

# Selecting the new High Commissioner for Refugees

by Manisha Thomas and Ed Schenkenberg van Mierop

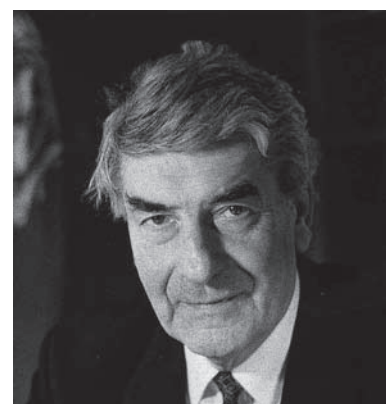
*Dogged by allegations of sexual harassment, Ruud Lubbers resigned as head of UNHCR in February 2005. The UN Secretariat is to be commended for a new approach to recruitment but concerns remain about the level of transparency and the future relevance of the agency.*

When High Commissioner Ruud Lubbers resigned, Fred Eckhard, spokesman for the UN Secretary-General, promised that the process of selecting a new UNHCR head would be “transparent and rapid”. Mark Malloch Brown, the UN Secretary-General’s Chef de Cabinet, wrote to a number of NGOs, including the International Council of Voluntary Agencies (ICVA), asking them to suggest candidates. Within a month, a short list of eight candidates was announced.

Several of the criteria set out by the Secretary-General’s office reflected qualifications that ICVA had highlighted as important during the process of selecting the High Commissioner for Refugees (HCR) in 2000.<sup>1</sup> These included experience of managing complex organisations, understanding of basic refugee law and knowledge of ongoing debates around voluntary and forced migration and IDPs. The UN’s clarification of required skills<sup>2</sup> and willingness to consult with the NGO community in making a major appointment this time around were highly welcome.

While there has been great progress made since the sudden appointment of Ruud Lubbers took the international community by surprise in 2000, there are still a number of issues that remain of concern:

- There was never any indication of how many candidates were put forward in total.
- It is unclear if there was a procedure for giving refugees a say in the selection of the person charged with ensuring that they receive international protection. The Secretary-General’s office said that “the views of the refugee



Left: António Guterres.  
Right: Ruud Lubbers

community on the candidates will be sought informally”. Despite ICVA asking for clarification on how their views would be sought, it remains unclear if such a process was undertaken.

- UNHCR staff seem not to have been asked their opinions as to what kind of a leader they would like.
- It was unclear whether the short-listed candidates met agreed criteria and the extent to which member states’ interests and horse-trading shaped the short-list. Not all of the short-listed candidates seemed to meet all of the criteria set out in the letter requesting candidates to be put forward.
- ICVA received no details why only one of its three nominated candidates was short-listed.
- The expected timetable for interviews and appointment has not been adhered to. António Guterres was announced as the new HCR only on 24 May.

In ICVA’s newsletter, *Talk Back*, issues central to the future role of UNHCR were highlighted, candidates

were invited to respond and their responses have been published. Among the issues to which attention was drawn were the following:

- **Falling numbers of refugees and asylum seekers.** Some argue that the agency dug its own grave when it reported recently that 2004 had seen the lowest number of asylum seekers in industrialised countries since 1988.
- **The migration management agenda.** What should UNHCR do as states throw refugees and asylum seekers into the same ‘migration’ basket?
- **Convention Plus and the High Commissioner’s Forum.** Will these initiatives – launched by Lubbers – succeed in combining protection with solutions?
- **Restrictive state policies.** UNHCR must respond to governments that are determined to keep asylum seekers away from their borders and tackle the xenophobic prejudices they have often helped to feed.
- **Protection challenges.** Rhetoric about protection and assistance being two sides of the same coin

cannot disguise the fact that, magically, the sides of the coin are often rolling in two different directions. The separation between UNHCR's Department of Operational Support (DOS) and the Division of International Protection (DIP) must be bridged. Without strong leadership to instil such a culture of protection within the organisation, there will continue to be a false dichotomy between the delivery of assistance and protection by UNHCR staff.

■ **UNHCR's role in protecting IDPs.**

UNHCR, along with other humanitarian organisations, has been involved in elaborating the collaborative approach to IDPs yet there is much confusion over UNHCR's role. Guidelines are sufficiently vague so that UNHCR can do anything or nothing with regard to IDPs as it suits the agency. The new HCR will need to quickly elaborate a clearer and more effective policy on IDPs, an urgency heightened by the fact that the Inter-agency Internal Displacement Division will report later this year on how the collaborative response is working.

■ **Threats to humanitarian space in conflict situations.**

The humanitarian agenda of UNHCR must be pushed forcefully in the midst of competing security and geopolitical agendas and the increasing trend within the UN to try to merge political, humanitarian, human rights and development agendas into integrated missions.

■ **Collaboration with NGOs.**

UNHCR is unique within the UN system for efforts it has made over the years to work with NGOs. However, it is one thing to have policies and meetings about partnership and another to operationalise partnerships on a daily basis in a way that does not treat NGOs as mere implementers.

■ **Relations with the International Organization for Migration (IOM).**

UNHCR-IOM clashes over approaches and strategies have become more common, particularly in Darfur. IOM involvement in Darfur has had significant protection implications, a role for which it is totally unequipped. Other areas where UNHCR's pro-

tection mandate and IOM's pragmatically oriented service areas may clash relate to the asylum-migration nexus and repatriation movements. The new HCR needs to be prepared to challenge IOM's policies and programmes.

■ **Zero tolerance of sexual abuse.**

The ability to respond to allegations with independent and confidential investigations must be ensured in order to guarantee that those who have been abused or exploited are not afraid to come forward.

■ **UNHCR's role in supervising the 1951 Refugee Convention.**

While many states are wary of being supervised in the fulfilment of their responsibilities under the Convention, there is a need to ensure that states are living up to those obligations. UNHCR's responsibility in fulfilling this function is one that has been rather narrowly interpreted to date. If UNHCR protection reports make note of violations of the Refugee Convention, they are not currently made public and it is unclear how far UNHCR takes up issues of concern with states.

All short-listed candidates<sup>3</sup> responded to ICVA and their replies were published in Talk Back (7-2 and 7-2a). We provided such a forum in the hope that the stakeholders of UNHCR would be able to get a better idea of who the candidates are and in the hope that the views of the candidates would help to inform the final process of selecting the next High Commissioner.

António Guterres will have to face the challenge that has always plagued UNHCR: is it an organisation for refugees or for states? Challenging states on their responsibilities to refugees and asylum seekers in order to ensure effective and quality protection must be one of the HCR's top priorities. The position of High Commissioner requires the ability to balance the interests of refugees and the interests of states. Without the support of states, UNHCR cannot survive as its budget depends on states agreeing to the agency's programmes. If António Guterres caters too much to states' interests, the result could be a situation where refugees suffer at the expense of political interests and priorities.

António Guterres' vision for the future of UNHCR is at [www.icva.ch/cgi-bin/browse.pl?doc=doc00001363#guterres](http://www.icva.ch/cgi-bin/browse.pl?doc=doc00001363#guterres)

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**Talk Back is online at [www.icva.ch](http://www.icva.ch)**

1. [www.fmreview.org/FMRpdfs/FMR08/fmr8.16.pdf](http://www.fmreview.org/FMRpdfs/FMR08/fmr8.16.pdf)

2. "The criteria that these candidates will be evaluated against at interview will include: strong diplomatic, political and fund-raising skills; thorough knowledge of refugee issues, including basic refugee law and debates about forced migration and internally displaced persons; proven skills in the management of complex organizations; a leader who will unflinchingly champion the cause of refugees, understand and respect basic refugee law and the rapidly evolving debates about voluntary and forced migration and internally displaced persons; and possesses the communication and coalition-building skills to create consensus and stimulate effective campaigns". [www.un.org/News/briefings/docs/2005/db050324.doc.htm](http://www.un.org/News/briefings/docs/2005/db050324.doc.htm)

3. The short-listed candidates were: Emma Bonino (member of the European Parliament); Hans Dahlgren (Sweden's State Secretary for Foreign Affairs); Gareth Evans (former Australian Foreign Minister); António Guterres (former Prime Minister of Portugal); Søren Jessen-Petersen (Danish head of the UN Interim Administration Mission in Kosovo); Bernard Kouchner (former French Minister of Health); Kamel Morjane (Tunisian, Assistant High Commissioner for Refugees); and Mark Verwilghen (Belgian Minister of Economy, Energy, Foreign Trade and Scientific Politics).



The International Council of Voluntary Agencies (ICVA), founded in 1962, is a global network of human rights, humanitarian, and development NGOs, which focuses its information exchange and advocacy efforts primarily on humanitarian affairs and refugee issues. ICVA attempts to influence policy and practice to reflect humanitarian principles and human rights through information exchange and advocacy.

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