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REPORT ON UNHCR'S INSPECTION AND INVESTIGATION ACTIVITIES¹

I. INTRODUCTION

1. This report outlines developments in the inspection and investigation functions since September 2003. These functions are carried out by the Inspector General's Office (IGO) which was established in 1994 to consolidate and strengthen UNHCR's internal oversight capacity. Since then, the role of the IGO has been evolving in order to meet emerging management support needs. The High Commissioner's stated commitment to reinforcing principles of accountability throughout UNHCR's management is the basis of a recent revision of the IGO's terms of reference which have been broadened and made more robust.
2. The revised terms of reference of the IGO were issued on 9 October 2003. They now comprise three functions: inspections of field offices and headquarters' units, including reviews of UNHCR's role in regional and sub-regional refugee situations (operational reviews); investigations of reports of misconduct; and ad hoc inquiries into incidents of violent attacks on UNHCR staff and operations where these involve fatalities, major injuries or large-scale damage. Ad hoc inquiries into other types of incidents, including allegations of misconduct by non-UNHCR personnel which could directly impact the Office, can also be carried out by the Inspector General (IG) at the High Commissioner's request.
3. The ultimate aim of the IGO is to support the effective and efficient management of UNHCR's operations, including preventing waste of resources, and, through a range of preventive and pre-emptive measures, to minimize the need for remedial action. To this end it also derives trends, lessons and best practices from its findings, and makes recommendations to the High Commissioner for the improvement of overall office policies, internal controls and management practices.

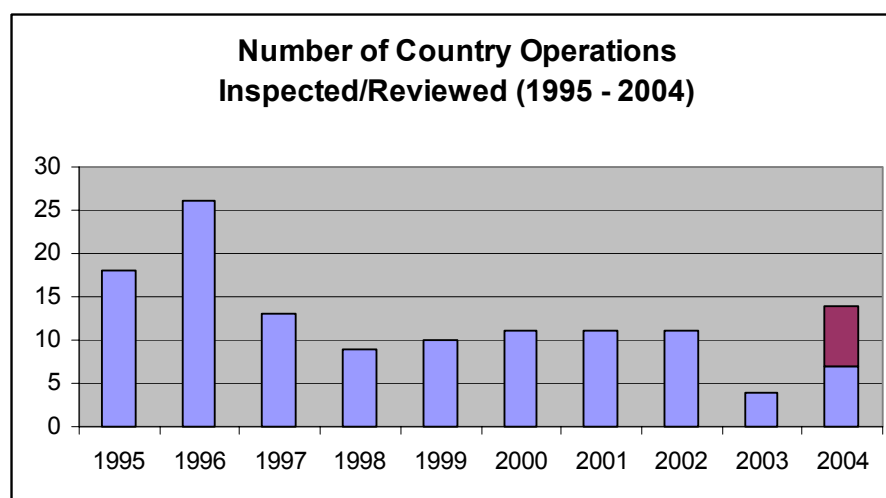
¹ This document has been submitted after the official documentation deadline due to resource constraints.

II. INSPECTIONS

4. The Inspection Unit of the IGO comprises one Head of Unit, one Senior Inspection Officer and one Inspection Assistant who also covers other general duties in the IGO. Inspection teams, however, include staff from other units with relevant expertise not available within the IGO. Given the Department of International Protection's (DIP) particular competence and complementary responsibility for protection oversight, the participation of a staff member from DIP is arranged in all inspections that involve assessments of protection management. The Inspection Unit also coordinates the relationship between UNHCR and other oversight institutions, whether external or within the United Nations, such as the Joint Inspection Unit.

5. The IGO maintains an inspection database which records and keeps track of all inspections carried out in the field or at headquarters. The database is also used to monitor the implementation of the inspection recommendations and to process data for the purpose of analysis, tracking of the status of recommendations and the status of compliance. For technical reasons, the data had to be transferred from the "Lotus Notes" software formerly hosted by UNICC to a windows-based application developed by UNHCR.

6. During the period 1 September 2003 to 31 July 2004, a total of seven inspections (including operational reviews) were carried out under the auspices of the IGO (Turkey, Somalia, Sudan, Uganda, Kazakhstan, Uzbekistan and Sri Lanka). An inspection of the UNHCR branch of the Joint Medical Service at Headquarters was also initiated. Concurrently, the IGO undertook a project aimed at updating and developing its inspection methodology, including establishing – in consultation with functional units at Headquarters – authoritative checklists which will be used for carrying out standard inspections. These checklists, which now incorporate issues relating to the Code of Conduct, sexual and gender-based violence (SGBV), induction and training, will be tested in three inspections scheduled to be carried out in the remainder of 2004 (Sierra Leone, Japan and Spain). In addition, four ad hoc inspections aimed at addressing specific concerns related to the management and development of operational strategies are also scheduled for this year (Colombia, Georgia, Armenia and Azerbaijan). This will bring the total number of operations inspected in 2004 to 14, which is slightly higher than the historical average of 10 to 12 per year since the IGO was established (see the chart below).



7. The seven inspections conducted in the reporting period resulted in over 260 recommendations which have, for the most part, covered operational policy and strategy, protection, programme management and human resources issues. More details on the main areas that were dealt with by these recommendations are given below.

Review and inspection of selected aspects of UNHCR's operation in Turkey – November 2003

8. In Turkey, a strategy review and inspection were conducted simultaneously in November 2003. The review focused primarily on UNHCR's role and responsibilities for refugee status determination and resettlement processing, as well as UNHCR's strategy to support Turkey in its development of an asylum system and procedures. Given the Government of Turkey's formal commitment to establish a specialized agency responsible for managing refugees and migration, the review recommended the development by UNHCR of a plan to support the gradual assumption by the authorities of refugee status determination and related functions, including specific recommendations for pre-transfer activities such as: assisting the Government to put into place its own permanent training structure; building a network of NGO operational partners; devolving selected elements of the refugee status determination process to the Government immediately; and strengthening protection monitoring on Turkey's borders.

9. A complementary set of inspection recommendations addressed human resource management issues that were likely to arise as the consequence of, or in order to support, the changes recommended in the strategy review, including recommendations on managing the situation of local staff better.

Operational review of UNHCR's operation in Somalia and surrounding countries of asylum - January 2004

10. With the participation of the Africa Bureau, the Evaluation and Policy Analysis Unit (EPAU) and the Department of Operations (DOS), the Inspector General's Office undertook an operational review of Somalia. The review focused on UNHCR's strategy and modus operandi in Somalia and examined the organization, management and implementation structures in relation to country objectives. In conjunction with this review, an assessment of the community-based reintegration programme in "Somaliland" and "Puntland" was carried out. The team also looked at how UNHCR is functioning in the overall context of humanitarian, recovery and development plans in Somalia in order to assess the potential for UNHCR to reinforce its partnership with other actors and to determine what contribution those actors can realistically be expected to make towards returnee reintegration efforts.

11. The operational review team proposed ways in which UNHCR could capitalize on opportunities for voluntary return of displaced persons to north-west and north-east Somalia, develop a plan to wind up assisted repatriation from neighbouring countries and phase down reintegration assistance. At the same time it was recommended that UNHCR increase collaboration with humanitarian development and political institutions with a view to raising the profile of the critical humanitarian situation in Somalia and the need for concentrated relief and development efforts for the country. The "4Rs"² approach was a constant theme of the mission,

² Repatriation, Reintegration, Rehabilitation and Reconstruction

particularly given its stabilizing impact on the population and its impact on poverty reduction. Finally, coordination and cooperation between various agencies in the region to ensure long term reintegration and development of returnees were strongly recommended, particularly given that UNHCR would not be the main actor after refugees returned to Somalia.

Operational review of Sudan and countries of asylum – March 2004

12. In March 2004, a team comprised of staff from the IGO, DOS, and the Africa Bureau undertook an operational review of the Sudan operation within the context of the impending peace agreement. The team recommended urgent strengthening of UNHCR's presence in asylum countries to prepare for repatriation as well as in Khartoum and southern Sudan where UNHCR's longer term presence was essential. The review made recommendations on the role UNHCR could play in facilitating an inter-agency strategy to implement the "4Rs", thereby ensuring that displacement and protection would be high on the political and reconstruction agendas. The review also highlighted that gender inequality and children's rights needed to be at the heart of UNHCR's repatriation interventions, noting that the peace process and return could be an effective "agent for change" with regard to the rights of women and children.

Ad hoc inspection of UNHCR's operation in Uganda – March 2004

13. An ad hoc inspection of Uganda looked at specific aspects of management, office structure, staffing and modus operandi identified by the Africa Bureau as requiring independent review. The report recommendations focused on strengthening internal management processes and practices, including development of an integrated approach to dealing with the risk of SGBV in refugee settlements; improved management of resettlement processes; the role and responsibilities of field offices; ways to strengthen partnership and collaboration with implementing partners; and on dealing with the operational implications of adverse security conditions in northern Uganda.

Operational review of Sri Lanka – April 2004

14. The operational review of Sri Lanka, conducted with the participation of EPAU, the Inter-Organisation Desk and the Asia and Pacific Bureau, aimed at reviewing the effectiveness of international and national protection for asylum-seekers, refugees, internally displaced persons (IDPs) and returnees; evaluating UNHCR's durable solutions strategies; and, assessing the effectiveness of UNHCR's partnerships with agencies, authorities and donors in realizing its protection and solution strategies. The review made recommendations for proactively seizing opportunities presented by the recent peace process in Sri Lanka, and on preparation of a comprehensive assistance and protection strategy with other key partners in order to launch a programme to promote the return of those IDPs and refugees able and willing to go home. Central to the strategy was UNHCR's role in the Transitional Recovery Programme (TRP) and the "4Rs" programme. It also dealt with UNHCR's partnerships with other actors, including the authorities, International Financial Institutions (IFI's), United Nations agencies and non-governmental organizations, which were of key importance in pursuing any effective strategy.

Ad hoc inspections of UNHCR's operations in Uzbekistan and Kazakhstan – June 2004

15. With participation from the Department of International Protection (DIP) and the CASWANAME Bureau, the IGO carried out ad hoc inspections of UNHCR's operations in Kazakhstan and Uzbekistan. These addressed specific management issues identified by the Bureau and focused on factors that were seen to be hampering the effectiveness of UNHCR's protection strategies. Recommendations dealt with internal management, coordination and information-sharing procedures and practices, with special reference to refugee status determination processes, as well as with the quality of external representation and advocacy functions, including collaboration with key partners.

Inspection of the UNHCR branch of the Joint Medical Service

16. An inspection of the UNHCR branch of the Joint Medical Service (JMS), launched in September 2003, was overtaken midway through by management decisions introducing significant changes to the structure, staffing and terms of reference of the inspected unit. The aims of the original inspection were to assess whether and how effectively the JMS was carrying out its functions and whether and how effectively relevant policies, guidelines etc. were being applied in the management of the Service. These aims were partly obviated by the subsequent changes affecting the unit. The extensive observations and documentation gathered during the first data-collection phase of the inspection, which included surveys of field offices on health conditions and needs, are now being re-analysed to determine how best they may be used in the context of the changes in the role and organization of this unit.

General remarks on inspections

17. Experience over the past two years has shown that many inspection issues arise from inadequate management action. Administrative, operational and personnel problems may not be addressed adequately or in a timely manner. The new approach to inspections - through the "ad hoc inspection" formula - has enabled the IGO to be more responsive to the management concerns and this approach is proving useful. Similarly, operational review missions have played a valuable role in addressing some key gaps at the policy or strategic level, and they have been generally welcomed in the field. Three areas stand out, however, as requiring special attention: operational policy and strategy development; human resource management; and staff welfare issues. Among these, the first is of particular concern: inspection recommendations repeatedly highlight the need to ensure not only that coherent strategies are in place at the field level but that they are shared with key stakeholders, including implementing partners, the host government and the donor community. The following are examples of overall "lessons learned" from inspections carried out during the past two years.

Overall management

18. In several of the offices visited it was a major challenge to ensure appropriate levels of interaction and information flow among functional units and between the branch office and its field offices. Much had been done to upgrade telecommunication systems; nevertheless, fostering an organizational culture where information is shared horizontally and vertically needed to receive greater attention.

Protection management

19. Almost all the offices in countries visited had substantially strengthened refugee status determination and resettlement procedures and controls. Standard Operating Procedures had been formulated and were being implemented by those undertaking resettlement. Substantial improvements in these areas were evident.

Programme management

20. NGO partners requested more guidance from UNHCR on the general direction and objectives of programmes as well as more regular advice and guidance on relevant UNHCR technical standards. Lack of consistency between programme planning initiatives taken by branch offices and those emanating from subordinate field offices was an area that needed to be addressed. This was illustrative of the type of communication problems often noted between the branch office and field locations, including the failure at times to articulate and disseminate strategies and action plans among key stakeholders.

21. The monitoring of NGO partners remained a major problem in many locations. In some offices there were no mechanisms for the close and systematic monitoring of NGOs, resulting in significant divergences in the standards at which UNHCR programmes are implemented. Failure to monitor performance and delivery by NGOs against clear and transparent criteria and clearly established, objective performance benchmarks made it difficult for offices to justify their decisions to renew sub-agreements with one implementing partner and not another. Furthermore, decisions not predicated on objective standards could be seen as arbitrary and open to challenge. Few offices were engaging in the type of monitoring of implementing partners which would enable them to determine whether their capacity-building activities had had any impact on the overall performance and delivery by these NGOs. This impaired their ability to take stock of their achievements and draw lessons for the future.

Administrative management

22. The appropriate and effective involvement of staff in decision-making processes which concerned them remained a problem area in many offices. This was in some cases due in part to the absence of a regular forum, e.g. regular meetings to keep staff briefed on new developments and to share and seek their views in order to build a common understanding of operational strategies and the priorities of the office. This, coupled with problems of information flow, was seen in a number of cases to have led to a sense of exclusion and a low degree of internal cohesion, and had affected the willingness and the ability of staff to function as a coherent team.

III. INVESTIGATIONS

23. The Inspector General is the focal point for investigating allegations of misconduct by UNHCR's staff. This includes misuse of funds, resources or facilities; abuse of authority and other forms of workplace harassment; mistreatment of refugees; or any other improper conduct prohibited in the United Nation's staff rules and regulations and relevant administrative instructions.

24. Investigations are undertaken where there is reason to believe that a staff member has engaged in misconduct. If the assessment of a complaint or other information on possible wrongdoing suggests that misconduct has occurred, the Inspector General decides either that the Inspector General's Office (IGO) will undertake the investigation directly or designates a responsible official within the organization to investigate. Specialized experts may be included in investigation teams. The outcome of an investigation is either an internal referral to initiate disciplinary or administrative action, or closure of the case should the allegations prove unfounded or insufficiently substantiated.

25. The Investigation Unit of the IGO comprises a Head of Unit, two Senior Investigation Officers and an Investigation Assistant. In recognition of the heavy workload of the Investigation Unit, the May 2004 Operational Review Board approved the creation of posts for an additional Senior Investigator and a Secretary in 2005.

26. In addition to conducting and overseeing investigations, the Investigation Unit ensures internal coordination and, as appropriate, inter-agency collaboration on investigations. The Investigation Unit also works with departments and divisions at headquarters on preventive action, notably on the development of training programmes on fraud awareness, vulnerability assessment and mechanisms to ensure more accountability.

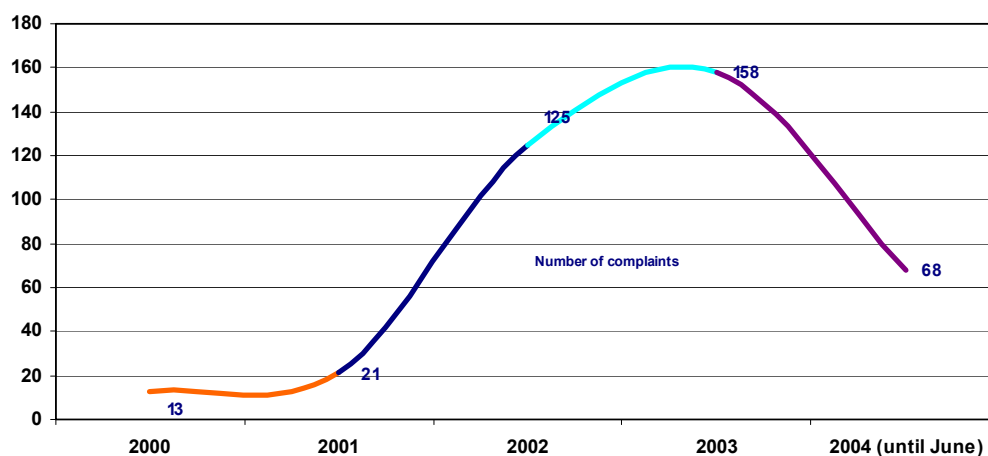
27. During the period September 2003 until June 2004, 129 complaints were received. The IGO was not competent to deal with 16 of these complaints as they were not related to UNHCR staff members. Such cases are referred to managers in the field or to UNHCR's partners for appropriate follow-up. During the reporting period, the IGO completed 138 investigation reports. 45 per cent of these reports were sent to the Division of Human Resources Management (DHRM) for either disciplinary or administrative action after determining that the allegations were established. 30 per cent of the allegations were considered as unfounded or insufficiently established. In 25 per cent of the cases, the investigations were closed because the persons against whom the allegations of misconduct had been made left UNHCR before the end of the process. 84 pending cases are being investigated by the IGO, DHRM and designated officers in the field.

Statistical Information

28. The majority of complaints were received from UNHCR staff members. However, many of them were based on complaints made by refugees and asylum-seekers. Other complaints came from the Audit Section and Investigation Division of the Office of Internal Oversight Services, NGO and implementing partner staff, and government officials.

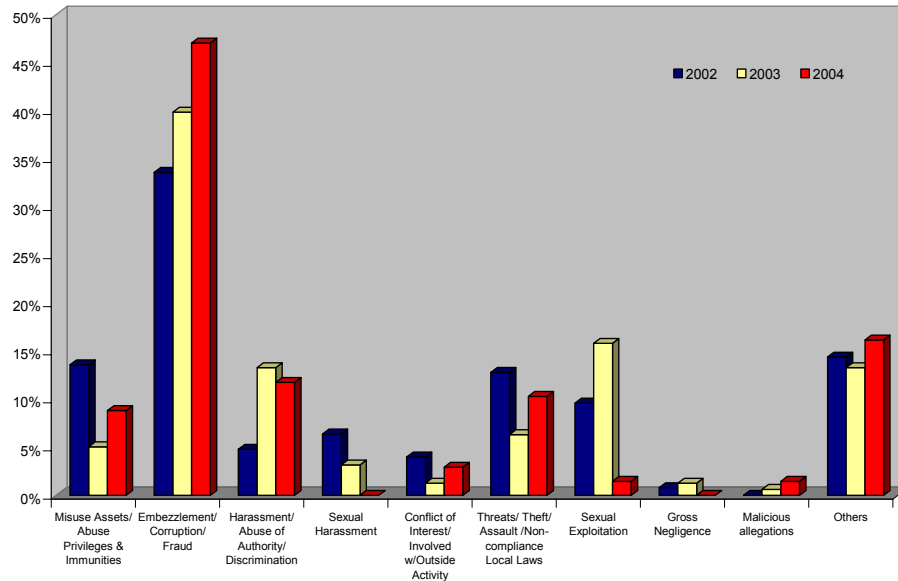
29. The number of allegations received to date in 2004 represents a slight decrease over the preceding two years. However the number continues to be high compared to figures in 2001 and 2002. This development needs to be considered in light of the following five factors:

- Specific communications from UNHCR's senior management to all staff emphasizing the importance of accountability including sanctions against misconduct;
- The establishment on 24 May 2002 of a procedure to receive allegations of misconduct at the IGO, and its revision on 9 October 2003;
- The introduction of the UNHCR Code of Conduct in October 2002 and the implementation of facilitation sessions at all levels to increase staff members' awareness of their rights and obligations;
- The establishment in some asylum countries of local complaint mechanisms for refugees at UNHCR's initiative; and
- The development of the capacity of the IGO to conduct investigations through the creation of an Investigation Unit in September 2002.



30. The overall increase in the number of complaints received and subsequent stabilization should be seen as an indication of staff members' greater awareness of their obligations as well as the desire for more transparent and effective accountability within UNHCR.

31. The types of complaints received over the last years can be grouped in the following categories:



32. During the reporting period, the Investigation Unit received 17 complaints of resettlement fraud. In 2004, the Resettlement Unit of the Department of International Protection developed several tools in partnership with the Investigation Unit to prevent future resettlement fraud. These included resettlement anti-fraud action plans, including comprehensive follow-up; training modules for field colleagues on risk factors and steps to prevent fraud; benchmarks to reduce risks; and information campaigns for refugees. In addition, resettlement surveys are being sent to missions that process resettlement claims, branch offices and resettled refugees. The Investigation Unit increasingly needs the cooperation of resettlement countries in order to trace and interview potential witnesses in resettlement fraud related cases.

33. As a result of the investigations conducted, seven management implication reports were produced during the reporting period on false education and medical claims as well as reports on UNHCR's operations in the Republic of the Congo, Georgia, the Islamic Republic of Iran, and the United Republic of Tanzania. Compliance with the recommendations made by the IGO in these reports is being closely monitored in coordination with the Inspection Unit.

Referrals to the Office of Internal Oversight Services (OIOS)

34. Referrals and other forms of collaboration between the OIOS Internal Audit Service for UNHCR and the IGO continue to contribute to increased cooperation between these oversight functions. In particular, one case was referred to OIOS and subsequently a joint audit/investigation mission was conducted.

Inquiries

35. The Investigation Unit completed two inquiries related to allegations that two implementing partners had links with some terrorist organizations. In both cases, the IGO recommended that there were sufficient indications for UNHCR to discontinue its relations with the two organizations. Follow-up action was taken in this respect by the Regional Bureaux concerned.

Developments

36. IGO noted a continued lack of adequate understanding by many UNHCR staff members of sexual harassment as defined by the United Nations and of the procedures available to address this form of misconduct. Fears of possible retaliation from the perpetrators (especially if they happened to be in a supervisory position), concerns about possible negative effects on career development and loss of self-esteem continued to prevent some staff members from making allegations of misconduct of this nature to the IGO.

37. The Investigation Unit continued its prevention initiatives throughout the reporting period, actively participating in the United Nations Inter-Agency Task Force on Sexual Exploitation of Refugees, the UNHCR Code of Conduct Task Force and the UNHCR Harassment Working Group. The Harassment Working Group is chaired by the Deputy High Commissioner and will develop a workplace harassment policy and procedures for UNHCR staff by December 2004.

38. In addition, the Investigation Unit has sought to incorporate the lessons gleaned from investigations by proactively contributing to the new Management Learning Programme which will be a future requirement for all UNHCR managers. The Investigation Unit has also worked collaboratively with United Nations sister organizations and Interpol in the investigation process during the year and continues to assist NGOs and implementing partners on an advisory basis regarding investigation issues concerning refugees.

39. The investigation database has been operational since the beginning of 2004 and facilitates the central recording of all complaints alleging misconduct. It also helps in the management of investigation cases and the production of statistical reports.

40. The experience gained from the investigations conducted so far, as well as resource constraints, led to the decision to make significant amendments to the earlier administrative instructions on the investigation function of the IGO. The new instructions were published in October 2003, and detailed technical guidelines for the conduct of investigations, including those delegated to managers under the authority and monitoring of the IGO were published in July 2004.

41. Some 10 complex investigations conducted in 2003 led the Investigation Unit to establish coordination mechanisms with local law enforcement authorities as the allegations of misconduct also constituted possible violations of local laws. In a growing number of cases, the functional immunity of the staff members accused was lifted in accordance with established procedures.