

PROPOSED POST OF ASSISTANT HIGH COMMISSIONER (PROTECTION)

I. INTRODUCTION

1. This paper presents a revised version of the proposal to establish the post of an Assistant High Commissioner (Protection) at the Assistant Secretary-General level, which was first presented formally to the Executive Committee in 2004 at its fifty-fifth session.

II. BACKGROUND

2. The rationale for the proposal and its cost implications were set out in the addendum to the 2005 Annual Programme Budget (A/AC.96/992/Add.1). In considering the 2005 budget, and the above proposal, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) noted in its Report that : "In principle, the Advisory Committee favours the proposal of the High Commissioner for the establishment of the additional Assistant High Commissioner post" (A/AC.96/992/Add.2 (para. 11). It added, however, several key observations. It felt that UNHCR should await the careful consideration of its own headquarters review process before creating another top management post; moreover, it drew attention to what appeared to be a significant imbalance in the proposed workloads of the proposed Assistant High Commissioner (Protection) and that of the existing Assistant High Commissioner (Operations).

3. When the Executive Committee considered the proposal, it had available to it the comments of the ACABQ. The outcome of the extensive discussion of the issue is reflected in the relevant paragraph (h) of the General Decision on Administrative, Financial and Programme Matters (A/AC.96/1003) adopted by the Executive Committee:

"Notes the proposal of the High Commissioner to create a further post at the ASG level of an Assistant High Commissioner (Protection), and the comments thereon of the ACABQ and Standing Committee, as well as related observations by the JIU; requests the Bureau to organize further consultations on this subject, and UNHCR, as part of its follow-up to the UNHCR 2004 process, to commission, and make available in good time the report of, a full and independent review of its senior management structure that encompasses the issues raised by the ACABQ and Standing Committee and any relevant results of the current headquarters process review; further requests UNHCR to provide more detailed terms of reference for the proposed position, in line with the results of the aforementioned review, with a view to revisiting this proposal at the meeting of the Standing Committee to be held in March 2005."

III. CONSULTATIVE PROCESS 2005

4. In accordance with the above Executive Committee decision, informal consultative meetings were organized by the Bureau on 24 January and 8 February 2005. In addition, the Final Report of the Independent Study of UNHCR's Senior Management Structure (the "Mannet Report") was circulated to Executive Committee members. At the March 2005 Standing Committee meeting, a letter (15 February 2005) of the then High Commissioner to the Chairman of the Executive Committee was made available (EC/55/SC/CRP.4), as well as revised terms of reference for the post. In the letter the High Commissioner stated, "I have concluded, thanks in large part to the input received from Committee members, that a more modest approach, involving the upgrading of the post of Director of International Protection to the Assistant Secretary-General level, is a better solution than the original proposal." In the same letter, the High Commissioner made reference to the findings of the Independent Study (Mannet Report) which looked closely into all the implications of having an Assistant High Commissioner for Protection post and which concluded that such a post would be very desirable as it could significantly support UNHCR's overall effort to strengthen the capacity of the organization in protection and durable solutions. However, this recommendation was made with the proviso that the position upgrade be but one step in a more wide-reaching process of management systems change.

5. By the time the Standing Committee met in March 2005, the former High Commissioner had resigned. There was agreement among delegations to postpone any decision on the proposal until a new High Commissioner had been appointed. Most delegations felt that further consultation would be needed on the proposal and related management issues (EC/55/SC/CRP.9, para. 9).

6. The new High Commissioner submitted a note to an Informal Consultative Meeting of 21 July 2005 of Executive Committee members and Standing Committee observers. In this initial note the High Commissioner sought to give effect to his vision of UNHCR as a protection delivery agency where every action must be protection-minded and every staff member of the Office must have protection as the central orientation. It will be noted that this concern echoed that of the ACABQ in its Report (*op.cit.* para. 13). The High Commissioner has indicated that he would present the AHC (Protection) proposal in the context of structural changes which will bridge the two gaps that he perceives in the Office: the gap between protection and operations, and the gap between Headquarters and the Field.

7. Executive Committee members have broadly expressed support, in principle, for the proposal, but raised various questions or concerns about the potential for overlap of responsibilities in the Executive Office, as well as a perceived danger that protection might thereby be sectoralized rather than "mainstreamed". A number of members have also queried the feasibility of earlier proposed dual reporting arrangements. Others have emphasized that they would want to be assured that a new structural arrangement would be of concrete benefit to field operations. Yet others expressed concerns about cost implications and the perception that the new structure would lead to a notable increase in the number of posts at Headquarters.

IV. A REVISED PROPOSAL

8. Efforts have been made to address the abovementioned concerns in the revised proposal. The attached organigramme reflects the High Commissioner's determination that protection should be strengthened as the "cross-cutting culture" impacting all of UNHCR's programme delivery and policy development. The suggested structure has been discussed broadly within UNHCR's management and reflects its shared vision. It retains the main line of accountability for operations delivery through the Regional Bureaux, and realigns the range of field services provided at Headquarters through the establishment of a Division of Protection Services and a new configuration of the Division of Operational Support. It is the High Commissioner's conviction that the organizational structure presented in the current proposal will lead to:

- a stronger and more coherent policy-making framework within the organization;
- a more streamlined and cohesive set-up of protection-oriented field support services at Headquarters; and,
- a clearer and more effective Headquarters-Field interface, as well as closer functional links horizontally at Headquarters.

9. The proposal should lead to a realignment of responsibilities in a manner compatible with considerations put on the table through the informal consultative meetings to date. More specifically, it should be noted that, under this final proposal:

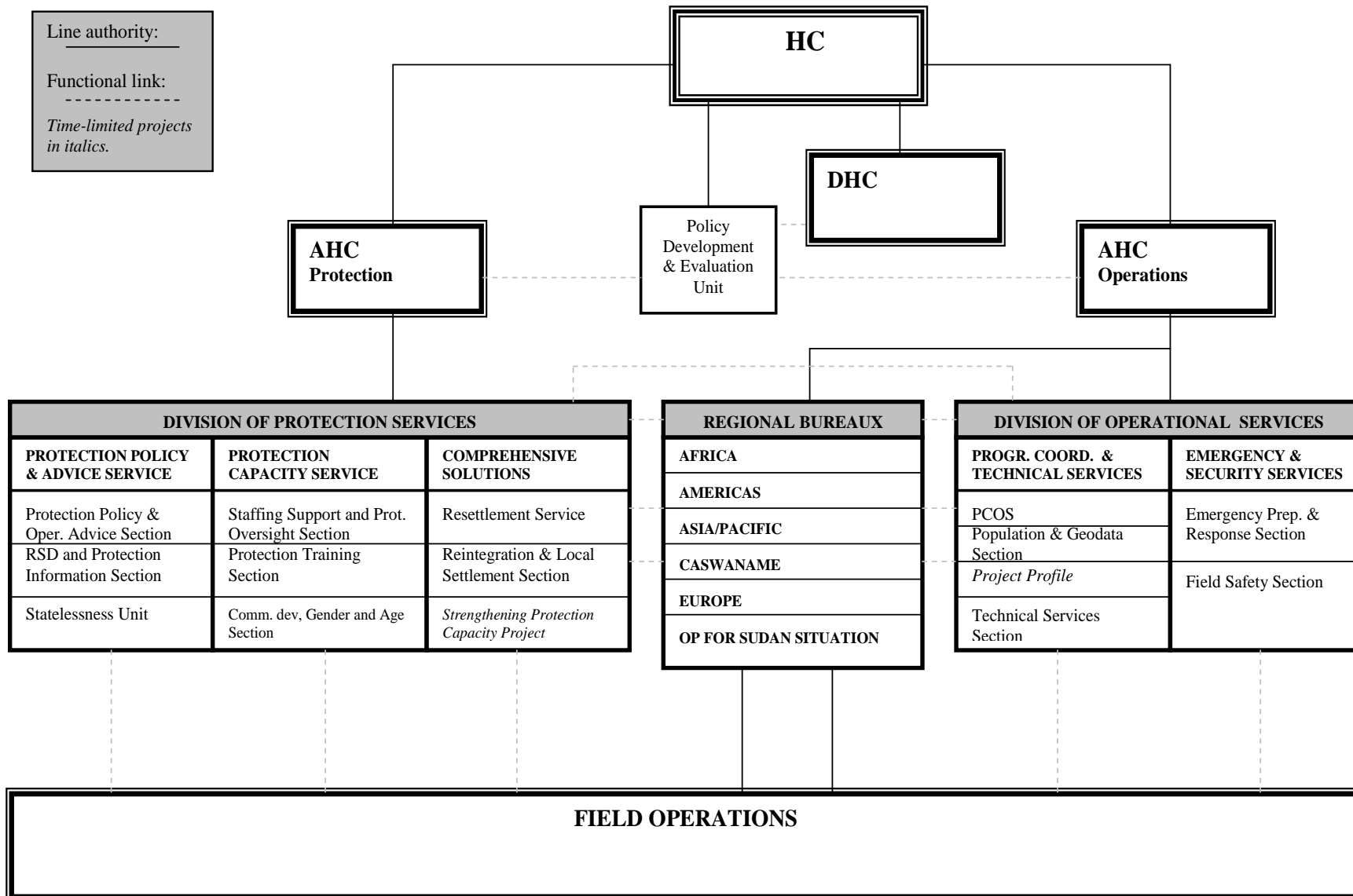
- with the exception of the additional resources needed to realize the upgrade of one post to the Assistant High Commissioner level, UNHCR maintains a zero-growth approach to the restructuring exercise at Headquarters;
- the Assistant High Commissioner (Protection) post is proposed for creation through an upgrade of the current DIP Director post. The enlarged responsibilities of the Division of Protection Services vis-a-vis the former proposal, and the need for better coordination, require reorganization of functions within the Division without any extra cost, including through the upgrading of a D1 post to the D2 level and the downgrading of a P5 post;
- the Assistant High Commissioner (Protection) will become a full member of the Executive Management, strengthening protection advocacy and its emphasis in the policy-making framework at the most senior level in the organization;
- a Resettlement Service will be established, under the direct supervision of a D1 position;
- there are no dual reporting lines in the revised Headquarters structure.

10. The attached revised Terms of Reference elaborate on the responsibilities envisaged for the new Assistant High Commissioner post. While the terms of reference and the organigramme reflect a delineated set of responsibilities, it must be emphasized that protection policy-making in UNHCR will remain a team-based effort. The main rationale for the creation of the Assistant High Commissioner (Protection) post is to strengthen UNHCR's strategy and policy framework to ensure that protection, along with other operational, political and management concerns, form an integral whole at the most senior level of the organization. It is intended to fill a gap which has long been a concern both internally and externally. Hence the "value added" of the Assistant High Commissioner (Protection) should not only be seen in terms of rationalizing the supervision of functions but most importantly in strengthening the policy-making structure of the Office in a way which reflects the mandated responsibilities of UNHCR.

11. The additional resource requirements for this change would amount to the cost of the upgrade of the post to the Assistant High Commissioner level (as per the revised proposal submitted to the Standing Committee in March 2005 (EC/55/SC/CRP.4)). Any other related organizational changes, as reflected in the provisional organigramme, will be covered by offsets drawn from existing resources.

12. The annexes to this conference room paper are as follows: Annex I: Organigramme; Annex II: Revised Terms of Reference for the proposed post; Annex III: A draft Decision on the establishment of the post, proposed for adoption by the Executive Committee at its 56th plenary session.

UNHCR HEADQUARTERS - PROTECTION AND OPERATIONS STRUCTURE



REVISED TERMS OF REFERENCE FOR THE PROPOSED POST OF ASSISTANT HIGH COMMISSIONER (PROTECTION)

The Assistant High Commissioner (Protection) is directly accountable to the High Commissioner. He/She assists and guides the High Commissioner, the Deputy High Commissioner, and the Assistant High Commissioner (Operations) in the promotion and exercise of the Office's protection mandate.

The Assistant High Commissioner (AHC) (Protection) is charged with three main areas of responsibility:

- To contribute, as part of the Executive Management structure (High Commissioner, Deputy High Commissioner, Assistant High Commissioners) to the overall policy development of the organization, with a particular focus on promoting standards and ensuring consistency in the delivery of protection through global operations.
- To advocate externally for ensuring the availability and improving the quality of protection, within the context of burden and responsibility sharing and to the ultimate end of achieving durable solutions to refugee problems.
- To exercise oversight responsibility of UNHCR's global protection activities managed by the Department of Protection Services, which includes the Protection Policy and Advice Service, the Protection Capacity Service, and the Comprehensive Solutions Services. The AHC (Protection) provides guidance on and oversight of the development of protection policy and doctrine implemented through programme delivery throughout the organization. Working closely with the AHC (Operations), the AHC (Protection) is responsible for ensuring effective functional links between Headquarters-based protection services and field operations.

More specifically, in line with these overall responsibilities, the AHC (Protection):

- Advises and assists the High Commissioner, as a member of the Executive Management structure, in the formulation and interpretation of policy and strategies to realize UNHCR's protection mandate consistently and effectively and in a results-based framework;
- To this end, ensures that protection receives the necessary priority in the overall policy formulation, strategic planning and resource allocation of the organization, and is integrated into all aspects of the management and delivery of operations, and the realization of solutions;
- Directs the development and implementation of policies aimed at preventing and reducing statelessness and resolving protracted statelessness situations. In this regard, actively pursues UNHCR's lead role within the United Nations system as entrusted by the United Nations General Assembly;
- Advises the High Commissioner on issues and initiatives in the broader migration environment, particularly as they impact upon asylum and irregular movements, and oversees the development of appropriate policy responses;
- Directs the development of protection policy in UNHCR, with emphasis on rights and needs relating to gender and age. Promotes in this regard a field-oriented and team-based approach, building on rights-based analysis and proactive partnerships, including with refugees themselves.
- Develops strategies and tools to guide and monitor UNHCR's efforts to enhance protection capacity in field operations, including through training activities, development of field deployment schemes, and policy guidance on protection staffing;

- Promotes initiatives to address protection gaps affecting persons of concern to the Office, including refugees, returnees, stateless persons and IDPs. Oversees in particular the implementation of the Agenda for Protection; promotes mainstreaming of the Convention Plus approach; and advocates for crafting international protection initiatives around better burden and responsibility sharing, more timely solutions, and the availability of effective protection in regions of origin;
- Promotes refugee integration and resettlement solutions, the development of policy and standards for the integration and resettlement functions;
- Oversees the Resettlement Service and its activities to expand the strategic use of resettlement globally and integrating resettlement appropriately into comprehensive approaches which balance all solutions;
- Promotes the development of a consistent and effective framework to strengthen national protection capacities worldwide;
- Directs the development of a clear management and accountability framework for the performance of the protection function in the Field. Works closely with the Inspector General's Office to improve UNHCR's management in this regard, including through promoting implementation of inspection and evaluation recommendations;
- Undertakes, in consultation with the Regional Bureaux, selective reviews of regional refugee situations with particular focus on promoting the more consistent implementation of protection objectives within and across regions;
- Pursues effective partnerships and strategic alliances in support of protection for all persons of concern to the Office, including within the United Nations system, with other international organizations, and with non-governmental entities;
- Represents the High Commissioner, as required, on protection matters vis-à-vis external parties including Governments, the United Nations system, international and intergovernmental organizations, non-governmental organizations and others.

DRAFT DECISION PROPOSED FOR ADOPTION BY
THE EXECUTIVE COMMITTEE AT ITS FIFTY-SIXTH PLENARY SESSION

The Executive Committee,

Recalling its decision at its fifty-fifth session (A/AC.96/1003 para. 24 (b) and (h)) on the proposal for the creation of a new post of Assistant High Commissioner (Protection),

1. *Expresses* appreciation to the Bureau and to UNHCR for the range of consultations organized on the issue;
2. *Notes with appreciation* the revised terms of reference submitted by the High Commissioner for the post in question;
3. *Approves* the creation of the post of Assistant High Commissioner (Protection) at the Assistant Secretary-General level, to be funded from voluntary funds, with effect from 1 January 2006.