

UNHCR's SENIOR MANAGEMENT STRUCTURE

An Independent Study—Draft Report

31 January 2005

Note *This is the draft report of the Independent Study on UNHCR's Senior Management Structure.*

It will be submitted to the High Commissioner on 31 January 2005 and will be immediately circulated to members of the Standing



Committee for the second informal consultation of the Standing Committee on 8 February 2005.

After the informal consultation on 8 February, the consultants will finalize their report.





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To be written after 8 February 2005.





Background

In mid-2004, following recommendations by members of the Executive Committee (Excom) and the external auditors, the High Commissioner initiated a Headquarters Process Review, under the leadership of the Deputy High Commissioner. To date, the HQ Process Review has focussed on three areas: resource allocation processes, workforce management processes, and senior management processes.

As a separate initiative, the High Commissioner submitted a proposal to the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Excom to create an Assistant High Commissioner post for Protection (AHC-P) at the Assistant Secretary-General level.

In its report on UNHCR's Annual Programme Budget for 2005¹, ACABQ stated that 'in principle, the Advisory Committee favours the proposal of the High Commissioner for the establishment of the additional Assistant High Commissioner post'. However, the ACABQ raised certain concerns that it asked the High Commissioner to take into consideration (see Part One).

In September of the same year, the Standing Committee considered the High Commissioner's proposal, together with recommendations by the Joint Inspection Unit² relating to the creation of a second Deputy High Commissioner (DHC) post and the incorporation of the Department of International Protection into the Department of Operations.

During the Standing Committee meeting in September 2004, a number of concerns and issues were raised by Member States about the High Commissioner's proposal. As a result, the Excom requested UNHCR:

To commission, and to 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 the Standing Committee and any relevant results of the headquarters process review³.

Terms of Reference of the Independent Study

The Geneva-based management consultancy firm, MANNET, was subsequently contracted to carry out an independent study. The terms of reference stated that:

MANNET will review the current functioning of the senior management bodies and the processes for exercising management oversight in HQ and recommend measures for improving their effectiveness. Particular attention will be paid to the decision-making processes in respect of organizational policy and priorities.

¹ *UNHCR Annual Programme Budget 2005*. Report of the Advisory Committee on Administrative and Budgetary Questions: A/AC.96/992/Add.2, 27 September 2004.

² *Review of Management and Administration of the Office of the United Nations High Commissioner for Refugees*. Joint Inspection Unit, Geneva 2004.

³ *Report of the Fifty-Fifth Session of the Executive Committee of the High Commissioner's Programme*. A/AC.96/1003, 12 October 2004.

Following the request of the Executive Committee (55th meeting in October 2004) in its response to the High Commissioner's proposal to create the position of Assistant High Commissioner for Protection at the Assistant Secretary General level, it has been agreed that MANNET will separately consider UNHCR's senior management structure and the implications of this proposal for that structure. In conducting this review MANNET will include issues raised by the ACABQ in its report and the Standing Committee.

This document is the draft report of the Independent Study prepared by MANNET.

The process for the Independent Study

During the period 23 November - 23 December 2004:

- We reviewed a wide range of documents provided to us.
- We conducted formal interviews with Excom members, managers and staff in both headquarters (HQ) and the field⁴.
- We participated in several discussions with the Senior Management Committee (SMC), management teams and focus groups.
- We observed various SMC meetings.

We also drew on our previous involvement in the deliberations of working groups within the Headquarters Process Review, particularly those on resource allocation and workforce management.

We were subsequently informed of a change in the High Commissioner's proposal. This fact, together with the issues raised by Excom members, led us to broaden our approach to this assignment. We discuss our approach in Part One.

During the period 5-21 January 2005, we held meetings with the High Commissioner, the Troika⁵, the SMC and individual senior managers.

On 24 January 2005, we made an oral presentation of our interim report to the first informal consultation of the Standing Committee.

Following this, we prepared this document. This draft is being submitted to the High Commissioner to provide information on our lines of enquiry, preliminary thinking and conclusions. The report will be reviewed in the second informal consultation of the Standing Committee on 8 February 2005, as well as in any internal meetings the High Commissioner may wish to organize.

The report will be finalized shortly afterwards.

⁴ We also talked informally with managers from some sister United Nations agencies and non-government organization representatives.

⁵ The executive management group comprising the High Commissioner, Deputy High Commissioner, Assistant High Commissioner and the Chef-de-Cabinet.

Part One—Approach to the Independent Study



Original proposal of the High Commissioner

In mid-2004, the High Commissioner proposed creating a new post of Assistant High Commissioner for Protection (AHC-P) who would be a member of the executive management of UNHCR. The AHC-P would supervise the Director of the Department of International Protection (DIP).

The High Commissioner's original proposal⁶ placed the need for a new post in the context of the evolution of the protection mandate and the significantly increased complexity of protection.

The overall aim of the original proposal was to enhance UNHCR's capacity to promote and fulfil its protection mandate in the present global context and to address more effectively and strategically the current challenges to its mandate in the areas of international protection and durable solutions.

More specifically, it was argued that establishing an Assistant High Commissioner for Protection would have the following benefits:

- Strengthening the voice and authority of UNHCR on protection, at a crucial time when the principles and the practice are both seriously under threat.
- Ensuring that the office is an accepted and credible interlocutor at the most senior levels of political leadership, which is increasingly where decisions on asylum policy development are taken. This is particularly, but not exclusively, the case in Europe, as the European Union moves towards a harmonized and eventually common asylum system for Member States, and as the African Union assumes a greater role in relation to protection issues.
- Allowing for the momentum on protection created by the Global Consultations process and the adoption of the Agenda for Protection to be capitalized upon, through some specific re-crafting of the international protection system around better burden sharing, more timely solutions and, in the interim, effective protection closer to the source of need.
- Re-aligning the place of protection in the overall priorities of UNHCR and sharpening the focus on protection in operational planning.
- Ensuring that the protection aspects of UNHCR's global objectives and strategic goals are pursued consistently throughout the organization.

Concerns of the Advisory Committee

ACABQ commented on the High Commissioner's proposal in its report on UNHCR's Annual Programme Budget for 2005⁷. While favouring the

⁶ *Proposal to establish an Assistant High Commissioner (Protection) post in UNHCR*, A/AC.96/992/Add.1, 2 September 2004.

⁷ *UNHCR Annual Programme Budget 2005*. Report of the Advisory Committee on Administrative and Budgetary Questions: A/AC.96/992/Add.2, 27 September 2004.

High Commissioner's proposal, ACABQ raised a number of concerns and suggested some options to consider:

- The Advisory Committee expressed the view that 'UNHCR should await the careful consideration of the results of its own headquarters review process before establishing another top management post in the Office'.
- ACABQ noted 'the significant imbalance in the proposed workloads of the two Assistant High Commissioners' and stated it was 'not entirely convinced ... that the advocacy role ... as well as the high level of posts under him [AHC-P] and the complexity of the legal issues relating to asylum, balance out his [AHC-P] workload with that of the Assistant High Commissioner for Operations as it is presently configured'.
- The Advisory Committee suggested that certain work units, for example, the Evaluation and Policy Analysis Unit or some functions of the Legal Affairs Section, could be moved to be under the proposed AHC-P.
- The Advisory Committee reiterated that protection is a core mandate of UNHCR and that it 'forms part of every activity that the Office undertakes. Due consideration should be given to any potential impact that such a separation of functions might have on activities'.

Meeting of the Standing Committee

The Standing Committee considered the High Commissioner's proposal around the same time ACABQ did. The Committee's report of its September 2004 meeting⁸ contained the following remarks on the High Commissioner's initiative:

Delegations were keen to have UNHCR's full response to the recommendations made by the JIU, although a number of delegations gave their preliminary views on the recommendations, focusing especially on the three recommendations directed at the Executive Committee.

Several expressed reservations about revising the Statute to establish a second Deputy High Commissioner post, although others considered the proposal deserved further consideration. One delegation pointed out a new Deputy High Commissioner post would be charged against the United Nations Regular Budget, which was already failing to cover a fair share of UNHCR's administrative expenditures.

A number of delegations supported the High Commissioner's proposal to establish an Assistant High Commissioner post, but most preferred to receive further information or to await the outcome of the headquarters review process before committing themselves to the establishment of any new high-level post.

One delegation was interested to hear more about how the Deputy High Commissioner role related to the role of High Commissioner. Another delegation preferred to see

⁸ Report of the Thirty-First Meeting of the Standing Committee. A.AC.96/1001.

any change as cost-neutral and part of an overall package which included upgrading of the resettlement role.

The Independent Study

Following the Standing Committee meeting, the terms of reference for an Independent Study were drawn up.

In subsequent interviews, a number of Excom members suggested that the Independent Study should initially focus on the problems that the High Commissioner's initiative was designed to address. Several people also raised concerns about the implications of an AHC-P for the structure of the organization, particularly with respect to the roles of the bureaux and DIP.

Revised proposal from the High Commissioner

At the same time these discussions were occurring, we learned that the High Commissioner intended to revise and expand his original proposal:

- Instead of a new AHC-P post being created, the existing post of the Director of DIP would be upgraded to the level of Assistant Secretary-General (ASG) with the title of Assistant High Commissioner (Protection).
- The Convention Plus unit would be placed in DIP and would be supervised by the AHC-P.
- The Resettlement Section would become a service and would be strengthened with additional staff, including a new post of Chief, Resettlement Service, at the D1 level.

Lines of Enquiry

Given this wide range of concerns and expectations, we decided on four related lines of enquiry:

- We decided to identify the sources of the problems the initiative was designed to address—the issues, weaknesses and challenges faced by UNHCR in carrying out its protection and durable solutions mandate. This information is essential to understanding how the High Commissioner's initiative will affect UNHCR's senior management structure.
- Because of widespread concerns about the roles and working relationships between the field, the bureaux and DIP, we decided to explore these relationships in more detail. Like the information on the sources of the problems the initiative is designed to address, this information is essential to understanding how the initiative will affect UNHCR's senior management structure. (This line of enquiry was also stimulated by the perception that the proposed AHC-P post was intended to change the structure of UNHCR, particularly with respect to the roles and authority of DIP and the bureaux.)
- We decided to assess the strategies and plans UNHCR already has in place to strengthen protection and durable solutions. This information is essential to assessing the value and impact of the proposed post.
- We decided to review the proposed AHC-P post, to examine the advantages and disadvantages of creating the post, and to offer a professional opinion as to whether such a post should be established and, if so, under what conditions.

How this report is organized

Each line of enquiry is discussed in a separate part of this report:



- Part Two examines the sources of the problems the High Commissioner’s initiative is seeking to address.
- Part Three looks at one of these causes in more detail—the interface between operations and DIP.
- Part Four assesses the strategies and plans UNHCR currently has in place for building the Organization’s capacity in protection and durable solutions.
- Part Five focuses on the advantages and disadvantages of the High Commissioner’s proposal to establish an AHC-P post, taking into account our findings and observations from Parts Two, Three and Four.

This document also contains an annex called *Organizational Design and Strengthening of UNHCR*.

The annex has its origins in the interview and analytical work we did to fulfil our Terms of Reference. Many individuals we interviewed made observations that were related to UNHCR’s organizational design. Similarly, as we analyzed information we gathered or reviewed, we noted that many issues could be traced to UNHCR’s organizational design. The recurrence of the theme was sufficiently striking and its implications sufficiently important to UNHCR that we decided to submit our thoughts on this issue to UNHCR.

The annex therefore provides our analysis of UNHCR’s current organizational design, describes the functioning of the Organization and suggests some measures designed to strengthen UNHCR.

Note: The annex contains material on senior management bodies. While an analysis of these bodies was part of our Terms of Reference, it was subsequently realized that this issue was closer to the Headquarters Process Review than to the Independent Study. The annex therefore contains only our summary thoughts on the organizational design aspects of this issue. We will be providing the High Commissioner with an oral report on the functioning of the SMC and other bodies.



Part Two—What are the Causes of the Underlying Problems?



In the past few years, protection and durable solutions have been an increasingly important priority for UNHCR. This can be seen from the Global Consultations, the *Agenda for Protection* and the *Convention Plus* initiative. The challenges associated with protection and durable solutions have also been a major focus.

External issues

The High Commissioner's original proposal⁹ summarized the external issues creating challenges for protection and durable solutions:

The Ministerial Meeting Declaration of States Parties issued at the time of the 50th anniversary of the 1951 Convention relating to the Status of Refugees provided a framework for the Agenda for Protection. States reaffirmed “the fundamental importance of UNHCR as the multilateral institution with the mandate to provide international protection to refugees and to promote durable solutions”. The Agenda recognizes the enduring importance of the 1951 Convention as the primary refugee protection instrument and states that the refugee protection regime should be developed further, as appropriate, in a way that complements and strengthens the Convention. It calls on States and UNHCR to promote better responsibility-sharing and to develop and implement concrete models to strengthen protection capacities. Importantly, it presents UNHCR with the task to strengthen partnerships for protection and awareness raising with governments, NGOs, and other actors of civil society. The global objectives and strategic goals that provide the foundation for UNHCR’s budget priorities closely follow the affirmations and exhortations of the Agenda for Protection.

The protection function of the Office has evolved considerably. It is a heavy and multifaceted responsibility and entails a wide range of actions; protection interventions to ensure rights are respected and principles adhered to; development of the international legal framework which put these rights in place; promotion of more resolute implementation of the framework of rights and principles; the building of civil society constituencies in support of protection; the training of all “users” on protection concepts; and the realization of protection-sensitive and lasting solutions. Very important, too, is UNHCR’s supervisory role for the 1951 Convention, which finds its authority directly in the text (Art.35) of the Convention and underlines the global significance of UNHCR’s protection performance.

The fulfillment of these protection responsibilities has become an ever more difficult task in light of significant

⁹ Proposal to establish an Assistant High Commissioner (Protection) post in UNHCR. A/AC.96/992/Add.1, 2 September 2004.

changes in the environment in which the organization operates. Disillusionment on the part of many governments, and at the highest levels, with the capacity of States to manage their asylum responsibilities has resulted in curtailment of protection opportunities and in asylum being offered on ever more unfavorable terms. Illegal migration, growth in people smuggling syndicates, and the post-September 11 fallout have compounded the problems by confusing refugees and asylum-seekers, in the public mind and the policies of some States, with abusers of the system, criminals and terrorists. All this is coupled with a strong sense on the part of major host States that there is no good system of burden-sharing in place and that they are too often left with a disproportionate share of responsibilities which, in light of the protracted nature of many situations, they are less and less inclined to meet.

These developments pose enormous protection challenges for UNHCR, whose central raison d'être, set out in its Statute, is the provision of international protection and facilitation of solutions for refugees. This was reaffirmed most recently through the General Assembly Resolution (GA Res. 58/153) in response to the "UNHCR 2004" process that was initiated by the High Commissioner to review how UNHCR is situated within the United Nations system. This process made abundantly clear that the management of UNHCR needs to be strengthened in the area of protection, in particular, to enable it to meet considerable and growing responsibilities in this ever more complicated environment.

Internal issues

To identify the main internal issues causing problems in protection and durable solutions, we reviewed the recent external audit report¹⁰ and other oversight reports. We also discussed the matter with Excom members and UNHCR staff. This led us to identify the following as the main internal issues associated with protection and durable solutions.

Priority

In general, despite many recent improvements, protection and durable solutions are not perceived as receiving sufficient attention and priority in UNHCR. In the overall planning and resource allocation process, protection requirements may take second place.

Integration

In a recent internal report¹¹, it was noted that:

At a policy level, UNHCR has embraced a broad, multifaceted and integrated view of protection which embraces the whole range of the organization's activities. But in practice this approach has not been fully operationalized. As various evaluations have pointed out,

¹⁰ External Auditors' management letter to UNHCR dated 3 December 2004 concerning the Audit of UNHCR HQ (Department of International Protection and Results-based Management).

¹¹ *Enhancing UNHCR's Capacity to Monitor the Protection, Rights and Well-being of Refugees: Synthesis of Findings and Recommendations*. Evaluation and Policy Analysis Unit, 2004.

and as we have observed, UNHCR staff too frequently concentrate on their particular area of expertise, viewing issues of protection as being within the domain of protection officers and, to some extent, community services staff. Many protection officers also share this view.

This situation contributes to an overly narrow view of protection responsibilities with the result that the protection dimensions of assistance activities are not readily recognized and monitored. In addition, community services are under-resourced and over-stretched. This fragmented approach has a direct bearing on monitoring the protection, rights and well-being of refugees, which, to be of value, requires a fully integrated protection-oriented perspective.

This report highlights the need to integrate protection and durable solutions *thinking* into all aspects of the management and delivery of operations.

In principle, the process of integration should have been helped by the broadening of the concept of protection—previously dominated by the 1951 Convention—to include such concepts as rights-based protection. However, there is a widespread perception that protection officers are primarily interested in legal protection and the building of asylum systems.

In the field, these issues may be exacerbated by the current structure of country offices. Protection, programme and community services staff are generally found in separate units, and their work is not systematically coordinated.

Guidance to the field

Field managers often experience difficulties obtaining timely and useful guidance and support on protection policy from the senior legal advisers (SLA) in the bureaux and from DIP. The work of DIP is perceived as being detached from the operational realities of UNHCR, and DIP's support to the field is characterized as being unnecessarily legalistic or overly careful — and often lacking a sense of urgency.

Resettlement

Resources allocated to the resettlement function have declined in recent years, and many believe that resettlement is not a major priority of UNHCR. However, there is an expectation among certain resettlement countries that UNHCR must give more priority to the facilitation of a significant increase in resettlement numbers.

Durable solutions

Responsibility for durable solutions is dispersed among several parts of the Organization¹² and there is no cohesive or integrated approach to the development of policy, tools and operational activities in the three durable solutions: voluntary repatriation, local integration and resettlement. In this context, there is a common perception that few people in UNHCR, especially in the field, understand the Convention Plus initiative and they perceive the Convention Plus unit, like DIP, to be detached from the needs of the field.

Staffing

UNHCR is experiencing serious problems getting sufficient numbers of experienced protection staff to the field in emergency situations. UNHCR's ability to deliver protection is, therefore, often negatively affected by staff shortages or inadequate support arrangements. Too

¹² DIP, Convention Plus Unit and Division for Operational Support (DOS).



often protection is left to junior staff (United Nations Volunteers or Junior Professional Officers) in difficult duty stations.

Competencies

The number of protection staff is only part of the problem. In general, UNHCR managers and staff in the field are not sufficiently well equipped with the necessary knowledge and skills to address complex protection challenges on the ground.

Interface issues

Working relations between the field, the bureaux and DIP are not functioning optimally. There are a number of issues about the respective roles of DIP and the bureaux on protection and, related to this, role and placement of the SLAs in the bureaux. Protection officers in the field may be discouraged by the representative or by the bureaux from seeking guidance from DIP.

Initiatives on protection and durable solutions are not well coordinated within UNHCR, and there is not a smooth and effective process for ensuring consultation between the field, bureaux and DIP on policy issues. In particular, it is argued that protection delivery as well as investment in protection over the longer term has had to compete with the handling of the exigencies of operations in a politically charged and sensitive environment.

We analyze the problems in the interface between the field, the bureaux and DIP in more detail in Part Three.

UNHCR lacks a senior management mechanism that would facilitate the open discussion of sensitive strategic and policy issues, and their resolution.

Conclusion

While we do not know how widespread these issues are, we are convinced they are sufficiently substantial to conclude, for the purposes of this report, that UNHCR is facing problems in the area of protection and durable solutions. An initiative designed to strengthen protection and durable solutions should therefore be a major priority for the Organization.



Part Three—The Interface between Operations and DIP



The interface between operations and DIP is an especially persistent cause of problems in protection and durable solutions. This section describes the interface in detail, and it suggests several ways to improve it.

The annex, *Organizational Design and Strengthening of UNHCR*, contains a more detailed analysis of the issues and rationale for some of the arguments we make here.

An integrated approach to operations

UNHCR's primary goal is 'to provide international protection and humanitarian assistance to refugees and persons of concern to UNHCR, while working for durable solutions to their situation'¹³.

Since the mid-eighties, UNHCR has emphasized an integrated approach to its core mandate. In terms of design, this is manifested in an integrated platform for the delivery of programmes for refugees. UNHCR uses the term *operations* to represent the integrated approach, both in HQ (in other words, the bureaux) and in the fields. The bureaux are responsible for the management of operations within their regions, and they play the primary role in *integrating* all UNHCR's work relating to protection, durable solutions and assistance.

UNHCR emphasizes the principle of *empowerment with accountability* (see Section One of the annex). This implies that the bureaux—and through the regional director, the field—should have line management responsibility and decision-making authority for the management and delivery of operations.

Headquarters structure

In Chapter Two of the UNHCR Manual, it is stated that the HQ organizational structure is based on a mixture of geographical and functional responsibilities.

The geographical side is represented by the bureaux.

At the risk of some simplification, the functional responsibilities can be grouped into six main areas:

- Mandate functions¹⁴ of protection and durable solutions;
- Operational support functions;
- Advocacy and public information functions;
- Executive management and governance functions;
- Oversight functions;
- Organizational support functions.

¹³ *Global Appeal 2005*.

¹⁴ We have used this term partly to emphasize the strategic nature of these functions and partly to differentiate them from more purely support functions.

These six functional areas are described in more detail in Section Three of the annex. In this section, we will focus on the interface between the bureaux and DIP¹⁵, while recognising that the same issues apply to the other mandate functions and to the field.

Constructive tensions between the bureaux and the “functions”

In UNHCR, the term ‘checks-and-balances’ is often used to describe the need for both bureaux and functions. We prefer to see it as a constructive or dynamic tension that must be managed carefully. UNHCR needs to have — and to benefit from — the strengths that having bureaux and functions brings to the organisation.

The functions have two main responsibilities and perspectives:

- *Operational support*: that is, to support operations—in other words, the bureaux and the field;
- *Institutional guardian*: that is, to act as the guardian of the institutional interests, to carry out a normative role and to strengthen the institution.

These two perspectives are also a source of constructive tension in the organization: the functional entities have to balance their responsibilities between *support* and the *institutional* perspectives.

More often than not, a breakdown in an interface in an organization is caused because the tension between the two roles is not well understood or not well managed.

The role of the functions

Although we cannot say with complete confidence¹⁶ that the roles of the functions are fully defined, we believe they are well described as *strategic, functional, field-oriented networks*:

- *Strategic* in the sense that they need to be focussed on the strategic and policy elements of their area;
- *Functional* as they do not have line management responsibilities for operations;
- *Field-oriented* because they have to see their primary purpose as supporting and guiding the field;
- *Networks* in the sense that specialists in their functional area may be assigned to the bureaux, the field or other units, all of whom need to work together, even if there is no line management authority.

¹⁵ Part Two provides some insights into the current problems with respect to the interface between the bureaux and DIP. Section Two of the annex provides more general insights in the interface problems between HQ and the field, and between the bureaux and mandate/support functions.

¹⁶ We have read Chapter Two of the UNHCR Manual, we have reviewed other documents on organizational structure and we have interviewed many managers. However, we cannot say that there is a well-defined and universally accepted notion of the role of the functions.

These four points are consistent with the operational and management principles we identified in Section One of the annex. We further believe that many in UNHCR would agree that these statements represent the desired situation, even if the reality is different.

Role of the bureaux

As mentioned above, the operational platform for the delivery of integrated programmes is the bureaux.

Some have argued that the bureaux no longer play a useful role, that the field would receive better support and guidance from HQ if there were no bureaux, and that the existence of the bureaux disempowers other HQ divisions and distances them from operational realities.

From our analysis of the role of UNHCR, we would argue strongly for the continuation of the bureaux as the primary platform for the delivery of programmes for the field. Bureaux play essential strategic, integrating, facilitating and managerial roles:

- *Strategic* in the sense of thinking about the region and potential and emerging needs; helping country offices to expand and contract as needed; and shifting resources across the region as required;
- *Integrating* in the sense of ensuring a cohesive and integrated approach to protection, durable solutions and assistance;
- *Facilitating* in the sense of the traditional role of the desks in helping the whole of HQ provide support to the field;
- *Managerial* in the sense of overseeing the representatives and providing guidance and performance management.

We raise some concerns about the design of the bureaux in Section Three of the annex.

Distinction between roles

The distinction between the role of the bureaux and that of the functions is key. Operations (bureaux and the field) must have line management responsibility and authority for the management and delivery of programmes. At the same time, the functions must provide a vital, robust, and supportive role.

Department of International Protection

The role and place of the protection function in the structure of UNHCR has been a matter of debate for several decades.

Elements of the debate include such questions as:

- Would it make sense to put DIP in the Operations Department¹⁷?
- Should DIP be split in two, with a refugee law and doctrine unit in the High Commissioner's Office¹⁸ and an operational support unit in Operations?

We believe that the present design with both bureaux and DIP is inherently sound. UNHCR needs to have a department dedicated to protection and durable solutions that can:

¹⁷ As proposed by the JIU.

¹⁸ As it was in the late 1980s.

- Help the bureaux to integrate protection, durable solutions and protection, thereby ensuring effective operations;
- Define UNHCR's strategies and policies in these areas, defend institutional interests and carry out global activities.

This must occur in the context of an integrated operational platform that encompasses protection, durable solutions and assistance. This platform is provided by the bureaux and the field. The bureaux and—through the bureaux—the field have line management authority and accountability for all operations. This must not be weakened.

Simply put, the bureaux and DIP have equally important but very different, and complementary, roles to play.

Senior legal advisers in the bureaux

One other major “interface” issue relates to the placement of protection specialists in the bureaux.

At present, each bureau has a senior legal adviser (SLA) and some bureaux have legal advice units.

The role and placement of SLAs has been a question of controversy for decades. We are informed that there are many issues and concerns, for example:

- SLAs are uncertain of their roles and status.
- The consultative and guidance processes tend to vary considerably.
- SLAs are not part of DIP nor are they necessarily seen as part of the bureau management team.
- There is not enough coherence and teamwork among SLAs across the bureaux.

By being placed in the bureaux, SLAs are closer to operations and can more easily develop regional and country expertise. They can focus on specific issues of importance to the bureaux. On the other hand, placing SLAs in the bureaux may have the negative effect of dissuading DIP from having closer contacts with operations.

In the Section One of the Annex, we argue strongly that the whole of UNHCR needs to become field-oriented, including all the mandate and support functions in HQ. The challenge, therefore, is to focus on getting DIP to be more responsive to the bureaux and more geared towards operations. We suspect that this would be more easily achieved if the SLAs were placed in DIP, rather than the other way round. This would mean that SLAs would be placed in the bureaux only for limited periods on specific assignment.

However, we do not have a strong opinion on this subject and in the Part Four, we suggest that the role and placement of SLAs be reviewed.

Transforming the relations between operations and DIP

As has already been mentioned, there are different points of view about the respective roles of operations and DIP, and there are problems in their working relations.

Part of the solution lies in the area of processes and culture (see Section Three of the annex). But there are also issues related to the design.

Role of DIP



DIP must become much more operationally and field-oriented than it is today, and we would argue DIP must play a more dynamic role along the following lines:

- The engine for the development of strategy and policy, which is approved by the High Commissioner with the SMC;
- The development of systems, tools and guidelines;
- The management of “global” activities, for example, advocacy and UNHCR’s role under the 1951 Convention;
- The management and implementation of support services;
- The provision of specialist advice and guidance;
- The provision of a broad overview of what is happening throughout the Organization;
- An oversight role in conjunction with the dedicated oversight services;
- Support to line managers in their management roles, for example, by assisting in the recruitment and performance management of professionals;
- The facilitation of networks of specialists working in various parts of the Organization to share information, catalyze mutual support and assist in career development.

These changes imply a significant shift in the way the field, the bureaux and DIP regard the roles and approach of DIP. The term *transformation* is not an exaggeration. Having said this, there is nothing fundamentally new here. Virtually every change mentioned above has been recommended before. The main challenge is the organizational *culture*.

Management accountability between operations and DIP

The changes recommended above all contribute to information and guidance flowing freely throughout UNHCR while respecting the right of managers to take operational decisions.

Regarding accountability, Operations is responsible and accountable for the management of operations. DIP is accountable for the quality and effectiveness of their roles and functions.¹⁹

One sensitive issue is what happens when there is a disagreement between the bureaux and DIP over a policy issue.

We would argue that the different roles are quite clear. The bureaux and field managers are responsible for taking management decisions within the context of UNHCR’s policies. DIP is responsible for formulating policy and for interpreting policy. If DIP believes that UNHCR’s institutional interests are threatened, DIP cannot overrule the line manager, but it can insist that the issue be taken to someone higher in the line management chain, and eventually, if necessary, to the Senior Management Committee.

¹⁹ This approach is sometimes described as dual reporting lines. This is not correct. Dual reporting lines suggest dual accountability and hence no accountability.



Part Four—Strengthening Protection and Durable Solutions



In Part Two, we identified a number of issues relating to protection and durable solutions and we confirmed that UNHCR is facing problems in the area of protection and durable solutions.

UNHCR already has in place an impressive range of strategies and activities designed to strengthen protection and durable solutions. We highlight the major strategies and activities below and assess whether they are sufficient in their current form.

Current strategies and activities

Regarding UNHCR's protection strategy, the Note on International Protection²⁰ presented to this year's session of the Executive Committee reaffirms the central role of the *Agenda for Protection* and its related Plan of Action. All six goals are reflected in the Office's objectives for 2005. These goals are as follows:

Agenda for Protection

- Strengthening implementation of the 1951 Convention and 1967 Protocol;
- Protecting refugees within broader migration movements;
- Sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees;
- Addressing security-related concerns more effectively;
- Redoubling the search for durable solutions;
- Meeting the protection needs of refugee women and refugee children.

In its search for durable solutions, the Office will seek to promote further "Convention Plus" multilateral agreements in 2005, and to translate various aspects of the *Framework for Durable Solutions* into additional operational tools.

Resettlement

There are also plans to enhance and mainstream resettlement in UNHCR. In particular, we have been briefed on the following:

- Elevation of the Resettlement Section to a service, headed by a D1 to signal to the organization the increased importance of this activity;
- Establishment of a broader base of field-based resettlement officers;
- Strengthening of partnerships.

Durable solutions

Regarding durable solutions, we have been briefed on plans to integrate the Convention Plus unit into DIP. However, we are uncertain what the long-term plans for this initiative are.

Capacity building

We have been informed of many other DIP activities designed to address global protection challenges and to enhance UNHCR's protection capacities in the field.

²⁰ A/AC.96/989.

Assessment

In general, we welcome all these strategies and initiatives, and we believe that they represent a sound basis for enhancing protection and durable solutions.

However, we believe that protection and durable solutions would benefit if the individual strategies and activities were brought together in a comprehensive organizational-strengthening or change-management strategy.

This strategy would also contain:

- A clear differentiation of the respective roles²¹ of the bureaux and DIP along the lines suggested in Part Three;
- A plan of action for transforming the working relations between the field, the bureaux and DIP;
- A more comprehensive plan for mainstreaming protection and durable solutions throughout the Organization and the consequent change in mindsets and attitudes of managers and staff so that protection is truly integrated in every aspect of the Organization's work;
- A plan for strengthening UNHCR's capacity to ensure there are enough experienced protection staff in the field;
- A review of the roles and placement of SLAs;
- A review of the field structure and respective roles of programme and protection officers in the field;
- A change-management process for DIP itself (including the Convention Plus Unit) to ensure that the Department is oriented to, and driven by, operational needs;
- Clarification of the role of DIP as the engine for durable solutions in general and the implications for the roles of units in Department of Operational Support (DOS) that deal with voluntary repatriation and local integration;
- Plans for dealing with the other issues raised in Part Two.

²¹ The External Auditors also recommended clarification of these roles in their management letter to UNHCR dated 3 December 2004 concerning the Audit of UNHCR HQ (Department of International Protection and Results-based Management).

Part Five—Assessment of the Proposed AHC-P Post



In this section, we return to the issues raised in Part One and the specific request of Excom to assess the AHC-P proposal in the context of the senior management structure of UNHCR.

We note that this idea is not new. In 1998, an organization review²² proposed that:

The Department of International Protection might in future be headed by an Assistant High Commissioner (Protection), who would constitute one of the six full members of the newly-established Directorate. It is recognized that it might be difficult to convince the Executive Committee and New York of the need for the creation of an additional AHC post.

Nevertheless, such an initiative would place the protection function at the highest level of the new organizational structure and enable the department to make a decisive contribution to UNHCR's decision and policy making processes. It would also provide a tangible demonstration of the priority which UNHCR gives to its protection mandate.

The background to this proposal was summarized in Part One. In assessing the proposal, we reviewed the organizational problems that triggered the High Commissioner's proposal, the stated arguments for the AHC(P) post and the possible implications of the proposed post for the senior management structure and other aspects of the organization.

We examine nine questions pertaining to the advantages and disadvantages of the AHC-P post.

1. Would an AHC-P enhance UNHCR's ability to promote and advocate protection externally?

One of the arguments for an AHC-P is that it would raise the profile of the Organization's protection mandate and capacity and would, in particular, help build partnerships and alliances in support of the Agenda for Protection.

UNHCR argues, therefore, that there is a need to raise the Office's profile as an interlocutor at the most senior levels of political leadership, where asylum decisions are increasingly made.

We note that some Excom members are not fully convinced by this argument. First, they believe that a Director, DIP at the D2 level would have the same or similar access as an AHC-P at the ASG level. Second, they point out that the High Commissioner plays the central role in this area.

Nevertheless, we have heard some convincing arguments for an enhanced external voice and profile: political access, advocacy, the Agenda for Protection, doctrine, and UNHCR's role under Article 35 of the 1951 Convention, and so on.

²² *Review of UNHCR Headquarters Structure*. 25 November 1998.

On balance, we are inclined to conclude that there are some advantages in having the AHC-P post to raise the profile and presence of UNHCR in protection. However, we do not see this justification for an AHC-P as a sufficiently convincing argument by itself for the creation of a new post.

2. Would an AHC-P contribute significantly to the organizational strengthening programme in protection and durable solutions?

In Part Four, we emphasized the need for an organizational-strengthening programme in protection and durable solutions.

If the Director of DIP was also the AHC-P, would s/he be in a stronger position to design and implement this process?

We note that this comprehensive strategy could be carried out by the Director, DIP. In other words, the desired strengthening could all be accomplished without changing the existing senior management structure.

However, this will be a complex and challenging change process and we would therefore argue that the process would benefit from leadership at the highest level, i.e., from someone in the executive management group.

3. Would an AHC-P help strengthen the working relations between Operations and DIP?

This is a sub-set of the second question. We discuss it in some detail because there are significant concerns within UNHCR that the AHC-P would in fact do the opposite and create additional structural tensions.

Concerns have been raised that the proposed AHC-P post would, in some way, negatively impact the fundamental principle of an integrated approach to operations (see Section One in the annex). We do not believe that this is the intention, and we strongly reiterate the importance of maintaining the integrated approach as the central line of UNHCR's design.

On the basis of the discussions in Part Three, we would argue that an AHC-P would not worsen the relations and could easily improve them, provided the respective roles are respected. In other words, provided that there is a transformation in the working relations between the field, bureaux and DIP.

As an aside, UNHCR has argued to us that, by putting the position of Director of Operations Department (and current AHC) and Director of DIP at the same level of seniority (i.e., both at the AHC level), the two incumbents would be better able to oversee and coordinate operations and advocacy. We are not convinced by this argument. As stated above, we believe that the key to resolving the problems between DIP and Operations is a new way of working together. Any attempt to argue on the basis of seniority is invoking a traditional, hierarchical and territorial approach to organizations.

In conclusion, provided that UNHCR adopted an organizational-strengthening strategy that encompassed greater emphasis on protection and durable solutions as well as a more mature approach to the interface between DIP and the bureaux, we would be inclined to support the view that an AHC-P leading this process and energising the new approach would be helpful. If the AHC-P can lead a successful transformation of the interface between Operations and DIP, this could become the role model for other sectors.

4. Would an AHC-P strengthen the executive management group

As discussed in Section Four of the annex, we would support the High Commissioner's proposal to make the Director, DIP a member of the executive management group. We believe that this would enhance the discussions and decision making by bringing a more strategic perspective on protection and durable solutions.

This move could be implemented without changing the rank from D2 to ASG. However, we admit it would be much easier for the Director, DIP to participate actively in the executive management group if s/he were at the level of AHC-P.

5. Are the financial costs acceptable?

The original proposal to create an AHC-P on top of the existing D2 post of Director, DIP would have cost \$300,000 (together with related support staff). We do not see any structural or financial justifications for this approach.

The High Commissioner's revised proposal to upgrade the Director, DIP to the ASG level would cost much less. There are however additional proposals relating to the upgrading of resettlement and the integration of the Convention Plus unit.

We conclude that the relatively small costs involved in upgrading the D2 post to the ASG level (with some support costs) should not be treated as an obstacle to the decision to create an AHC-P.

We would argue that the additional costs mentioned above in terms of enhancing the Department should be treated separately. We understand that they pertain to the enhancement of the resettlement function. The costs do, however, seem reasonable to us.

6. Are there reasonable precedents for the AHC-P post?

We have studied the High Commissioner's arguments for an additional ASG post in terms of the relative number of ASG posts in other United Nations (UN) organizations.

We are aware of the dangers of making comparisons or in assuming that practice in similar organizations is necessarily *good* practice.

Nevertheless, we note that an executive management team of one Under-Secretary-General (USG) and three ASGs compares reasonably well to the staffing tables²³ of:

- Similar operational agencies such as the World Food Programme (WFP), the United Nations Development Programme (UNDP), and the United Nations Children's Fund (UNICEF);
- Many of the UN specialized agencies;
- Some departments in the UN Secretariat;
- Some peace-keeping missions.

If UNHCR were to have one USG and three ASGs, its ratio of USGs/ASGs to total number of staff would be similar to that of UNICEF and less than those of UNDP and WFP.

²³ Personnel statistics as of 31 December 2004. CEB/2004/HCLM27. 16 November 2004. We also received information from human resources departments.

Most specialized agencies of similar size have significantly more ASGs per total number of staff. The UN Secretariat, including peace-keeping, has many examples of USGs/ASGs managing relatively small departments and missions.

We would not regard this analysis as a strong argument for creating a third ASG post, but we do believe it confirms that the request is not unreasonable.

7. Would the disparity in the staffing of DIP and operations be a major factor?

In reviewing the proposal, ACABQ raised the question of the disparity in the workloads of the two AHCs, i.e., that the number of staff reporting to the AHC-P would be significantly lower than the number reporting to the AHC for operations.

This would be true, but we would not see the disparity as a major obstacle. The number of staff in a department is one important factor in determining the grade level of the director, but it should not be the only one. The importance of protection and durable solutions in the mandate of UNHCR, the need for an organizational-strengthening programme, and the vital importance of developing new working arrangements between operations and DIP are all arguments for having a very senior person at the head of DIP, irrespective of the number of staff reporting to that person.

8. Will this initiative send the wrong message to the staff in HQ and the field?

The High Commissioner's proposal has generated considerable debate within UNHCR, both in HQ and the field. Some opposition to the idea stems from the fear that such a post would undermine the integrated approach to operations.

Other people's concerns relate to a suspicion that the post is not related to any serious attempt to solve the very real problems that the Organization is facing.

We are sensitive to this possibility. For this reason, we argue strongly for the need to place the proposal in an overall change process for protection and durable solutions. But we would go further and advise that UNHCR subsume this initiative on protection and durable solutions in a broader commitment to resolve the other problems and issues identified in the annex.

9. Are there any other alternatives?

The role of the members of the executive management team, and especially of the DHC, must always be determined by the Executive Head and will greatly depend on the role and style of the incumbent High Commissioner.

One alternative to the High Commissioner's proposal has been put on the table. The JIU report recommended that the AHC for operations post be upgraded to DHC (remaining at the ASG level). This would mean that there would be two DHCs, one for operations and one for support. It also implies that DIP would be placed inside the Department of Operations, under the proposed DHC for Operations.

The High Commissioner disagreed with this recommendation:

The High Commissioner believes strongly that there are organizational benefits to having only one Deputy, as foreseen by the Statute. He has consulted with agencies similar to UNHCR and is convinced that a double deputy



*structure will result in an ambiguous chain of command and make it difficult to establish clear lines of accountability at the level of senior management*²⁴.

We have studied the precedents for the JIU proposal in other UN organizations and we recognize that the JIU model is working in some (but a minority of) other organizations.

Above all, we do not see convincing arguments for making such a change, especially as it would imply a change in UNHCR's Statute, which could have other consequences. For the reasons outlined in Part Three, we also do not believe that DIP should be placed in Operations.

In general, we believe that there are advantages to:

- Having one designated person with the permanent role of deputizing for the Executive Head;
- In this capacity, the deputy having an *institutional* focus, thereby maintaining an overview of all programmes and functions;
- In addition, the deputy overseeing organizational support functions that do not require him or her to travel extensively;
- The deputy not being in charge of programmes, which are the core business of the Organization, and which therefore require an *operational* focus.

Conclusion

As is clear from our responses to the nine questions, we see some value in the High Commissioner's proposal to create an AHC-P by upgrading the Director, DIP post to the level of ASG.

However, we have not identified any compelling arguments that would provide an overwhelming case. In other words, there is in our view no absolute necessity for UNHCR to have this post. Virtually all the changes mentioned in this report in relation to protection and durable solutions could—if necessary—be carried out by the Director, DIP at the D2 level.

Having said this, we would conclude that the AHC-P 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 and help to build a more effective interface between operations and DIP.

We are also persuaded by the fact that we do not see any negative reasons for blocking the proposal.

We support, therefore, the High Commissioner's revised proposal, provided it is placed in the context of a comprehensive organizational strengthening programme, as outlined in Part Four.

²⁴ *Proposal to establish an Assistant High Commissioner (Protection) in UNHCR, A/AC.96/992/Add.1.*





To be written after 8 February 2005.

