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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Fifty-fifth session

SUMMARY RECORD OF THE 587th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 8 October 2004, at 10 a.m.

Chairman: Mr. ESCUDERO MARTÍNEZ (Ecuador)

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CLOSURE OF THE SESSION

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The meeting was called to order at 10.15 a.m.

STATEMENT BY THE HIGH COMMISSIONER, GUEST SPEAKER AND
GENERAL DEBATE (agenda item 4) (continued)

1. Mr. FORNARA (Italy), speaking in exercise of the right of reply, said that he wished to comment on remarks made by certain delegations regarding recent events on the island of Lampedusa. Over 2,300 illegal immigrants had arrived on the island of Lampedusa during the past few days. As the total capacity of the reception centre on Lampedusa was less than 200, his Government had been forced to take urgent measures, namely the repatriation of illegal immigrants. Trained personnel had screened everyone who had been repatriated to ensure that no one eligible for asylum was turned back, and those with valid reasons for claiming asylum had been transferred to an appropriate reception centre.

OTHER STATEMENTS (agenda item 12)

2. Mr. HEGENAUER (Chairperson of the UNHCR Staff Council) said that the development of 80 recommendations on the security of field personnel had been welcomed by the staff of the Office of the United Nations High Commissioner for Refugees (UNHCR). Although common system security structures within the United Nations were necessary, they had their limitations. Different agency mandates often called for different security responses, especially in the case of agencies that worked in remote and dangerous places. UNHCR must continue to be given the resources to maintain its own security offices and structures so as to enable staff to continue working closely with refugees. Accordingly, the UNHCR Staff Council supported a robust information technology, telecommunications and supply management service. Dependence on other agencies in those areas would inevitably result in dependence on other organizations for the implementation of core activities. The protection of national staff was a significant challenge in all security arrangements: national staff must be included in evacuation plans. Such arrangements were hard to implement, requiring as they did legal access to surrounding countries and tough decisions on leaving family members behind.

3. On the subject of human resources, recommendations on the improvement of the appointments and promotions process and the international professional roster would be transmitted to the High Commissioner before the next cycle of appointments in December 2004. The conversion of temporary assistance functions to approximately 1,000 new posts in 2005 would at last reflect the true staffing needs of UNHCR operations. By contrast, the phasing-out of long-term operations often resulted in the separation from UNHCR of very experienced and dedicated national staff. It would surely make more sense to promote those experienced national staff members into the professional category. Such a policy would have the added benefit of ensuring geographical diversity and gender parity. It would also mean that the junior professional staff deployed to remote and dangerous operations would have a sound knowledge of UNHCR and the management of refugee operations. Many UNHCR field offices and sub-offices were staffed at the volunteer, P-2 and P-3 levels, yet experience showed that the most successful operations were those administered by managers at the P-5 level. The use of more senior field officers would align UNHCR practice with that of many of its sister agencies and partners. It was the earnest wish of the staff that experienced senior managers should always be present in the most difficult UNHCR operations. As UNHCR upgraded its personnel structure at the director level, there should also be upgrades and additional staff at the P-5 level.

4. UNHCR had put in place standardized operating procedures for most of its activities with the exception of human resources. A more structured career development programme would enable staff to upgrade their skills as needed. Further training in human resource management was also required.

REPORTS RELATING TO EVALUATION AND INSPECTION (agenda item 7) (continued)
(A/AC.96/993 and 994)

5. Ms. POLLACK (United States of America) said that the oversight functions of UNHCR provided a valuable contribution to the effective management of operations and thus persuaded donors to provide funding. In its recent report on UNHCR management and administration, the Joint Inspection Unit had made a number of recommendations on establishing and enhancing the independence, transparency and expertise of the Inspector General's Office. Her Government endorsed those recommendations and trusted that the Inspector General would be accorded the necessary independence. In that context, the recent decision by UNHCR to maintain investigation and inspection functions within that office was welcome.

6. It was disturbing that UNHCR still lacked a consistent policy on misconduct. In 2003 there had been 158 cases of misconduct, nearly half of which had involved embezzlement, corruption and fraud. UNHCR should vigorously address that problem. In an effort to bolster capacity to deal with the increased workload in that area, earlier in the year her Government had contributed to the supplementary appeal for enhancing oversight and accountability.

7. The UNHCR Evaluation and Policy Analysis Unit played a vital role in reviewing UNHCR programmes and policies and enhancing the Office's operations by providing feedback on lessons learned. Real-time evaluations of emergency operations, such as the one dealing with the situation in Chad, were of particular value. Her Government also welcomed the recent and ongoing evaluations on the livelihood of refugees, the reviews of recent repatriation and reintegration efforts, the study of internally displaced persons, the evaluation of capacity to monitor the protection, rights and well-being of refugees, and the joint UNHCR/World Food Programme evaluation of the five pilot countries.

8. Finally, she was pleased to announce that the President of the United States had just authorized the release of an additional US\$ 5 million to UNHCR in response to the Burundi supplementary appeal.

9. Ms. NELLTHORP (United Kingdom) said that the report on UNHCR inspection and investigation activities had provided very little detail on the conclusions arising from the work of the Inspector General's Office or on follow-up. Moreover, it was clear that a number of areas of serious concern remained, namely a lack of understanding of sexual harassment and procedures to tackle it; management accountability at all levels and implementation of the Inspector General's recommendations; relations with non-governmental organizations (NGOs), both in terms of guidance and monitoring; and questions about the independence of the Inspector General's Office, the handling of and follow-up to its reports, and its relationship with the Office of Internal Oversight Services. Funding for the Inspector General's Office should be mainstreamed in the 2005 budget.

10. Ms. STOIOS-BRAKEN (Netherlands) said that her Government welcomed the initiatives taken by the Evaluation and Policy Analysis Unit to gauge the extent to which recommendations had been translated into new policies and subsequently implemented. Joint evaluations with other organizations could also provide useful feedback. The inclusion of outsiders and the expertise of other organizations would ensure that UNHCR could function effectively within the broader humanitarian context. Many evaluations of emergency operations had been undertaken by the Unit in real time. It had been ascertained that the UNHCR response to the Chad emergency had been somewhat uneven; her Government welcomed the analysis of why that response had not lived up to expectations and the ensuing recommendations.

11. She welcomed the High Commissioner's commitment to reinforcing principles of accountability throughout UNHCR management, as exemplified by the broadening and strengthening of the terms of reference of the Inspector General's Office. Her Government particularly welcomed the attention being given by that office to monitoring the performance of NGOs on the basis of clear and transparent criteria. Mechanisms for close and systematic monitoring should be available in all field offices.

12. There should be a clear division of labour between the Inspector General's Office and the Evaluation and Policy Analysis Unit, both of which should be fully autonomous. Her delegation would welcome reassurance that the two were mutually independent and did not duplicate each other's work. Finally, the Joint Inspection Unit had expressed some concerns about the composition of the UNHCR Oversight Committee. If its composition was too broad or its terms of reference too diffuse, coordination and follow-up of recommendations resulting from inspections and evaluations might be impaired.

13. Mr. BRODERICK (Australia) said that his delegation attached considerable importance to the work and independence of the Inspector General's Office and to the entrenchment across UNHCR of a culture of accountability and transparency. The integrity of UNHCR staff at all levels was critical to the effectiveness of UNHCR operations and to external perceptions of the organization. All staff should be aware of their obligations and responsibilities, and staff conduct and financial expenditure should be underpinned by appropriate policy guidance and oversight. Shortcomings must be addressed as soon as they were identified. The Inspector General's Office was central to efforts to promote a culture of accountability, for example through training and awareness-raising, but managers and staff also had a personal duty to embrace accountability in the course of their work.

14. Ms. GOODMAN (Human Rights Watch), speaking on behalf of a wide range of NGOs, said that NGOs appreciated the efforts of the Evaluation and Policy Analysis Unit to involve the NGO community in its activities through joint evaluations, training and participation in the evaluations on women, refugee children and the community services function. Back in 1997, NGOs had actively participated in the Unit's comprehensive review of UNHCR policy on refugees in urban areas, which had resulted in the production of draft guiding principles and good practices on protection for refugees in urban areas. Unfortunately, those principles and practices had yet to be adopted by UNHCR. Refugees and asylum-seekers in urban areas continued to be subjected to a wide range of abuses and often lacked access to protection. It was

noted in the report on evaluation and policy analysis (A/AC.96/994) that the Unit maintained a strong focus on protection when selecting evaluation topics. It would therefore be helpful to know when the planned evaluation of protection staffing would take place.

15. The NGO community strongly recommended an independent evaluation of UNHCR refugee status determination activities, since there was some concern that the Office's role in that sphere could potentially compromise its mandate to protect refugees. A team of international human rights lawyers, international and national NGOs working in the refugee field, academics and legal aid practitioners should conduct the evaluation. The evaluation should recommend rights-based refugee status determination procedures to be followed by all field protection officers, with a mechanism to ensure that the procedures were properly implemented.

16. More information was needed on the follow-up to recommendations resulting from evaluations. While the establishment of a database to compile and catalogue recommendations was a good idea, a more detailed account was required of how conclusions and recommendations were actually being incorporated into UNHCR policies and operations.

17. The NGO community welcomed the commitment of UNHCR to reinforce principles of accountability throughout UNHCR management, including through the broadening and strengthening of the terms of reference of the Inspector General's Office. NGOs would like to hear more about the results of the testing of the UNHCR Code of Conduct and the use of sexual and gender-based violence checklists in future investigations. They also advocated dialogue with the Inspection Unit of the Inspector General's Office to enhance NGO performance and ensure that all partners were treated in an equitable, fair and transparent manner. NGO expertise could profitably be put to use in joint inspection missions.

18. The report on inspection and investigation activities (A/AC.96/993) indicated that almost all the inspected countries had substantially strengthened their refugee settlement determination and resettlement procedures and controls. Nevertheless, 17 cases of resettlement fraud had been identified. She would like to know what specific improvements UNHCR offices had made with regard to their core protection responsibilities, and how those improvements were being mainstreamed.

19. To ensure that investigation and follow-up activities were truly effective, the Secretary-General of the United Nations should endorse the appointment of the UNHCR Inspector General and request that the reports produced by the Inspector General's Office be forwarded to Headquarters. Furthermore, in the same way that the Office of Internal Oversight Services reported to the General Assembly, the Inspector General's Office should report to the Executive Committee and should consult with it throughout the year. The office's budget should be a priority in the regular programme and should be guaranteed for the budget year. Finally, the findings and recommendations of oversight reports should be incorporated into staff members' performance appraisals.

20. A joint inter-agency project involving NGOs and United Nations agencies had established processes and procedures to enable NGOs to undertake investigations into allegations of abuse and exploitation. Training manuals had been developed for senior managers and

individuals appointed to carry out investigations and a handbook for NGO staff outlining the steps required to operationalize an effective code of conduct was in the process of being developed.

21. Mr. ASOMANI (UNHCR Inspector General) said that his office would endeavour to maintain close contact with individual States members to ensure that the concerns they had raised were properly addressed. It was reviewing the ways in which its recommendations were followed up and some important developments had already taken place; for example, the Code of Conduct had been integrated into staff training and awareness-raising activities. Likewise, steps had been taken to tighten up refugee status determination; the Executive Committee would be kept informed of any significant developments. The work of his office and the Evaluation and Policy Analysis Unit necessarily overlapped in some respects, which was perfectly normal and even desirable, but he was satisfied that the two offices' respective spheres of activity had been adequately demarcated. It was clear from States members' comments that they favoured more reporting. His office would seek to comply with that wish, for example by multiplying informal contacts with delegations.

22. Mr. MORJANE (Assistant High Commissioner for Refugees) said that the UNHCR evaluation policy, which had been established following extensive consultations with States members of the Executive Committee and other partners, required UNHCR to take a disciplined approach to organizational appraisal and learning. The policy emphasized the usefulness of joint evaluations with United Nations agencies, Governments and NGOs as a means of furthering partnership, planning and understanding between organizations. UNHCR would continue to plan and implement joint evaluations and recognized the importance of ensuring that they were relevant and that their results were used effectively.

23. The use of real-time emergency evaluations had helped UNHCR to take immediate corrective action during operations and to make operational changes for the future. A revised series of emergency procedures was currently being finalized, based on the findings of those evaluations.

24. The findings of the 2002 thematic evaluation on refugee children, refugee women and the community services function had prompted UNHCR to dedicate human and financial resources to ensuring consistent follow-up to the recommendations contained in the evaluation. Indeed, many of those recommendations had already resulted in changes to operational policies and implementation procedures. A series of studies on protracted refugee situations carried out by the Evaluation and Policy Analysis Unit had led UNHCR to pay more attention to such situations, which had become an operational priority and which had been placed at the heart of initiatives such as Convention Plus and the Framework for Durable Solutions for Refugees and Persons of Concern. Activities to address the situation of urban refugees were currently under review.

25. Mr. VERWEY (Head, Evaluation and Policy Analysis Unit) said that evaluation policy played a vital role in setting operational standards, evaluating operations and mobilizing staff and that UNHCR would make every effort to ensure that all staff adhered to the newly established operational standards. Moreover, in order to demonstrate the Office's commitment

to transparency, a table, showing both the progress made since the adoption of the evaluation policy and areas where further efforts were still required, had been compiled and was being used by UNHCR as a planning tool.

26. A recent study on the UNHCR medical service had concluded that the number of medical staff in remote duty stations should be increased, since the failure to care for field staff was detrimental to human and financial resources alike. The study had noted that, on average, headquarters staff members took four times more sick leave than staff in the field. The Evaluation and Policy Analysis Unit would carry out a follow-up evaluation before making any recommendations, since it was necessary to fully understand the root of the problem in order to address it properly.

27. Although the Unit was expected to carry out only one real-time emergency evaluation each year, he believed that it would be beneficial to conduct more such evaluations if possible, and that they should not necessarily be linked exclusively to emergency situations.

28. Although the results of the evaluations produced by the Evaluations and Policy Analysis Unit were published, there was no system in place for analysing how the information was used. The Unit was thus making efforts to establish a database of its recommendations, in order to facilitate cross-referencing between evaluation processes. Another problem was that the majority of staff, particularly those in the field, were too busy to read and assimilate all the information contained in the Unit's reports. Different ways of making that information more easily accessible to staff were currently being assessed with a view to improving the dissemination of the most up-to-date and pertinent information. Once a specific plan for that purpose had been developed, it would be submitted to the Executive Committee for discussion.

29. A review of protection staffing was due to take place in 2005, and a report on the protection learning programme would also be issued. If UNHCR introduced an urban refugee policy, it would have to ensure that uniform treatment was provided for urban refugees and all other refugees covered by UNHCR projects. Any such policy would have to be linked to refugee status determination and to the work on standards and indicators that was being carried out by the Office.

30. Lastly, he announced that a report would soon be issued on the Sierra Leone repatriation programme, and that the findings of that report would be used to adjust and improve the repatriation programme recently begun in Liberia.

ADOPTION OF THE REPORT ON THE FIFTY-FIFTH SESSION OF THE EXECUTIVE COMMITTEE (agenda item 14)

31. Ms. BLOMBERG (Rapporteur), introducing the draft report on the fifty-fifth session, said that it had been difficult at times to reach consensus on the draft conclusions and decisions contained in the draft report, but she was sure that those conclusions and decisions would serve the cause of refugees well. She drew attention in particular to the draft decision on the Executive Committee's working methods, which would provide for the officers of the Executive Committee to be elected at the end of the plenary session rather than at the beginning, thereby allowing the Rapporteur to report on work presided over by the Bureau of which he or she was a member, rather than that of a previous Bureau.

32. A list of the decisions taken by the Standing Committee and the Chairman's summary of the general debate would be annexed to the final version of the report, which would then be submitted to the Third Committee of the General Assembly as an addendum to the High Commissioner's annual report.

33. The report of the fifty-fifth session of the Executive Committee was adopted.

CLOSING STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

34. Mr. LUBBERS (United Nations High Commissioner for Refugees), after thanking the delegations for their support of UNHCR programmes and policies, said that 2004 had seen a considerable reduction in the number of people of concern to UNHCR, and a number of successful repatriation programmes had been undertaken in Africa, the countries of former Yugoslavia and Afghanistan.

35. He welcomed the adoption of the general conclusion on international protection. He was concerned that the protection environment was becoming less friendly towards refugees and that a generalized trend towards more restrictive policies might hinder the consolidation of the asylum regime and its effective implementation. The statements made by delegations in support of the Agenda for Protection were therefore particularly encouraging, especially in the light of the challenges facing the humanitarian community, which included deteriorating security environments and the mischaracterization of international refugee instruments as a safe haven for terrorists.

36. His determination to devote more resources to protection had met with the Executive Committee's broad approval and he would, in that context, be holding further consultations on the proposal to create a post of Assistant High Commissioner for protection. UNHCR was also planning to make more strategic use of resettlement as a tool of international protection; it created a win-win situation for States and refugees alike and did not detract from other solutions.

37. The completion of the Multilateral Framework of Understandings on Resettlement, was one tangible outcome of the Convention Plus initiative. Similar progress was needed on other strands of the initiative, particularly irregular secondary movements. With regard to durable solutions, while many delegations had expressed support for the Afghanistan Comprehensive Solutions initiative, he stressed that not all Afghans abroad should be forced to go home.

38. There had been a mixed response from delegations to the situation of asylum-seekers in Europe. It seemed that European Union States were receiving fewer asylum-seekers and Central and Eastern European States were receiving more. Proper asylum procedures were crucial to ensuring that the burden was shared, not shifted. UNHCR looked forward to contributing to the elaboration of asylum policies that were truly European in scope. It would focus on maintaining European countries' commitment to asylum while addressing the entire chain of displacement and solutions in regions of origin.

39. At the operational level, UNHCR would be holding consultations on follow-up to the agreement with the Government of the Sudan on protection in Darfur and had been heartened to

learn that the African Union would be deploying extra peacekeepers to that area. Elsewhere, developments in the Great Lakes region, Burundi and Somalia underscored the power of concerted political will to resolve protracted situations. The unprecedented registration of refugees for the 2004 presidential election in Afghanistan was confirmation that the international community could not afford to walk away from the reconstruction of that country. In that connection, the Iraqi delegation had asked him to relay its request that the United Nations facilitate similar out-of-country elections for Iraq.

40. The issues of food security and partnerships had been very much to the fore at the session. The Executive Committee had taken note of the sizeable food deficit projected for 2005 and the need to broaden the donor base and to examine the possibility of producing more food in countries hosting refugees. It had also stressed the particular importance of partnerships with the World Food Programme and NGOs.

41. With regard to the budget and funding, the contributions of donors had helped improve the financial outlook of UNHCR. However, more funds were needed to make up the shortfall in the 2004 annual programme budget. The support for a move to a biennial budget cycle had been noted and members of the Executive Committee would be consulted on its implications.

42. On management, the Executive Committee had expressed support for the headquarters review process, recognizing that UNHCR had acted quickly and transparently to address organizational weaknesses and to further improve its accountability and performance. It had welcomed the introduction of new human resource management methods and expressed satisfaction at the appointment of the new Special Adviser to the High Commissioner on Gender Issues.

43. On security, many delegations had recognized that UNHCR was fully committed to improving the security of its staff and the people of concern to it. UNHCR would be working with the Department of Peacekeeping Operations and the Office of the United Nations Security Coordinator on global security management, and would continue to provide more comprehensive training and awareness programmes designed to provide staff with the tools needed to conduct operations through risk management, not risk aversion.

CLOSURE OF THE SESSION (agenda item 15)

44. The CHAIRMAN thanked the members of the Executive Committee for adopting the decision on the working methods of the Executive Committee and the Standing Committee, which would allow the current Bureau to chair the next plenary session and enable future officers to assume their functions at the end of plenary sessions. As Chairman, he would focus on opportunities for voluntary repatriation, innovative approaches to the Convention Plus initiative, more complete and strategic use of resettlement, and the need to consider appropriate local integration options. He would also focus on the links between humanitarian assistance for refugees and development projects and improving the security of humanitarian workers and the persons they protected.

45. After the customary exchange of courtesies, the CHAIRMAN declared the fifty-fifth session closed.

The meeting rose at 12.15 p.m.