8. I recommend that the cost .....(state the amount if known) be written off against .....
9. Military Police/UN Civilian Investigation Report is attached as Annex .....

(...



SIGNATURE.....RANK .....  
(Military only)  
NAME.....  
DATE.....

10. I agree with the above report.

SIGNATURE..... RANK .....  
(Military only)  
NAME.....  
APPOINTMENT/TITLE.....  
DATE.....



CHAPTER 18.POSTAL SERVICES

## I GENERAL

1.0 The timely and regular arrival of personal mail is of the utmost importance to the morale of the military personnel in a peacekeeping operation, whether it be a peacekeeping force or an observer mission, since such military personnel often spend long times in relative isolation, with limited means of communication with their families.

1.1 In realization of this the United Nations may authorize the establishment of postal facilities as an integral part of a mission. The nature of such facilities will vary depending on the type of operation, but one common denominator is the establishment of an address in the host country. This usually takes the form of a post office box number in the city or town either nearest to, or with the best communications with, the mission concerned. This box number may be used by all personnel for incoming ordinary mail with regular postage stamps. It shall not be used for registered mail, and if used for parcels their collection shall be the addressee's responsibility.

## II OBSERVER MISSIONS

1.0 In an observer mission the mail is usually handled by the mail and diplomatic pouch unit, which shall have United Nations and local stamps available for sale to staff members and military observers. Ordinary first class mail with United Nations stamps affixed shall be forwarding via the diplomatic pouch to Headquarters, New York for despatch through ordinary government mail services. If this service is used the mail must bear sufficient postage to cover despatch from New York to its final destination.

1.1 The mail and diplomatic pouch unit is normally staffed by internationally-recruited staff members who shall be responsible for collecting mail received through the official post office box, and for delivering outgoing mail not despatched by diplomatic pouch to the official post office for despatch. Such mail must have adequate local postage affixed.



## III PEACEKEEPING OR OBSERVER FORCES

1.0 General

1.1 In larger peacekeeping or observer forces the United Nations may authorize the establishment of a base post office under the supervision of the Force Postal Officer. The base post office shall be located at force headquarters and shall be a unit under the Chief Logistics Officer. The force may establish additional field post offices when distances, deployment of the force or other conditions so require.

2.0 Prohibited articles

2.1 All articles listed below are prohibited from despatch via the base post office of a force:

- a. coins, banknotes, negotiable bonds payable to the bearer, platinum, gold, silver, precious stones, jewels, and archaeological specimens which are the property of the host country;
- b. articles which by their nature or their packing may expose mail handlers or postal officials to danger or may soil or damage other mail;
- c. explosives, ammunition, inflammable or corrosive materials;
- d. living animals or insects;
- e. opium, morphine, heroin, cocaine, hashish or any other form of narcotic drug;
- f. obscene or immoral articles, pornographic literature or photographs;
- g. earth, sand, grass, straw, seeds or plants;
- h. guns, pistols, rifles, grenades or military hardware souvenirs.

## IV FREE MAIL SERVICE

1.0 Free mail from contingents to home countries

1.1 The United Nations shall provide a free mail service for individual military personnel of contingents, from their deployment



area to their home countries. In addition official mail from a contingent shall be forwarded to the home country at the expense of the United Nations.

1.2 Both types of free mail (personal and official) shall be franked with the United Nations impression. The free mail service does not apply to mail from home countries to contingents.

2.0 Items of free mail

2.1 Only mail classified first class mail shall be accepted.

2.2 All official documents from contingent headquarters shall be accepted.

2.3 Only letters and postcards under ten grams in weight shall be accepted free from individual members of a contingent. Each such member is entitled to despatch up to five free letters per week, including United Nations aerogrammes (air letters) which are provided at no cost by the United Nations (see below).

3.0 Preparation and despatch

3.1 It is the responsibility of the force base post office to receive the bundles of free mail franked with the United Nations impression by contingents, to consolidate the mail in proper mailbags and to despatch it to postal authorities in the respective home countries.

4.0 United Nations aerogrammes

4.1 The free United Nations aerogrammes constitute the main bulk of personal correspondence. The aerogrammes shall be requisitioned from the force base post office; when more stock is required it shall be requisitioned by the force procurement section from United Nations Headquarters. Issues to contingents are based on an allocation of five aerogrammes per man per week and the requisition must show the unit strength and the time during which the forms are going to be used. No enclosures are permitted in aerogrammes.

5.0 Contingent responsibilities

5.1 Contingents which wish to avail themselves of the free mail service using the United Nations franking impression in lieu of stamps must obtain clearance from their national postal authorities to ensure that mail so despatched will be honoured for delivery in their homeland.



6.0 Procedures for free mail

6.1 The following procedures shall apply to free mail franked with the United Nations impression:

- a. Personal mail. Each letter or aerogramme must not bear any other inscription than the address of the receiver, and (on the top left hand corner) that of the sender. The free mail service for individuals does not include registration or any other specialized service; registered mail must be arranged personally through the local post office.
- b. Official mail. The cover of official mail shall be endorsed "Official mail" and signed by an officer who shall indicate his rank. Free registration service is available for this category of mail and the ten gram weight limit does not apply.
- c. Preparation. All free mail for despatch to a contingent's home country shall be franked with the United Nations stamp provided for that purpose; this operation is the contingent's responsibility. The stamped items shall then be bundled and forwarded by the contingent to the base post office at force headquarters. Schedules and deadlines shall be established by the base post office and communicated to contingents.

7.0 Force base post office responsibilities

7.1 The force base post office is responsible for:

- a. bagging, billing, tagging, sealing and despatch;
- b. transfer of paid airmail from the base post office to the civil postal channels and/or its despatch via commercial or military aircraft to home countries; and
- c. receipt and distribution of incoming mail.

8.0 Payment of transportation charges

8.8 The civilian airlines and postal administrations involved in the transport of United Nations franked mail submit their accounts to the Force Postal Officer at force headquarters. Upon verification and confirmation against the records of the base post office the accounts shall be settled by the force headquarters finance section.



## V PAID MAIL

1.0 Paid personal mail to home country

1.1 First class personal mail exceeding 10 grams, registered mail, newspapers and parcels must be prepaid with national postage or despatched under other arrangements between contingents and their home countries. They should be enclosed in sealed bags properly labelled to the country of destination and delivered to the base post office for onward despatch.

2.0 Paid personal mail to other countries

2.1 Personal first class mail to any country except the home country of contingents (including the host country) can be sent only through the local postal facilities and must be arranged personally by the individuals concerned. Alternatively it may be sent prepaid via the home country, bearing the national postage applicable between that country and the country of destination.

3.0 Posting of mail with United Nations stamps

3.1 First class mail may also be despatched to any destination using the appropriate value of United Nations postal stamps. Such stamps shall be made available in the mission and mail bearing them may be sent via the United Nations pouch to Headquarters, New York for forwarding through the regular channels to its final destination.

4.0 Mail from home country to contingent

4.1 Mail from home countries to contingents must bear stamps of sufficient value to cover its despatch to the mission area via regular means. It must bear the official address of the mission.

4.2 Some troop-contributing countries, through their own postal authorities, establish a central mailing address for their contingent in the home country and accept mail for their troops at the local postal rate. Such mail is normally limited to first class mail.

4.3 Mail such as that described above is bagged and despatched collectively by the home postal authorities, via air at no cost to the United Nations, to the mission where the force postal officer is responsible for its collection and delivery to the contingent concerned. Clearing expenses, if any, at the point of receipt by the mission are absorbed by the Organization.

4.4 Alternatively some countries provide special service flights for their troops assigned to a mission. Such flights may include the carriage of parcels as well as of first class mail.



4.5 However, it is emphasized that it is the responsibility of contingents and their national authorities to make such arrangements for the special delivery of mail, whether it be via commercial carriers or service flights or a combination of both.



## PREFACE

The United Nations Field Administration Manual (hereinafter referred to as the Manual) is a comprehensive handbook prepared by the Field Operations Division, Office of General Services, on the administration of field missions. It is intended as a consolidated reference work on administrative policies, procedures and practices applicable to United Nations peacekeeping and observer forces or missions or to any other type of field mission, operation or office administered by the Field Operations Division.

Use in the Manual of the generic word "mission" can signify any field mission, operation or office administered by the Division.

The contents of the Manual are based on the former Field Administration Handbook (ST/OGS/L.2/Rev.3) and the regulations and rules, administrative issuances, guidelines and other documents relevant to the administration and activities of the United Nations. These include

- The Charter of the United Nations
- Convention on privileges and immunities of the United Nations, 1946
- Organization Manual of the Secretariat (ST/SGB/Organization)
- Secretary-General's bulletins (ST/SGB/...)
- Administrative instructions (ST/AI/...), including revisions and addenda (subject index to be found in document ST/AI/218)
- Information circulars (ST/IC/...)
- Staff Regulations and Rules (ST/SGB/Staff Rules/...)
- Report on standards of conduct in the international civil service (COORD/CIVIL SERVICE/5)
- Inter-Organization Agreement on .....(loan, etc...)
- Regulations of the Joint Staff Pension Fund (JSPF/G.4/...)
- Personnel Manual
- Personnel Directives (PD/.../... (see list in ST/IC/83/21 and addenda)
- Security Handbook
- Financial Regulations and Rules (ST/SGB/Financial Rules/...)
- Finance Manual
- Handbook of budgetary practices
- Procurement Manual
- Supply catalogue (stationery and expendable office supplies)
- Field catalogue of United Nations stock numbers

as well as other directives and guidelines issued from time to time applicable to all or some peacekeeping and observer missions, including:

- General pouch items (GPI/...)
- Reference guide for peacekeeping forces
- Relevant status-of-forces agreements
- Aide-memoire for troop-contributing countries



Notes for the guidance of election observers  
UNTSO general information for military observers  
Immediate reporting of arrest or detention of staff  
members, other agents of the United Nations and  
members of their families  
(OGS document dated 16 January 1980)  
Mission standard operating procedures (SOPs)  
United Nations flag code and regulations (ST/SGB/123)  
Logistics directives  
Scales of issue  
Directives and local administrative instructions issued  
by the Head of Mission or Chief Administrative  
Officer

The Manual does not contain material that would provide a ready solution to every administrative problem that may arise in the field; it should always be read in conjunction with the relevant original manuals and/or rules and regulations or other documentation. In the case of any discrepancy between the text of the Manual and that of the original documentation, the latter shall prevail.

The Manual is divided into 18 chapters, each subdivided into sections, sub-sections and paragraphs. Each chapter is preceded by its own table of contents down to the sub-section level; in addition, an overall table of contents (down to section level) refers the reader to page numbers of the Manual.

[An alphabetical index provides references to the relevant paragraphs in the text and cross-references to the original sources.]

The Manual employs a loose-leaf format so that revised and amended pages may be inserted without difficulty. In any future amendment or addition new pages will be prepared to replace those on which the earlier material appears. Such new pages will bear the same identification as the superseded pages but will include a revision number and date.

Each amendment will be forwarded to the field through a general pouch item; the Field Operations Division will control distribution of the Manual and modification of its text.

Inquiries or comments about the contents of the Manual or about matters not covered in it should be addressed to the Field Operations Division at United Nations Headquarters, as should any suggestions for amending, expanding or otherwise improving the Manual.