

ENHANCING THE INDEPENDENCE OF THE OFFICE OF THE INSPECTOR GENERAL

1. Further to the recommendations of the Joint Inspection Unit (JIU) report dated August 2004, the Executive Committee at its last full session requested the Bureau, in cooperation with UNHCR, to organize informal consultations on enhancing the independence of the office of the Inspector General. The first Informal Consultative Meeting on this subject was held on 22 February 2005.

2. This Note provides the views of the High Commissioner on the outcome of the 22 February meeting and details other measures he proposes in this context.

A. Independence of the Inspector General function

3. The High Commissioner reconfirms that the Inspector General is appointed by and reports directly to him. For this reason, the High Commissioner has requested his Chef de Cabinet to brief the Informal Consultative Meeting on his behalf.

4. The independence of the IGO relates specifically to its ability to carry out its mandated functions without hindrance or constraint. The Inspector General is, of course, subject to the same standards of accountability as all other senior managers, and the IGO is governed by the same administrative and financial rules and regulations as all other organizational units of UNHCR. Within these parameters the High Commissioner is committed to ensuring that the IGO has full freedom of action to perform its functions.

5. To enable it to exercise its proper role the IGO must be free of interference from any party, including governments and other external actors. As the High Commissioner stated at the informal meeting of the Executive Committee on 17 June, *“we will elaborate and enforce clear rules of non-interference in the substantive work of the IGO – non-interference from senior management, outside sources and the High Commissioner himself.”* These will cover the direction, organization and conduct of the IGO’s work.

B. Access by ExCom members to inspection reports

6. The High Commissioner stated to the Executive Committee on 17 June that the “executive summaries of inspection reports will be available to members of ExCom through our internet site.” Those summaries will be available on a password-protected portion of the site. Furthermore, the full texts of all reports of inspections undertaken from this date will be available to members upon request. The Inspector General will also be available to respond to questions on inspection activities.

7. Investigation reports will continue to be confidential.

C. Appointment and removal of the Inspector General

8. The High Commissioner retains the authority to appoint the Inspector General of UNHCR. To ensure the selected candidate possesses the highest professional qualifications, the High Commissioner will consider internal and external applicants when selecting an Inspector General.

9. To address concerns that the work of the Inspector General may be influenced by his or her subsequent assignment(s), preference among qualified internal candidates will be given to individuals for whom the post would be their last assignment before retirement.

10. The High Commissioner has the authority to reassign or remove staff members as necessary to reorganize the Executive Office. However, the High Commissioner will not seek the removal of the Inspector General, even if he or she believes there is valid reason, without first consulting with the Executive Committee.

D. Other issues raised by the JIU report

11. The JIU recommends that the inspections and investigations functions presently within the IGO be separated. However, the High Commissioner believes that the co-location of these functions within the IGO is advantageous given the organization's management structure and operating environment. The IGO is called upon to deal with a wide range of issues that require it to make initial assessments and determine whether the appropriate response is an inspection, an investigation or referral to a manager or other competent party. Both inspection and investigation expertise are needed to do this, and having both within the IGO ensures that responses are consistent, properly based, timely and effective.

12. Investigation findings often help to more effectively target and focus inspections on potential problem areas, thus enhancing their preventive effect. Inspectors must be able to draw on investigation expertise in distinguishing between mismanagement and misconduct. It should also be noted that grouping inspection and investigation functions within one oversight body is consistent with practice in other international and UN organizations, for example UNDP, UNICEF, WFP and UNRWA (cf. the report of the Joint Inspection Unit on Strengthening the Investigation Function in the UN System Organizations, 2000).

13. The JIU recommends that rotation requirements for IGO staff be eliminated so that their independence and objectivity is not affected by the prospect of having to work subsequently under the supervision of staff who could have been the subject of IGO oversight activity. In order to conduct inspections and investigations effectively, however, IGO staff must have first-hand knowledge and experience of UNHCR's systems, policies and operations, especially its field operations. Eliminating rotation requirements would actually be to the detriment of the quality of inspections and investigations.

14. Negative effects on careers have not been seen among the considerable number of staff who have worked in the IGO and then moved on to other posts. While it is not possible to rule out delayed or indirect effects, any retaliation against staff due to work they performed for the IGO would constitute misconduct and would be dealt with as such.

15. A separate note has been prepared and is also being circulated on the relationship between the Office of the Inspector General and the Office of Internal Oversight Services, as requested by the Executive Committee.

Executive Office
14 July 2005