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Reports relating to programme and administrative oversight and evaluation

Report on activities of the Inspector General's Office

Report by the Inspector General

Summary

The present report has been prepared in conformity with the decision of the Executive Committee of the High Commissioner's Programme to receive a report on evaluation at its annual plenary session under item (vi) of the agenda: Reports relating to programme and administrative oversight and evaluation (A/AC.96/1003, para. 25.1(f) (vi)). Also relevant is the decision of the Executive Committee to regularly make available to the Committee summary reports covering inquiries and the main categories of investigations, the number of such types of investigation, the average time taken to complete investigations and a description of related disciplinary action (A/AC.96/1021, para. 24(e)). The report covers the period from mid-2009 to mid-2010.

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I. Introduction

1. The Inspector General's Office (IGO) within the Office of the United Nations High Commissioner for Refugees has three core functions: inspections of the quality of management of UNHCR operations; investigations of allegations of misconduct by UNHCR personnel; and *ad hoc* inquiries into violent attacks on UNHCR personnel and operations, as well as into other incidents causing major losses or damage to UNHCR's integrity, credibility or assets.
2. This report outlines activities undertaken by the IGO between July 2009 and the end of June 2010.
3. By the end of June 2010, the IGO had completed implementation of 86 per cent of the recommendations in the November 2008 report of the Independent Panel Review of the IGO by the Anti-Fraud Office (OLAF) of the European Union. An updated Inter-Office Memorandum/Field Office Memorandum on the IGO that reflects the changes that have already occurred will be submitted to the High Commissioner by the end of July 2010. All of the remaining unimplemented recommendations require institutional decisions. The creation of an Independent Advisory Committee, proposed by the Deputy High Commissioner, would support oversight coordination throughout UNHCR. This Committee would be consistent with the OLAF report recommendations regarding the establishment of an External Advisory Committee for the IGO. Its introduction would also clarify the reporting responsibilities of the Inspector General. Expanding the mandate of the IGO to include investigations into alleged fraud or corruption by third parties, and the creation of a second post for an externally-recruited Senior Investigation Specialist, remain on hold owing to resource constraints.
4. Upon taking up his functions in September 2009, the Inspector General initiated a process resulting in the establishment of a Road Map which provides the IGO with a clear set of implementation steps, as well as a vision for the future. The main goals of the Road Map are: to reinforce the quality of administrative and operational management; to strengthen the mechanisms for systematic follow-up and implementation of the recommendations of the IGO; to build upon the IGO's reputation as an impartial and independent entity within UNHCR; to enhance the sense of transparency and fairness in the follow up of the administration of discipline; and to act as an honest broker in providing advice and recommendations on complex challenges confronting senior management.
5. To achieve these goals, the Road Map comprises four pillars. The first focuses on added value and efficiency by rationalizing the manner in which knowledge and expertise can be used in reformulating working methodologies. The second deals with the perception of the IGO amongst UNHCR staff members: improved interaction between the IGO and other divisions/sections of the organization forms a basis for a better internal communication strategy to counter misconceptions regarding the work of the IGO. The third pillar emphasizes the importance of the sustained professionalism and integrity which can be achieved by better operational, procedural and cultural knowledge of the organization, as well as by modelling the IGO's work priorities on established standards and best practices. The fourth pillar aims at creating synergy in cross-cutting issues with other global oversight actors in the organization: clarifying all the respective roles and complementarities will allow for closer cooperation, resulting in the implementation of more preventive mechanisms as well as improved remedial action.
6. As a part of this process, the restructuring of the IGO in May 2010 included the upgrading of the former Inspection and Investigation Sections to two Services, bringing them into line with other oversight entities within UNHCR. The activities of both of the aforementioned Services are highlighted in this report.

II. Inspections

A. Inspections and compliance missions

7. Since its report to the sixtieth session of the Executive Committee (ExCom), the IGO has conducted a total of 11 standard inspections. Two of these were of Headquarters units, namely the Programme Budget Service (PBS) in the Division of Financial and Administrative Management (DFAM) and the Infrastructure and Telecommunications Systems (ITS) User Services Section in the Division of Information Systems and Telecoms (DIST). Nine were to field locations, namely and in sequential order: the United States of America and Canada; Eritrea; Kosovo (Serbia); Algeria and the Confidence Building Measures (CBM) Programme; Indonesia and East Timor; South Africa and selected countries covered by the Pretoria Regional Office (completion of which was delayed due to flight disruption related to volcanic activity in April 2010); Kenya; Mauritania; and the Russian Federation. In addition, two compliance missions were undertaken to the Democratic Republic of the Congo and Mexico. An additional three inspections and one compliance mission are scheduled for the second half of 2010. The reports of all inspections, once finalized, will continue to be made available to ExCom members on a password-protected page on UNHCR's public web site.

B. Implementation of the revised inspection strategy

8. The IGO began implementing a revised inspection strategy in January 2010 in order to improve the delivery of the inspection function. This includes:

1. Using a risk-based approach

9. The selection criteria for standard inspections have been further aligned with those used for ad hoc inspections and compliance missions. There was closer coordination with OIOS and the Policy Development and Evaluation Service (PDES) to ensure that no internal audit is planned for the same operation/headquarters unit in 2010 and that inspection missions do not overlap with PDES evaluations.

2. Narrowing the scope of inspections

10. Inspections concentrate more systematically on assessing the quality of management of field operations and headquarters units. The IGO is currently developing a concept paper to further define the optimal scope of inspections. Clarification has also been provided to ExCom members on the distinction between inspection functions and those of evaluations and audit.

3. Refining inspection tools

11. A major revision of the Inspection Handbook, which included the development of additional questionnaires for headquarters unit inspections, was concluded. The new Handbook will shortly be made available on the Intranet. The inspection database was updated and an electronic compliance questionnaire refined. A template to be tested during 2010 inspection reports was also developed. While the main technical problems posed by electronic confidential staff questionnaires have now been resolved, the reluctance of a number of staff members to respond electronically, for fear that the information provided will not remain confidential, requires further attention.

4. Increasing training

12. Advanced inspection training was held in April 2010 for both IGO and selected non-IGO staff members, aimed at equipping participants in inspection missions with additional skills.

C. Good practices and recurrent findings from inspection missions

13. The IGO continued to strengthen its focus on identifying good practices with a view to drawing lessons and facilitating the dissemination of these innovative approaches to other operations. The following good practices are drawn from the IGO's analysis of reports from recent inspections:

(a) The establishment of the Protection Monitoring Network in Somalia - through a network of local non-governmental organizations (NGOs), local media and medical facilities - helps in addressing the problem of the office's very limited access to many areas where persons of concern reside;

(b) Local orientation training for new staff members was successfully established in Egypt and proved valuable for an operation with a high turnover of staff;

(c) Successful Private Sector Fund Raising activities were achieved by the Office in Hong Kong, SAR China;

(d) The establishment of a mobile registration scheme by the Office in Lebanon to provide an effective alternative in the absence of a permanent UNHCR field presence for refugee registration;

(e) The successful practice of partners using their own funds and other resources to implement UNHCR programmes in the United States of America;

(f) In Kosovo (Serbia), initiatives targeting persons with specific needs include local projects financed by UNHCR as a means of reaching out to women and encouraging dialogue on sexual and gender-based violence (SGBV) issues in a multi-ethnic context, and in the Peha/Pec area, a theatre production involving Roma children on the subject of return;

(g) In Algiers, a partnership with a local NGO, *SOS Femmes en Detresse*, established in 2008, resulted in a referral system for female migrants and refugees in vulnerable psychological situations. This was complemented by a system of unannounced field visits in order to find out more about the living conditions of female refugees and asylum-seekers;

(h) Joint working sessions involving the Regional Bureaux and the Divisions of Financial and Administrative Management and Programme Support and Management to prepare and review new programming instructions have helped UNHCR staff to better comprehend the revised Resource Allocation Framework and the annual programme cycle activity implementation;

(i) In Dadaab, multifunctional teams are monitoring field activities and providing regular and consolidated information to Senior Management of the Country Operation in Kenya.

14. Some of the recurrent findings identified in field operations include the following:

1. Overall management

15. While regionalization has had an important impact on the line management and functional supervision of field operations, there is a need for further clarity on the role,

mandate, structure and functions of staff members in regional structures, as well as on the development and implementation of regional operational strategies.

16. Partnerships have improved, notably through more structured arrangements for liaison with donor representations, NGOs and persons of concern to UNHCR, and have benefited from the adoption of a results-based management approach to operations. However, in some offices, there continues to be a lack of active engagement in involving key partners. Government officials in some operations wish to improve their dialogue with UNHCR on budgeting, planning priorities and strategies in the course of the year; and donor countries still express a desire to offer more political support on protection issues provided that these issues are clearly communicated to them.

17. While most offices have set out strategic directions in line with UNHCR's Global Strategic Objectives and with the regional objectives established by each Bureau, there is a need to develop more ambitious, longer-term strategies in many countries.

18. More offices have adopted a multifunctional approach to resolving emergency refugee and asylum-seeker issues and concerns, resulting in a more effective ability to respond and adjust how UNHCR delivers protection and assistance to persons of concern in a timely manner. However, there is a need to systematically introduce more appropriate structures in field offices to ensure an integrated, multifunctional approach to addressing the protection and assistance needs of persons of concern to UNHCR. In this regard, the Age, Gender and Diversity Mainstreaming (AGDM) process, and the specification of accountabilities, responsibilities and authorities in the Global Management Accountability Framework launched in October 2009, are valuable tools for ensuring a holistic approach to responding to key needs. The implementation of AGDM with relevant partners is still an area of concern in a number of offices. The coordination between protection, programme and community services needs to be reinforced in order to achieve better complementarity, synergy, and impact. More involvement of field staff members is needed in the strategic and policy decision-making processes.

2. Protection management

19. There remains a need for more comprehensive regional and local protection strategies to provide a common vision, to enable analysis of key protection concerns, and to establish implementation plans.

20. Governments, NGOs and UNHCR non-protection staff would benefit from more basic protection training in order to increase their understanding of the rights of refugees, especially the Refugee Status Determination (RSD) training for government institutions.

21. Refugee Status Determination (RSD) operations tend to be well managed, notably with regard to registration, file management and review of RSD assessments. Nevertheless, improvements such as the finalization of Standard Operating Procedures (SOPs) and additional training of staff members, guards and interpreters could still be made. The rapid turnover of RSD staff and heavy reliance on United Nations Volunteers (UNVs) requires particular attention in many offices. Delays in RSD activities in some operations still exist.

22. Challenges continue to exist in balancing the field operations of UNHCR in relation to refugees, returnees and internally displaced persons (IDPs). With regard to IDPs, there is a need to further strengthen effective coordination of the protection cluster actors and provide better monitoring systems for IDPs. Further guidance is needed from Headquarters on how to improve the linkages between the Protection Cluster and the Early Recovery Cluster.

23. While welcoming recent improvements, issues relating to statelessness are still not adequately addressed owing to a lack of information or knowledge in some offices. In

countries that are not party to the Statelessness Conventions, additional advocacy work and technical advice for the purpose of ratification of these Conventions is required. Greater use of round-table discussions and thematic workshops with governments, diplomatic missions, national institutions, academia and legal aid societies is needed.

24. The strategic use of resettlement is encouraged as an important protection tool in some countries. Nevertheless, SOPs for resettlement need to be completed and used in several operations.

25. Certain field operations need to improve utilization of the 10-Point Plan of Action in their efforts to improve refugee protection, while engaging additional partners in protection and assistance to persons of concern and migrants.

26. In some operations, there is still a need to finalize SGBV SOPs, and to develop prevention and response strategies in consultation with Headquarters. In some countries, standardized reporting and follow-up mechanisms relating to SGBV still need to be elaborated.

3. Programme management

27. Implementing partners and operational partners still need to be more substantively engaged in all phases of the operational planning process. Although participatory assessments are now regularly conducted in most inspected operations, the resultant AGDM results are not always used systematically in revisions to operational plans.

28. There is still a need to train and encourage all partners to more effectively use standards and indicators reporting as a basis for programme planning; to involve refugees in strategic planning processes with a view to improving the success of subsequent community-based implementation; and to foster greater involvement of other specialized United Nations agencies in the planning process.

29. Programme management continues to be over-centralized at capital city level. This is not conducive to effective programme monitoring and implementation in the Field, especially when dealing with relevant partners in field locations. Regular monitoring and support missions from the capital to the field level is needed, especially with regard to ensuring the level and quality of assistance, the timely transfer of funds, and the efficiency of project closures and verification.

30. Increases in activity levels have resulted in a greater number of implementing partners for the Office, and consequential training needs. This is most notable in relation to the introduction of UNHCR's Results-based Management framework, including the *Focus* software.

4. Administration and human resources management

31. Given the growing number of insecure operating environments, there is a need to review more frequently the organizational measures in place to address staff safety and security, including the integration of national staff into the security management system. Additional funds continue to be required to support important security measures in field offices. The IGO welcomes the High Commissioner's establishment of the Senior Security Management Committee in 2009.

32. UNHCR's senior management is well aware of the increasing use of an affiliate workforce, especially UNVs, in field operations. Positive aspects of this development are recognized; however, while important measures have been taken to improve the policies and procedures related to the employment of UNVs, there are still recurring instances of UNVs being tasked to supervise national staff members, to perform core protection

functions, or to head the UNHCR presence at designated duty stations. These situations risk compromising the quality of UNHCR operations.

33. Field office organigrammes and job descriptions are not always updated on a regular basis to adequately reflect the distribution of work, functional responsibilities and reporting lines.

34. Training of UNHCR staff members is a fundamental tool for the effective discharge of the Office's protection mandate, and for maintaining a learning culture throughout the organization. Additional efforts are required to ensure that staff members benefit from relevant learning opportunities, including those offered online by the Global Learning Centre in Budapest.

35. While many field offices regularly organize Code of Conduct refresher sessions for both their own staff members and for UNHCR's partners, other offices do not do so in a systematic and regular basis. Staff members in some offices are unaware of the procedures to report misconduct.

36. Senior administrative staff from the capital should conduct regular visits to field offices to review and address any concerns regarding the achievement of minimum working and living conditions established by the Deputy High Commissioner on 18 December 2007. There is a need to improve the monitoring of compliance with the relevant guidelines.

D. Compliance

37. The high rate of compliance with IGO inspection recommendations has been maintained, reflecting 90 per cent of recommendations implemented or under implementation. An analysis of the status of implementation of inspection recommendations during the reporting period revealed the following:

- (a) There were no cases of non-compliance;
- (b) Incoming Representatives frequently do not benefit from a proper briefing on the inspection findings before taking up their assignment, precluding timely action on the inspection recommendations; and
- (c) Nine inspections were closed having achieved satisfactory compliance.

38. Two compliance missions were conducted during the reporting period. The first, to the Regional Representation in Kinshasa in the Democratic Republic of the Congo, found that a high rate of compliance now exists, and that decentralization has greatly facilitated the work of the office in the east of the country. The second mission, to Mexico, found major improvements in overall management and leadership, as well as a sharpened strategic vision for the implementation of UNHCR's mandate in accordance with the recent transformation of the office from a Regional to a Country Office.

39. Factors limiting full compliance with inspection recommendations continue to include insufficient resources; lack of sufficient precision in the formulation of some recommendations; disagreements between the inspected field office or headquarters unit and the IGO on the validity or appropriateness of the recommendations; and significant changes in the operating environment beyond the control of the inspected offices or units.

40. The IGO will continue to refine its compliance methodology in line with United Nations developments aimed at system-wide improvements in oversight and accountability.

III. Investigations

A. Caseload and reporting

41. During the reporting period, the IGO registered a total of 814 complaints (including 504 from refugees and other persons protected and assisted by UNHCR), which is a further increase from the 634 complaints documented in the IGO's 2009 report to ExCom. The increase in the number of allegations received is due in part to the introduction of the on-line complaint mechanism in January 2009, designed to increase UNHCR's accountability to its persons of concern. Most of these complaints were related to protection and assistance concerns and were, after initial IGO screening and assessment, shared with the relevant Bureaux and the Division of International Protection for their follow-up.

42. Of the total complaints received, 102 resulted in an investigation being opened. This is consistent with the previous reporting period when 100 cases were opened. It should be noted that only 5 of the 173 complaints received through the on-line complaint mechanism could be sufficiently substantiated to open an investigation. The IGO welcomes the fact that persons of concern have increasing access to voice their concerns, as it indirectly enhances the accountability of field-based staff. The IGO has recently shared a tool with the Bureaux designed to facilitate the tracking of such complaints.

43. A total of 50 investigations were completed during the reporting period, of which 16 resulted in Preliminary Investigation Reports (PIRs)¹ being transmitted to the Director of the Division of Human Resources Management (DHRM) for appropriate action. The remaining 34 investigations resulted in Closure Reports.

44. One of the investigation reports transmitted to DHRM concerned a staff member who admitted assaulting a minor from the local community. Another report concerned an administrative/finance officer who was involved in embezzlement and fraud. Another investigation established the misconduct of a staff member who misused the Organization's assets by sending an offensive email about a senior manager.

45. During the reporting period, there was a decrease in the number of investigations conducted by the Investigation Service from 72 in the previous reporting period down to 50. This was due partly to a number of sensitive and complex cases that required extensive work both in terms of staffing levels and time, and partly to a high turnover of staff in 2009 in the then Investigation Section, as three senior investigation officers left on secondment or retirement.

46. A senior investigation specialist joined the Investigation Service in February 2010, and the IGO is also using qualified staff members in need of placement to support investigations. The number of investigations concluded therefore increased in the first half of 2010, with 36 investigations completed and 12 PIRs referred to DHRM. The actual number of cases finalized should only be viewed as an indicator, and cannot reflect the nature, sensitivity or the complexity of cases.

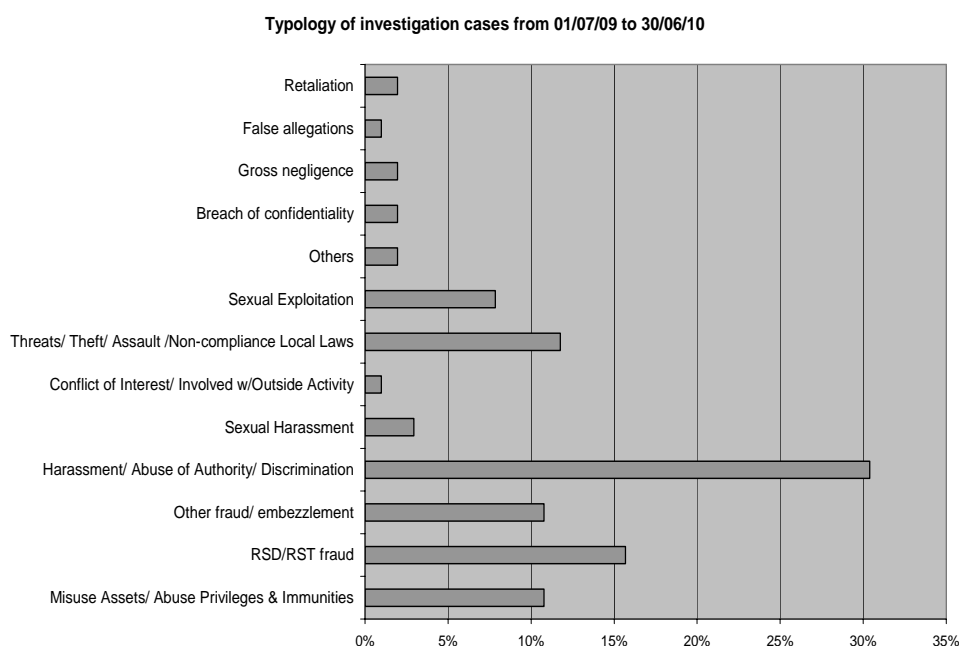
47. When required, the Investigation Service also issues Management Implication Reports (MIRs) to address issues of a managerial nature which are noted during the course of an investigation, but which do not amount to misconduct. During the reporting period, three MIRs were issued. One MIR pointed to possible shortcomings in internal management which had a negative effect on inter-personal relations among staff in the office. This case illustrated a situation escalating into an investigation because of a

¹ Following the issuance of United Nations Secretariat administrative instruction ST/AI/371/Amend.1 of 11 May 2010, investigations are no longer referred to as "preliminary"

perceived absence of alternative channels for staff to raise their concerns, particularly in relation to posting decisions.

48. Another investigation case was conducted relating to possible procurement fraud. The facts established during the investigation were insufficient to support a finding of misconduct against a UNHCR staff member. However, through an MIR, the Investigation Service alerted the Representative to a situation where junior staff members with no procurement responsibilities were being entrusted with the tendering process. Recommendations were made that the procurement, bidding and tender provisions of the UNHCR manual should be carefully adhered to at all times. It should be noted that there is close synergy between the Inspection and the Investigation Services in this regard.

49. As at 30 June 2010, there are 114 ongoing investigations, comprising 40 cases opened in 2010 and 74 during the period July to December 2009. The Investigation Service is carefully monitoring and recording the impact of the new United Nations Internal Justice System in order to assess the manner in which it may eventually impact the manner in which UNHCR carries out its investigative function.



50. As the graph above illustrates, the majority of the investigation cases continue to relate to harassment in the workplace and abuse of authority. The number of such cases increased from 22 per cent in the last reporting period to 30 per cent. In this regard, the IGO is continuing to cooperate with the Ombudsperson, the Director of Ethics, the Staff Welfare Section and DHRM to address conflict at the workplace in a proactive manner, with a view to supporting informal conflict resolution and where appropriate preventive measures. The Investigation Service endeavors to give priority to cases that directly affect beneficiaries, with special consideration being given to cases of alleged sexual exploitation and abuse. The categories of fraud in resettlement and refugee status determination as well as sexual exploitation collectively represent 24 per cent of the total investigative caseload.

B. Investigation tools

51. Within the Investigation Service, initiatives have taken place to improve the manner in which the Service carries out its mandate. These include a set of Investigation Guidelines

that provide a set of working tools for investigators, and should improve the procedural standards achieved while investigating cases of possible misconduct.

C. Investigation training

52. A workshop on “Advanced Investigative Training for Administrative Watchdogs” took place from 5 to 7 October 2009 in Geneva. That training was attended by staff members from amongst the oversight actors in UNHCR and from other United Nations agencies, and was facilitated by the Ombudsman of Ontario, and the Director of the Special Ombudsman Response Team, from Canada.

53. The Investigation Service has received funding from the Canadian Management Initiative to relaunch its Investigation Learning Programme in 2010. This Programme is designed to strengthen UNHCR’s capacity to investigate reports of staff misconduct. The conceptualization of this learning programme began in February 2010, and the delivery of one workshop at Headquarters and another in the Field will take place during the last quarter of 2010. The Programme will help to develop a roster of some 40 field and regionally trained professional staff members with investigative skills, available to support the IGO’s Investigation Service.

D. Investigation missions and staffing

54. Given existing resource constraints in terms of staffing levels and funding, the Investigation Service has utilized a “regional approach” when investigation missions take place. By grouping several cases in a certain geographical area together, the Investigation Service is able to maximize use of its limited resources by carrying out investigations *in situ*, instead of relying on telephone interviews conducted from Headquarters.

IV. Ad hoc inquiries

55. An ad hoc inquiry mission to Pakistan, led by the then Deputy Inspector General, took place from 26 September to 5 October 2009 to look into the three violent attacks on UNHCR staff members in Pakistan earlier that year. The final report of this ad hoc inquiry mission was shared with the High Commissioner by the Inspector General on 30 November 2009.
