Humanity in Humanitarianism:  
*Rhetoric or Reality?*  

Case Study: United Nations High Commission for Refugees (UNHCR) Involvement  
With Internally Displaced Persons  

Submitted in Partial Fulfilment of the requirements for the  
Master Degree in Humanitarian Action  

By  

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List of Acronyms

DCR  Democratic Republic of Congo
ECOSOC  Economic and Social Council
ExCom  Executive Committee
GA  UN General Assembly
IASC  Inter-Agency Standing Committee
IDPs  Internally Displaced Persons
IGOs  Inter-Governmental Organisations
IOs  International Organisations
INGOs  International Non-Governmental Organisations
NGOs  Non-Governmental Organisations
OCHA  UN Office for the Coordination of Humanitarian Affairs
UN  United Nations
UNDP  United Nations Development Programme
UNFPA  United Nations Population Fund
UNHCR  United Nations High Commissioner for Refugees
UNICEF  United Nations Children’s Fund
UNIFEM  United Nations Development Fund for Women
WFP  World Food Programme
WHO  World Health Organisation
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Abstract

Established to protect refugees, the UNHCR was given a non-political agenda; its work was to be guided by the desire to protect refugees based on the principle of humanity. The increased number of Internally Displaced Persons (IDPs) has led to calls for the UNHCR to include this group of displaced persons in its mandate based on its experience with displacement. The resistance and reluctance of the UNHCR to formally include them in its mandate has led critics to question the morality of contemporary humanitarian action and to conclude that human suffering or ‘humanity’ does no longer form the basis of decision making within the UNHCR. UNHCR’s critics claim that the UNHCR decisions reflect the desires of the major powers and donors of the world to the detriment of those who need assistance – IDPs. The study reveals that there is a variety of factors that influence decision making in the UNHCR and these factors are a mix of both the desire to assist and protect lives as well as to protect the interests of the most powerful states and major donors. The influence of economic, political, social, and environmental factors on the moral decision making within the agency is just an adaptation to the complexities of contemporary humanitarian context; High Commissioner S. Ogata acknowledged that humanitarianism can no longer rely on humanitarian principles alone for solutions but also on some measure of political will. Whether the UNHCR officially and formally accepts IDPs in its mandate or not, the truth of the matter is that it is the most active organisation involved with IDPs and is currently assisting some 14 million IDPs and its willingness to help even further is curtailed by the lack of will on the part of states.
CHAPTER ONE

Introduction

The concept of humanitarianism is founded on the ideal that man cannot stand and watch their fellow man suffer and do nothing about it. As Lumsdaine has succinctly stated ‘it is a feeling common to all mankind that they cannot bear to see others suffer; this feeling of distress (at the sufferings of others) is the first sign of humanity (Lumsdaine, 1993, p.9). Humanitarianism is based on the belief that all humans are created equal and entitled to a dignified life and it is the responsibility of those who can help to do so without expecting anything in return but simply because of our common humanity which calls for compassion, solidarity and charity among all mankind. Humanitarianism at its inception was therefore considered not as a political act but one of compassion (Mills, 2005:164). Although initially focused on war victims, the concept of humanitarianism was later extended to include victims of all natural and man-made disasters. Humanitarianism is best identified with the provision of relief to victims of man-made and natural disasters. But for others humanitarianism does not stop with the end of the emergency, more and more organisations are trying to transform the structural conditions that put populations in danger (Barnett et. al, 2008:3). The spirit of ‘humanity’ is considered the core or raison d’être of humanitarianism while impartiality, neutrality and independence were principles formulated to ensure that humanitarianism continues to be defined by the desire to help those in suffering to the exclusion of any political, economic, strategic interests on the part of those providing the help or assistance. It is this spirit that Henri Dunant propagated and which culminated in the creation of the International Committee of the Red Cross (ICRC) and this spirit was carried on through the Second World War and beyond, undergoing expansion to include not only war related suffering but all forms of suffering and conditions that caused suffering.

Humanity

Formulated for the first time in 1955, by the Red Cross, the principle of humanity was described as follows; “…born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity to prevent and alleviate human
suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for human being. It promotes mutual understanding, friendship, co-operation and lasting peace among all people (international Red Cross and Red Crescent movement). The International Court of Justice (ICJ) in the case of Nicaragua versus United States\(^1\) considered humanity to mean” preventing and alleviating human suffering, protecting human life, health and ensuring respect for human existence” (Thurer 2007, p. 56). Humanity is therefore the unconditional recognition of the values of whatever has a human face especially in situations where people are weak, helpless, imprisoned, sick, endangered, impoverished and deprived of their rights (Huber, 1948, p. 293).

The principle of humanity consists of three elements namely: to prevent and alleviate human suffering, to protect life and health and to ensure respect for the individual. This is prove enough that the concept of humanity does not only apply to war situations but seeks to eliminate suffering in all forms at all times and ‘humanity’ should apply regardless of the cause of the suffering, extending the concept all situations of violence, natural disasters, and famine. Over the years ‘humanity’ has evolve to include eliminating the root cause of suffering; the purpose of which is to respect and protect human life all over the world. Therefore the phrase “to alleviate human suffering wherever it may be found “ suggests that humanity is not just a principle applied to situations of war but to all situations that pose a threat to human life.

The principle of humanity is founded and rooted in the idea or essence of the dignity of the human being which forms the common foundation of human rights law and international humanitarian law (Thurer, 2007, p. 57). The jurisprudence of the ICJ considers the principle of humanity to be part of the international humanitarian law and every action taken by humanitarian organizations must be taken with the sole aim of assisting victims or potential victims of armed conflicts and other situations of violence and threats to human life and of respecting their rights (Sommaruga in lorenzi, 1998, p. 19). The source of the principle of humanity is in the essence of social morality which is summed up in a phrase found it all great religions of the world including Buddhism, Brahmanism, Christianity, Islam Confucianism and Taoism and that is; “ do unto

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\(^1\) In 1984, the ICJ ruled against the USA that it had violated International law by supporting contra guerrillas in their rebellion against the government of Nicaragua and for planting mines in Nicaragua’s harbours.
others what you will have them do unto you” (Jean Picket, 1979). Humanity therefore impels us to act for the wellbeing of fellow men based on the idea of solidarity as an ideal for the organization of community. Humanity has as its starting point, human suffering which inspires charitable actions that extends to all those whom we recognise as our fellow humans because of the common nature we share with them.

The Second World War left million of people displaced round the world and to address this problem, institutions were put in place ranging from the Supreme Headquarters of Allied Expeditionary Forces (SHAEF), to the United Nations Relief and Rehabilitation Agency (UNRRA), the International Refugee Organisation (IRO) and the United High Commissioner for Refugees (UNHCR)\(^2\). The UNHCR was established by the United Nations (UN) to resettle the millions of refugees scattered around Western Europe at the end of the Second World War and then disband (UNHCR). But this was not to be as the Soviet Union’s crushing of the Hungarian revolution resulted in a new wave of refugees. The necessity to have the UNHCR continue its work was further amplified by the decolonization process in Africa which produced more refugees. Over the years the UNHCR has seen its intervention needed in various parts of the world including Africa, Latin America and in the Balkans.

The Second World War was succeeded by the cold war, but with the end of the cold war in 1989, most of the wars that resulted were within national boundaries resulting not only in refugees but in displacements within the national boundaries giving rise to a new terminology “internally displaced person” (IDPs). The number of IDPs has increased tremendously as compared to refugees over the last two decades; at the beginning of 2009 there were 10.5 million refugees as opposed to 26 million IDPs (Internal Displacement Monitoring Centre, 2007). Kofi Annan considered internal displacement, “one of the great humanitarian tragedies of our time” which has created an “unprecedented challenge for the international community” (1998, p.xix).

The UNHCR established to take care of refugees who are displaced person who have crossed the national borders into another country. Unlike refugees and despite their huge number no legal or formal institutional mechanism exists to take care of the IDPs rather they are the responsibility of

\(^2\) The UNHCR was created by the United Nations General Assembly Resolution 428(v) on the 14 of December 1950
a cooperative effort between agencies (Inter-Agency Standing Committee - IASC) with the UNHCR taking the lead role as will be discussed later in this research. Over the years there have been calls for the UNHCR to assume responsibility for the IDPs. In 1993 the Netherlands called on the international community to assign to the UNHCR the general competence for IDPs, and a similar appeal was made by Francis Deng but the idea was not endorsed by the UNHCR or by the ExCom. In 1997, during the UN reform, the UNHCR was again approached on the issue and the United States (US) Ambassador Holbrook in 2000 called on the agency to take responsibility for this group of persons based on the agency’s expertise outlining the irrelevance of the distinction between IDPs and refugees by referring to the former as “internal refugees” (USUN Press Release No. 95). This proposal though supported by several NGOs including Doctors without Borders, IRC, and Human Rights watch was rejected by the UNHCR on the basis that the suggestion was unfeasible for a single humanitarian organisation although it affirmed its commitment to the cause. The indecision of the UN, the UNHCR and the rest of the other UN agencies with regards to IDPs continues to be the subject of debate among many humanitarians and their critics who question the morality of contemporary humanitarianism.

While conventional organisational theory would assume that international organisations are ordered rationally, structured appropriately and emotion-free life spaces, where the right decisions are taken for the right reasons by the right persons (Kersten, 2002, pp. 452-467), the realist and neo-realist believe that institutions like the UNHCR are created and shaped by the most powerful states in the system as a means of maintaining or increasing their share of world power (Mearsheimer, 1994, P. 13), and such organisations would pursue policies that further the interest of their founders; after all IGOs are in the end only what their founders allow them to be (Cox and Jacobson, 1973). The realist and neo-realist continue to challenge the morality of contemporary humanitarianism that decisions in the field of humanitarianism are not always based on the humanitarian imperative based on which the principle of ‘humanity’ is founded but work for governments who are their main donors and they are continuously seen as instruments used to further States’ interest in a world of anarchy. The realist argument however fails to acknowledge the fact that International Governmental Organisations or Inter-governmental

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3 The IASC was formed during the UN humanitarian reform of 2005 to facilitate joint action by agencies during humanitarian crisis and in particular addressing the IDP issue.

Organisations (IGOs) can be used to create and institutionalise norms which are intended to shape the behaviours of states for they do not only monitor the observance of these norms but can sanction states for non-compliance (Charnovitz, 2001; Hazelet, 2004). The neo(realist) claim has further been matched by counter claims from idealists and supporters of Humanitarianism like Lumsdaine who has argued that aid is founded on the humanitarian and egalitarian principles of the donor countries, and in their implicit belief that only on the basis of a just international order in which all states have a chance to do well is peace and prosperity possible (Lumsdaine, 1993, p.30). Aid is therefore not influenced by any political, economic or other consideration but by moral principles because of its universal scope, as assistance from well-off countries to those in need is focused on poverty and the empowerment of the weakest groups and states in the international system (Lumsdaine, 1993 p.69). Others have suggested that humanitarianism should be commended, the basis of their argument being that even if politicised, the truth of the matter is that lives are being saved everyday around the world by humanitarians and that humanitarian principles alone without an element of politics cannot solve humanitarian principles.

1.2 Problem Statement

From a legal standpoint, refugees are distinct from IDPs both normatively and institutionally. While refugees are protected by the 1951 convention of the status of refuges and its supervisory body the UHCR, no such legal or institutional framework exists for the IDPs. The lack of a legal basis for their protection has only increased the vulnerability of IDPs as they are not often a priority to many organisations. Over the years the UNHCR has assisted millions of IDPs but neither has the UN General Assembly nor the UNHCR itself taken steps to formally include them in the UNHCR mandate. There is evidence that although the UNHCR was involved with IDPs in 15 operations between 1971 and 1991, such operations were not specifically designed for the IDPs; when the UNHCR did get involved with IDPs, it was when the operation was linked to refugees (UNHCR, 1994a, p.43). The rise in IDP related interests and needs has created pressure on the UNHCR to do something as a matter of moral imperative in the absence of any international mechanism specifically set up to tackle the problems of IDPs and to fill in the protection gap (Mattar and White, 2005, p. 4). Although the UNHCR as assisted IDPs over the years and is currently involved in IDP-related operations in 22 countries around the world, it has
fallen short of taking full responsibility in a consistent manner; rather it has acted on ad hoc basis, on a case-by-case basis living millions of IDPs in suffering and in dire need of assistance. In the 2005 humanitarian reform that led to the establishment of the “cluster approach”, the UNHCR limited its involvement with IDPs to playing the lead role in protection, emergency shelter and camp management of clusters (humanitarianinfo). It was not a problem for the agency to move from a non-operational agency to an operational one, the agency willingly accepted the appeal not to limit its activities to the provision of assistance alone but to address the root causes of displacement. Many cannot understand why UNHCR involvement with IDPs still remains so controversial; when asked to take responsibility for IDPs, the UNHCR has consistently resisted, when it has shown signs of willingness to do so, other UN agencies have protested. Although not included in its mandate, it is a truth that the UNHCR has expertise in displacement issues and this has been acknowledged many times by the international community. The agency was established to protect the rights of the refugees and even though IDPs are in a refugee-like situation except for the fact that they have not crossed borders, the agency though assisting half the total population of IDPs has continued to argue that they are out of its mandate, giving the impression that alleviating suffering is no longer an important tenet in the decision making of the agency. The question this research seeks therefore to answer is:

To what extent is the decision making process of the UNHCR towards IDPs motivated by the principle of humanity?

1.3 Relevance
The significance of this study lies in its comprehensive assessment of ethical decision making within the UNHCR and all the possible factors that are of influence which is a departure from focus of the political variable on which most previous studies are based. Understanding what factors influence decision making the UNHCR will help pinpoint the cause(s) of the agency’s indecision vis-à-vis the IDPs. Understanding these complex dynamics of decision making is the first steps towards effectively incorporating IDP into the work of the UNHCR. This study equally has an advocacy element by the simple fact that it brings to the discussion table the urgency that the IDP problem needs. The study also illustrates how humanitarian organisations like the UNHCR adapt to the complexities of contemporary humanitarian world.
1.4 Method

This research is a case study on the UNHCR’s involvement with IDPs and was based on the model for analysing moral decision making provided by Bommer et al. (1987). According to the model, ethical and unethical decision making depends on certain factors including work environment, professional environment, personal environment, government and/or legal environment, social environment and individual attributes of the decision maker(s). The model is premised on the notion that ethical decision or unethical decision making is the function of the decision makers’ perception of the various variables. Through the flow of information, how the decision maker perceives a variable will give that variable either greater or lesser influence in the decision making process. To access the role and conduct of the UNHCR relating to IDPs, data was collected from the website of the UNHCR and that of other humanitarian agencies, articles by commentators, academic journals and books. I interviewed current employees of the UNHCR at the Headquarters in Geneva as well as former employees in order to diversify the source of information thereby establishing validity and reliability of data. The interviewees also filled out a questionnaire at the end of each interview the purpose of which was to scale by order of importance which variables influenced the decision making process of the UNHCR. The analysis was based on categorisation of the data collected according to the variables in the model or framework of analysis and coupled with the scaling in the questionnaire; we were able to answer the research question.

1.5 Scope and Limitations

This research does not seek to delve into the long and complex discussion of events that lead to IDPs or refugees, if at all, it will be touched only lightly and in so far as it is related to the question this study seeks to answer. The research does not concern how decisions are made within the UNHCR - that is the process, but focuses on the factors that influence decision making with regards to IDPs. Some of the variables in the model or framework of analysis as provided by Bommer et al., turned out not to be appropriate for analysing moral decision making in organisations like the UNHCR; some important factors were missing. Therefore where necessary the missing variables have been included and when necessary the variables were given
meanings understood in the humanitarian field, for instance environment would also include the
dynamics and complexities of emergency environment or location. Variables that could not be
used were left out.

1.6 Structure of the paper

This paper is divided into four parts, in the first part I have tried to discuss the concept of ethical
decision making using Bommer et al (1987) framework of analysis. The second part or chapter
three is a detailed explanation of the research methodology. The framework by Bommer et al
was later applied to the UNHCR in the fourth part of the study in order to determine the factors
that are purported to influence decision making in the UNHCR. Part four also includes a deep
insight into the agency’s relationship or connections with IDPs and this part of the research
enables us to answer the research because it examines the evolution of the UNHCR’s
involvement with IDPs and provides the status of the agency’s current involvement with the later
as well as a critical analysis of the factors that influence the current position of the agency in
relation to the IDPs. The fifth part will is a discussion of the findings and conclusion.
CHAPTER TWO

Literature Review

2.1 Introduction

This chapter tries to review literature on previous studies done on decision making in organisations and highlights various factors that have been purported to influence decision making. It is based on the framework of Bommer et al (1987) in which the authors suggest that decision making is influenced by certain factors like the social environment, professional environment, personal environment, government and legal environment, work environment and individual attributes. The proposed model was thought to be appropriate because it can be applied to both individuals within an organisation as well as to the organisation as a whole.

Source: Behavioral model of ethical/unethical decision making by Bommer et al.
2.2 Social Environment

The social environment of a decision maker or of an organization is the set of humanistic, religious, cultural and societal values and it is believed that the social environment of decision makers will greatly shapes their decision making (Bommer et. al., 1987 p.268). Decisions are taken within the context of a social setting known as the ‘social environment’ which consists of certain values shared by the particular society. Moral decisions usually or always take place in a societal or group context, thus context has a great impact in shaping the individual’s moral decision making (Kohlberg, 1981, pp. 37 – 38). McDevitt et al. have also argued that the context in which an individual operates has a great impact on decision making (McDevitt, 2006, p.220). The above reasoning can be applied to an organization as well by making the assumption that the context in which an organization operates will determine the kind of decisions it makes. Societal norms can change the dynamics of the environment and the difference in societal norms can lead to different ethical decisions and practices (Donaldson and Dumfee, 1999; Sims and Gregez, 2004).

Decisions also vary across the type of problem and the setting in which the ethical problem takes place; some decisions will be viewed as ethical in one context or scenario and unethical in another (Stevens et al.; Izraeli, 1988). Durkheim (1962) argues that an individual is what he/she is only in the context of society; therefore social facts do exercise moral and social constraints on the behavior of individuals who are called upon to make decisions on behalf of their organisations. Such social facts include aspects such as legal and economic institutions, religious beliefs and social movements (VanSandt, 2003, p.145). It has however been argued that since societal values are only used in context they will only become an important consideration in decision making if they have been made part of or incorporated into the professional environment in the form of code of conduct (Bommer et.al., 1987, p.268). Besides not all social values are appropriate guidelines for behavior in certain business and professional settings nor are they appropriate for addressing the situation that is subject to a decision (Bommer, 1987, p. 268). Moreover not all societal values can be included into the professional environment, inclusion of societal values into the professional environment is done selectively and only those

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5 By context here we mean, environmental, job, and organisational context
values that further the goals of the organization will be incorporated depending on the nature of the organization and what it does. The fact that some Managers choose to ignore social values during the execution of their managerial function is prove enough that business and ethics are apart. However it has been suggested that managers and other decision makers will not make decisions that are considered unethical within the context of their work (Bommer, 1987, p. 268).

The type of emergency or crisis may also impact on the decision making process. In their typology of crisis, Pearson and Mitroff suggest that crisis of a technical and economic origins are more likely to be addressed in a rational manner than those with a human or social origin. The latter are more likely to be approached unethically (Pearson and Mitroff, 1993). Therefore the type of dilemma will affect the decision maker’s ethical or moral reasoning (Fritzsche an Becker, 1983; Weber, 1990). During emergencies organizations such as humanitarian organisations may feel that they have little or no influence over the events (Asmos et al., 1997; Jackson and Dutton, 1988; Thietart and Forgues, 1997), and such feelings may give rise to feelings of reduced responsibility and unethical decisions (Jensen and Wygant, 1990; Lovell, 2002).

Jones (1991) claims that when social consensus is high, the question of ethics becomes of little or no significance to decision makers because social consensus reduces or eliminates ambiguity about a situation\(^6\). When there is a strong social consensus against a particular decision, this may lead the decision maker(s) to realize that the proposed decision is unpopular, wrong or has negative consequences leading the decision maker to refrain from such a decision (Harrington, 1997, p. 364).

The open-system\(^7\) considers organisations as open and dependent on the flows of resources from outside; in this regard the organisation is shaped and supported by the environment and resources it needs for its survival (Koch, 2009, p.435).

2.3 Government and Legal Environment

The notion of legality and the willingness to abide by the law have a great impact on the decision making process. Individuals or organizations are likely to refrain from a certain course of action because the law forbids, though not always. When individuals choose to abide by the law, it is due to the stigma associated with not doing so (Bommer et al., 1987, p.269). The law has the

\(^6\) Social consensus was defined by Jones as the degree of social agreement that a proposed act is good or evil

\(^7\) The open-system theory holds that a system continuously interacts with the environment.
authority of moral force and abiding by the law results in societal approval and recognition and even reward. Although punishing a large Organisation like UN agencies may be very difficult or impossible, the social stigma or reprimand may push organizations into a certain course of behaviour. A decision may be socially acceptable yet not legally accepted; decision makers therefore have to consider other factors. In regards to humanitarian organizations, a number of external factors have a direct influence on decision making. Decisions may not often be based on need but on foreign policy or domestic political interests – especially of donor governments (Minear and Smile, 2003; Macrae and Leader, 2003). For instance Europe received one third of the European Commission humanitarian assistance between 2003 and 2008 (Development Initiatives, 2003) and assistance was marked by geographical preferences (Darcy and Hofmann, 2003, p.47). In some cases questions of safety, security and access do not only influence the decision whether or not to assist but will determine the nature of assistance or intervention. Somalia and Sudan are examples where restrictions by the warring factions were found to be major determinants of whether and how an agency could respond to humanitarian needs (Darcy and Hofmann, 2003, p. 51). The legal system and political institutions in a particular environment equally have a bearing on the decision making process as well as the kind of decisions made (McDevitt, 2006, p. 222). Decision making within international organizations is usually subject to the reason demands of governments rather than the subjective needs of bureaucrats (Haas, 1968, p.88). Assistance would be provided not always to areas that need it the most but to those that would threaten international security in the absence of such assistance. Examples here would include Afghanistan, Pakistan and Iraq; these countries are cases where security and humanitarian agenda are inextricably linked (Darcy and Hofmann, 2003, p.48). The International Community has come to use humanitarian aid as an instrument of engagement with what is often referred to as ‘poorly performing’ countries. (Macrae, 2001). Variables such as international and national laws, pressure and preferences of major powers and the outcome of inaction are major determinants of decision making within humanitarian organizations.

2.4 Professional Environment

The professional environment is the institutionalized professional context in which the organization operates and such institutionalized context may include aspects such as codes of ethics (Bommer, 1987, p.270). The existence of codes of conduct or ethics and clearly stated
corporate or organizational policy statements have been proven to be consistently and significantly related to ethical behavior within organizations (Ford and Richardson, 1994, p.216). Professionals and decision makers have been known to comply with such codes despite the difficulties in adhering to them as pointed out by Leugenbield, (1983) because codes of conduct may be an indication of the organisation’s commitment to ethical conduct (Ford and Richardson, 1994, p. 216). There exist a code of conduct for the humanitarian community and some organizations have gone a step further in establishing their own codes of conduct which have as purpose to set standards aimed at regulating and formalizing rules on expected behaviour. Ethical behaviour and decision making guidelines are usually incorporated into such codes. But codes of conduct are not always adhered to since strict adherence usually poses a challenge for professionals in the field for it is not always clear what course of action complies with the codes in specific situation (Blommer 1987, p. 270). Inspite of the difficulties in keeping with the codes of conduct or ethics, professionals exhibit great interest in complying with standards demanded by their codes but only as long as such codes are backed by sanctions (Blommer 1987, p. 270). For instance the risk of expulsion from a professional association may encourage decision makers to respect and enforce the observance of codes even if non-observance would only result in loss of status or isolation by peers (Fairweather, 1980). In addition ethical organizational codes that provide a full and clear picture of the goals of the organization will reduce the tendency for decision makers to make unethical decisions (Fritzche, 1987; Dean, 1992). Codes are important as decision makers are more likely to choose unethical practices if there are no mechanisms to enforce ethical behaviour into the perception of those in a position to make decisions (Singhapakdi and Vitell, 1990, p.15). Although it has been suggested that codes have the potential of enhancing ethical behavior only if they are backed by sanctions and rewards (Ford and Richardson, 1994, p. 216), this need not always be the case because over time the standards demanded through the codes become internalized and are adhered to without any implicit or explicit awareness of the sanctions (Blommer 1987, p. 271).

Assumed to be of great influence in decision making is the resources and or capabilities of the organization and these could include the agency’s formal authority to make that particular decision, the authority receives from representing a large number of people (Thomson et. al., 2003, p.8). Without the above mentioned resources, an organization may be reluctant to make a particular decision. Although Bommer et al. mentions professional meetings as a variable with a
potential to influence decision making, in our analysis here we would replace that with ethics training programmes within an organization which have been proven to have a positive impact on ethical behavior and decision making (Daleney and Sockell, 1992).

2.5 Work Environment
Many researchers have argued that the intra-organisational environment is more of a determinant factor in the decision making of employees (Bonczek, 1992; Dean, 1992; Fritzsche, 1987; and Robin, 1991). The natural system perspective holds that organisations are seen as a collective entity whose participant all pledge allegiance to the formal goals of the organisation but in reality the formal goal might be different from the actual goal which is the survival of the organisation (Scott, 1992, pp. 151 – 175). Corporate goals, culture and stated policy are all work environment factors that have a very great potential of influencing decision making in organizations but which of these factors has greater importance will depend on which one is most important in the work environment. Following Blommer’s reasoning, one can conclude that when and organisation’s primary goal is to amass as much funds as possible, being ethical may become of little importance. For instance if the goal of the UNHCR was to keep IDPs from crossing the borders, the question of ethics will be of little significance or will become a sub-goal in so far as it does not impede on the primary goal (Blommer, 1987, p.271).

An organisation’s stated policies are believed to foster and increase the frequency of ethical behaviour of decisions. But stated policies in themselves are not sufficient and effective in ensuring ethical decision making, there must be a decentralization of the decision making function, and stated policies should be very clear. But when an organization grows and enters into partnership and engages in large foreign operations, decentralization and clearly stated policies might not be enough because the situation on the ground may be the one not envisaged by the stated policy, hence stated policies can no longer form the basis of decision making (Blommer, 1987, p.271). Certain organisational characteristics have the potential of either increasing or reducing the frequency of unethical behaviour and decision making; vertical and horizontal communication that is clear accurate, open and frank eliminate the risk of Senior Management becoming insulated and helps them to identify unethical conduct within the organization (DeGeorge, 1978). Macrae et al claim that some decisions of humanitarian organization are related to ‘needs’ or situation on the ground and an organization’s role and
capabilities in meeting them. Decision makers will therefore consider factors such as their mandate, expertise and capacity as well as the role played by other actors. In such a situation the impact, the cost-benefit calculus and the availability of resources will be more of determinants in the decision making process (Macrae, 2002, p. 47). For many agencies decisions about response and resource allocation are filtered by the mandate and policy priorities of the agency in question (Darcy and Hofmann, 2003, p.51), but the character of the decisions made by those at the top of the hierarchy of the organization is determined by the corporate environment and goals of an organization (Nesteruk, 1991, p.76).

Also considered a factor that influences ethical decision making within an organisation is the organizational culture. Organisational culture has been defined as what typifies an organization including habits, prevailing attitudes and the pattern of accepted and expected behaviour (Al-Yahya, 2008, p.391). The culture of an organization contains its basic ethical assumptions concerning what is proper, right and fair. These assumptions play the role of unconscious guides for ethical decision making within the organization (Fritzsche, 1991; Sims, 1992; Trevino, 1986) and can provide appropriate means for handling situations (Upchurch, 1998; McCabe et al. 1996). Team work, climate-moral⁸, involvement and management supervision have all been identified as elements of organizational culture (Zamanou and Hacke, 1987). Organisational culture can also include how decisions are taken, supervision, management-subordinate relationship, reporting system etc. The actions of top management can influence decisions of their subordinates for the simple reason that top management’s actions can serve as a model for the desired behavior and secondly top management has the power of reward and sanction (Ford and Richardson, 1994, pp.212), therefore the ethical behavior of employees is directly related to that of the supervisors (Posner and Schmidt, 1984). In an organization where supervision is strictly observed, expectations from the supervisor can significantly influence the ethical decision making by employees (Sims and Keon, 1991, p.293). For an organization as a whole to be ethical, its organizational culture must reflect a value for ethical decision making (Bowen, 2004, p.312). Such an organizational culture must be consistent throughout the organization both in its internal and external communication, as well as its strategy (Falcione et al., 1987; Smircich and Calas, 1987).

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⁸ Moral climate is a share perception of what is ethically correct behaviour and how unethical issues should be dealt with within an organisation (Victo and Cullen, 1987, pp. 51-52)
2.6 Personal Environment

International Governmental Organisation or Inter-governmental organisations (IGOs) are embedded in a broader context that is not only limited to their relationship with the state but interaction includes other IGOs, Non Governmental Organisations (NGOs), private companies and even individuals (Koch, 2009, p.432). Pfeffer and Salancik have argued that organisations are not monolithic entities but “a coalition of groups and interests, each attempting to obtain something from the collectivist by interacting with others (Pfeffer and Salancik, 1978, p. 36).

The importance of peer group as a factor that can influence ethical decision making had long been established by researchers like Izraeli (1988). Considered peer groups could be partners, and other actors in the field. Peer pressure and management expectation can influence judgment and decisions (Jones, 1985; Sheidahl, 1986; Stead et. al., 1090).

In addition competition among peers can bring greater pressure on an organization leading to the sacrifice of ethical standards (Hegarty and Sims, 1978). Some organizations make decisions that are intended to market and profile themselves. The need to demonstrate to competitors and donors an ability to deliver in high-profile emergencies often overshadows ethics (Darcy and Hofmann, 2003, p.47). Competition is evident when agencies often coin their decisions to meet the wishes of funding thereby making decision less contingent on needs but on finding a common narrative about the situation that reconciles both the interest of the agency and the donor while trying to give the impression of fulfilling their mandate (Darcy and Hofmann, 2003, p.47). While this narrative may be reasonable, it is not based on ethical considerations or on any needs. Reconciling the interests of both agencies and donors often results in creating problems they are meant to solve and has been termed by Stockton “contract culture”.9

2.7 Individual Attributes

By individual attributes we mean personal goals, motivation mechanisms, position and status, self concept, life experiences, personality and demographic variables (Bommer et. al., 1987,

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9 Nicholas Stockton warns of a growing contract culture where the fulfillment of contract inputs and outputs takes precedence over actual humanitarian outcomes resulting in the fulfillment of contractual success but unfulfilled mandates. Stockton, The collapse of the state and the international humanitarian industry- The new world order in emergencies, Oxford, 1995
Individual attributes could also be all other factors that have to do with the individual who makes decisions. These factors may include nationality, sex, age, values, attitudes, education, religion, employment, etc. All these factors represent the sum total of life experience and circumstance that an individual takes to the decision-making process (Ford and Richardson, 1994, p.206). Although limited research has been done in this area, such research does not explain how individual attributes influence decision making in international organizations like the UN agencies where decisions are often not the responsibility of one individual but of many presenting the views of their states and not their personal views. In what Kohlberg terms ‘pre-conventional’ in his moral development, individuals may be inclined to make certain decisions not based on whether they are wrong or right but because of their fear of punishment or reprimand (Kohlberg, 1969). Although Kohlberg associates this attitude with children, adults in position of authority may act the same way if they are in fear of losing their position. The second category is the ‘conventional’ which bases the criteria for right and wrong on the norms and regulations of society. In the third category known as the ‘post-conventional’, an individual accepts the legitimacy of rules within the society but sometimes questions them. Individuals in the post-conventional category have the capacity for reflection, logical reasoning, responsibility, and an inner source of morality and justice (Bommer, 1987, p.273). Masquard, (1980) has found that individuals who rely more on themselves rather than on others have a high level of moral reasoning. With regards to personality, Machiavellian managers perceive ethical problems as less serious and were less likely to take any measures to remedy a problem (Singhapakdi and Vitell, 1990). Individuals at the corporate level who behave unethically have negative attitudes towards legal regulations, although they admit to the necessity of certain types of laws (Aubert, 1952).

An agency’s leader with a true insight has the opportunity to influence the organisation as extensively as possible (Reinalda, 2001, p. 11). Hagarty and Simms have identified individual variables that may influence decision making and these may include; age, beliefs, gender, and religion (Hagarty and Simms, 1978). It has also been suggested that the level of moral maturity of an individual has a bearing on the decision-making process.

Age and level of education are factors that cannot be discounted. It has been suggested that older people tend to demonstrate lower levels of moral reasoning, while the more educated generally tend to score high (Coder, 1975; Dorzbach, 1975; Rest, 1976). Although age was of no significance in
numerous researches (Brownig and Zabriskie, 1983; Izraeli, 1988; Kidwell, 1987; Stevens 19831984), older workers were found to have a stricter interpretation of ethical standards (Serwinek, 192).

Sex is a factor that has been researched more than any other but results are still inconclusive. Some researchers have argued that in some situations women are more likely to act ethically than men (Beltramini et al., 1984; Chonko and Hunt, 1985; Ferrell and Skinner, 1988; Whipple and Swords, 1992). Yet in other studies sex was found to have no impact on ethical beliefs (Callan, 1992; Dubinsky and Levy 1985; Serwinek, 1992). Women because of numerous social pressures on them tend to be slower than men in moral development even though at a younger age they are more advanced in moral reasoning (Lyon, 1982, Braverman et al., 1972).

With regards to nationality, various studies have come up with different results. In the study carried out by Abratt et al. (1992), no differences were found in the decision making process of South African Managers and their Australian counterparts. Yet in another study among German, French and U.S managers, the French managers showed more faith and belief in ethical codes (Becer and Fritzche, 1987).

Among the numerous studies carried out on the influence of religion on individual values (Hegarty and Sims, 1978; Kid well et al., 1987; McNichols and Zimmerer, 1985), it was found that religious denomination and frequency of church attendance was insignificant as a factor while the strength of religious belief was found to relate to ethical standards (McNichols and Zimmerer, 1985).

Staff may often try to identify with hierarchical rank, status and prestige and by so doing the individual’s psychological processes translate into vertical relationships and processes. This may result in an “identification-with-the-superior syndrome”, which occurs when there is an impersonation of the hierarchical superior hoping to acquire some of the power that the superior possesses (Kets, 2008, p. 18). But since individuals join and leave the organisation depending on how attractive the offer is, individuals cannot be assumed to have the same goals as the organisation.
2.8 Decision making process

According to Boomer et al. (1987), the factors discussed earlier do not necessarily lead to ethical decisions. Ethical decisions are only arrived at if the decision maker(s) or organisation based on their perception of the information is able to make a decision that is consistent with the value system of the organisation (Steiner et al.’ 1982). The steps in the decision making process consist in setting the managerial objectives, searching for alternatives, evaluating alternatives, choosing an alternative, implementing the decision; and monitoring and controlling the results (Bommer et al, 1987, p. 275). Since ethical issues may arise at any of these steps, decision making will therefore be based on the personal values of the decision maker and those values acquired from the environment in which the decision maker(s) lives or the environments within which the organisation functions. The variables discussed earlier may weigh differently on the decision making process, therefore decisions will depend on the degree of influence of the various environmental variables on the decision maker(s). Since decision makers have their own personal values and moral standards that may conflict with the other environmental variables, the dilemma is whether decision makers should make decisions based on their personal values or based on organisational goals. It has been suggested that managers place greater importance to organisational goals when it comes to decision making (England, 1967), but where organisational goals conflict with personal values of the decision maker, the latter is more likely to make decisions based on self interest such as career advancement (Monsen et al., 1966).

During the decision making process the decision maker acquires information from various environmental factors; information that is analysed in order to make the most rational decision. The information is filtered and analysed based on the perception, personal attributes and cognitive ability of process of the decision maker(s). In order to arrive at a particular decision, its consequences and the risk of following that particular course of action are considered.

In conclusion, the decision making process is guided by the available information, the individual attributes and cognitive capabilities of the decision makers, the perceived consequences and risks of a particular decision, and the value assigned to the consequences (Bommer et al., 1987, p. 277). The appropriateness of this model lies in its applicability to an organisation as well as the individuals who make decisions on behalf of the organisation.
CHAPTER THREE
Methodology

3.2 Introduction

This chapter will explain the methods used during the research and why they were preferred to the others. Also addressed in this chapter are the data collection and analysis methods. It will answer the questions as to how the data was collected; from what sources it was collected and why those sources. Collected data in itself does not tell anything unless it is analysed and meaning attached to it. A proper analysis is only possible if the appropriate methods of analysis are used; the methods and techniques used in analysing the data will therefore be explained in this chapter and why those methods were used. The assumption that some problems were encountered during this study is a valid one and this chapter illustrates the concerns such as validity and reliability of sources, as well as ethical concerns that were encountered during the study and how they were addressed. The methodology used during the study was that thought to be capable of yielding the most reliable results.

3.3 Purpose

This research is exploratory because the specific problem is not yet known. Exploratory research is appropriate in cases where the problem is not yet well known or has not clearly been identified and defined. It allows the researcher to gather as much information as possible of the subject and sometimes it could come to the conclusion that the problem does not exist. Exploratory research relies on the reviewing of existing literature and on such approaches as case studies and interviews (Yin, 1994). Since the purpose of this study is to identify variables and to what extent they impact on decision making in inter-governmental (case study – the UNHCR), by its character the study is exploratory, moreover it has relied on existing literature, interviews, questionnaires and is of case study in nature.
3.4 Approach

Basically there are two approaches to research namely: qualitative and quantitative. The former is based on describing situations with the use of words while the later uses numbers and statistical interpretations. There is very little research done on variables that have a potential of influencing decision making in inter-governmental organisations like the UNHCR and other UN agencies. What research has been done mostly focuses on ‘for-profit’ organisations and or individuals that manage these companies. In relation to organisations like the UN agencies, the focus is usually on politics as a factor influencing decision making to the detriment of all other factors. This research is qualitative as it seeks to provide deeper understanding of the dynamics of decision making within the UNHCR by identifying and exploring through the huge amount of existing literature as well as through interviews the various factors that have the potential of influencing decision-making within the UNHCR and how this occurs.

3.5 Data Collection

Consultation of available literature from academic journals, articles by independent researchers, books, news articles, and the use of semi-structured interviews and questionnaires constituted methods used to collect data for this study. Since this research is based on the model proposed by Bommer et al., the questions for the interviews were structured to cover all the variables mentioned by the authors (see appendix 1). Since the research is premised on the argument that decisions of humanitarian organisations like the UNHCR are not motivated by the willingness to help those in need neither are the decisions based on the humanitarian principle of humanity. Apart from in-depth, semi-structured interviews with some Senior staff of the agency, a questionnaire was also designed for the respondents to scale which variables were of primary consideration or most important during decision making with the UNHCR (see appendix 2).

I took detailed notes as detailed as possible of the interview, using a lot of paraphrasing not only to get enough time to write but to make sure I did not misunderstand the participant. The participants made it clear that they were answering my questions in a personal capacity and based on the knowledge about the agency they had accumulated over the years and that they
were not representing the agency. The methodology for data gathering is based on a combination of semi-structured interviews with senior staff member of the agency as well as two former staff members of professional level three (P-3). The interviews with the UNHCR staff were conducted at the headquarters of the agency in Geneva while those with the former interviews were conducted in restaurants. All interviews were conducted during the period of one month and consisted of open-ended questions covering the various thematic areas as illustrated in the model under use. The participants were asked to explain the influence (if any) of the various variables on the decision making process within the UNHCR. The participants were also asked to mention any other variables not specifically mentioned by the researcher or mentioned in the model. At the end of the interview, the participants were given a form with variables to rank in order of importance their influence in decision making within the agency. Follow up e-mails were sent to participant for clarification of some points.

Data collection was also rooted in the consultation and analysis of secondary data by means of a review of existing literature from various sources including the assessment of primary sources like UN and UNHCR documents. Given that this study is based on literature, the analysis of primary documents was very important in order to explore further the information from the interviews and to analyse the content of the academic literature.

3.6 Validity and Reliability

Validity and reliability in research carry the connotation of trustworthiness and although their applicability to qualitative research has been questioned by some researchers but they do however agree that any research needs some means to check its quality and trustworthiness (Golafshani, 2003, p.602). Validity and reliability remain two factors that any researcher must pay attention to when designing a study, analysing it results (Batton, 2001). It has been argued by Lincoln and Guba (1985) that there can be no validity without reliability, therefore a demonstration of validity is sufficient enough to prove reliability (p. 316). This explains why both concepts have been treated together below.

The applicability of the concept of validity in qualitative research instead some have preferred terms like trustworthiness, quality and rigour (Lincoln and Guba, 1885; Seale, 1999; Mishler,
If validity or trustworthiness can be maximised during a research, then credible and defensible results may lead to generalizability. The quality of a research study is therefore related to the generalizability of the results and thereby increasing of the trustworthiness of the research. Reliability in qualitative research has been defined by Marriam as having to do with the question as to what extent one’s findings would be found again if the study were replicated. The more the findings of a research can be replicated, the more stable and reliable the phenomenon (Marriam, 1995, p.55).

To ensure validity, data for the research was collected from different and varied sources using different means; both ‘method’ and ‘data’ triangulation were used. With regards to the former, interviews, questionnaire and desk research were employed. The latter consisted in interviewing senior staff members, as well as former staff of the UNHCR. Those interviewed were: the adviser to the Director of operations, the special adviser to the High Commissioner on migration issues, Head of evaluation and policy and analysis unit, and the Director of Division of emergency, security and supply (DESS), on safety and security of staff and persons of concern. The desk research consisted in consulting not only the website of the UNHCR but academic journals, books and writings by professionals and experts. By using various sources information and different means of gathering data, the reality can be conveyed as truthfully as possible. The participants had made it clear during the interview that they were often misquoted by researchers and journalists and that I should not hesitate to contact them if I needed any clarifications. Further questions were asked via e-mail and the participants were mailed an interpretation of the interviews and asked if it reflected what they said and to provide comment. This approach is known as participant feedback or member check and it was intended to eliminate any miscommunication with the participants and to ensure conclusions arrived at reflected the true meaning of what the participants intended to convey.
3.7 Data Analysis

Data analysis has been explained by Miles and Huberman (1994) as consisting of three concurrent flows of activity namely: data reduction, display and conclusion drawing or verification. (p. 10). It may involve examining, categorising, tabulating or combining the collected data (Yin 1994). The data analysis for this research was based on Glaser and Straus (1967), ‘grounded theory’ approach which describes an inductive theory discovery method of analysis in which a theoretical account is developed from empirical observation and data. In the area of organisational research, grounded theory is considered suited for the analysis of qualitative data gathered by various means and from various sources, like semi-structured interviews, case study data and data from documentary sources (Martin, 1986). In the ground theory approach the research would usually start without any clear hypothesis, rather a general line of investigation is adopted. Certain themes and categories eventually emerge from the data which appear to be not only influential but provide an explanation. For this research data was analysed by organising the collected data based on the variables that form the research model, and in accordance with the research question. I later compared the data collected from the interviews, questionnaire and the variables of the research model to see which one was more recurrent in answering the research question (See appendix 3 for full results of the questionnaire).

3.8 Limitations

A number of obstacles were faced in arranging the interviews; all staff members approached via the external communication desk said they were either busy or that they were not allowed to give information about the agency or talk about the agency to any one without express authorisation from their superiors. Some asked for a brief description of my research and later said they were not the right persons to talk to. I proceeded to collect a couple of e-mail addresses from the UNHCR visitors centre and by sending e-mails; I was able to get my first interview with an advisor to the Director of operations. At the end of the interview I appealed to him to recommend me to his colleagues and this enabled me to meet three other senior staff members from different departments, who expressly appealed for to me not to make mention of them by names as they
are often misquoted\textsuperscript{10}. I was able to identify former staff of the UNHCR at the ‘Universal periodic Review of the OHCHR’; two of them accepted to talk to me.

\textsuperscript{10} Even by mentioning their positions their identities have been concealed since there are many advisers in every department and it is difficult to tell which one was interviewed.
3.9 Interviews

Participants ‘A, B C and D are presently working with the UNHCR while X and Y are former employees of the agency. They have been tagged A, B, C, D, X and Y to conceal their identity as requested.

Work Environment

Participant A
This respondent stated that all interventions of the UNHCR are guided by the mandate of the agency, however the agency is willing to intervene and help IDPs but this must not be done at the risk of sacrificing the mandate refugees. The agency will be reluctant to get involved with IDPs in situations where any involvement will impact negatively on refugees. The respondent emphasised that even when IDP interest conflicts with that of refugees, the agency still tries to negotiate with governments and does not abandon them but any intervention will not be the responsibility of the agency but that of the international humanitarian community and especially the Inter – agency standing committee (IASC) and OCHA’s emergency relief coordinator.

Participant ‘B’
Respondent stated that although the agency insists on its mandate, it does not prevent it from assisting IDPs whenever called upon to do so. A majority of those the agency currently assists are IDPs, he stated. The continuous insistence on mandate refugees was to make sure the agency does not lose sight of those it was established to protect.

Participant ‘C’
Respondent ‘C’ argued that the agency works according to its mandate and that the responsibility for IDPs was that of the IASC in which the UNHCR plays a major role. The taking over full responsibility of IDPs will result in confusion because refugees and IDPs are two different groups that should be approach differently. Although the agency has the expertise, there is no universally accepted instrument like the 1951 Convention on the status of refugees backing its activities with IDPs.
Participant ‘D’
The mandate of the agency still remains very important to its decision making but there is prove that over the years the agency has taken up more responsibility that are not specifically mentioned in the mandate. Those who criticise the agency’s involvement with IDPs ignore the work it has been doing in that regard.

Participant ‘X’
This participant agreed that the agency is very much attached to its mandate but with regards to IDPs, the influence of the major powers was a factor. The agency would keep mandate aside when there is funding, media and public pressure and attention. The reason is that the agency has to continuously justify the importance of its existence.

Participant ‘Y’
This participant stated that “the UNCHR is using mandate as an excuse not to tackle the IDP problem.
This participant claimed that the argument by the agency that IDPs do not fall under its mandate is not the sole justification for its reluctance to get involved with the latter; and that there were other reasons like, “politics”, he stated. This participant stated that “the UNCHR is using mandate as an excuse not to tackle the IDP problem, if you think that the decision not to get involved with IDPs is that of the agency then you are wrong.”

Professional Environment
Participant ‘A’
Respondent ‘A’ stated that all those working for and with the UNHCR are expected to sign and adhere to the agency’s code of conduct and since the agency has entered into agreements with many NGOs who serve as implementing partners, the agency is forced to observe the NGO code of code of conduct. The humanitarian principles of impartiality, neutrality and independence are recognised by the agency but very difficult to fully observe since working with refugees and IDP brings the agency in contact with governments.
Participant ‘B’
This participant stated that the agency has a code of conduct to which everyone is expected to adhere and is aware of other humanitarian codes of conduct but that the agency tries to take a realistic approach on how it interprets and respects these conducts.

Participant ‘C’
This participant stated that the agency has its own code of conduct that regulates how it carries out its activities and was willing to adhere to other codes only to the extent that such did not contradict with its how it should carry out its operations.

Participant ‘D’
Participant ‘D’ stated that the agency has a code of conduct to which every employee must adhere. It is assumed every employee will keep up with those standards in their daily tasks, therefore matters of conduct will be considered in daily operations but not so much in issues like the decision whether or not to get involved with IDPs; this issue is addressed by the mandate, the Secretary General or the General Assembly.

Participant ‘X’
This respondent agreed that codes do exist but went on to cite the experience of DRC where some UNHCR staff were accused of abuse which is prove that employees do not always observe the code.

Participant ‘Y’
This respondent did not think codes of conduct or humanitarian principles played a major role in the decision making of the agency

Personal Environment
Participant ‘A’
Respondent ‘A’ stated that the agency cooperates with other agencies and has many partners but is very much independent when it comes to making decisions; it is not influenced by any other
agency to make particular decisions. When there is an emergency that needs to be addressed, the agency tries to find out who are the other actors or agencies involved, what are their capacities and finds out how they all can coordinate but is not influenced by any other agency to get involved.

Participant B, C and D
All agreed that they worked closely with other UN agencies, INGOs and local NGOs but the decisions of the agency were not influenced by the latter. The agency took orders from the UN Secretary General and the GA and would see if this were in line with its mandate.

Participant ‘X’
Mentioned that the agency does not want its activities to be dictated by other organisations or individuals and so it is very reluctant to give in to pressure from other agencies.

Participant ‘Y’
This participant held a contrary opinion stating that pressure and criticisms from other agencies can influence the UNHCR to make certain decisions, failing which its legitimacy and position within the humanitarian community may be challenged.

Government and Legal Environment
Participant ‘A’
The respondent stated that government regulations are very important since involvement is based on formal request from governments and that the latter have to provide security. It is impossible for the agency to intervene without such a formulated demand and security assurance. Where governments do not appeal for assistance from the agency and the situation is thought to be serious, governments can be asked to provide access.

Participant ‘B’
This participant stated that governments could not directly influence the decision making within the agency but could do so in the GA. With regards to the legal aspect, the agency only
intervenes when invited to do so but could also influence states to let the agency in when there is a need to assist.

Participant C and D
Participant C and D mentioned that the agency was independent in its decision making but tried to keep in line with recommendations from the Secretary General and the GA of the UN. Participant D stated that the High Commissioner always consulted with the Secretary General when it comes to major decisions as well as those involving IDPs. He went further to point that the UNHCR was bent on respecting national laws as failing to do so would expose the agency and its staff.

Participant X
This participant stated that the agency was more willing to get involved with IDPs when government provide sufficient funding. Government of the other hand provide funding in a discriminatory manner; providing funding in contexts where the IDPs may move to their countries and become refugees. He stated that the agency is more likely to address IDP issues in Europe than in Africa. In the weaker states, the agency is likely to pressure government to change laws or in some cases ignore national laws once already in the country.

Participant Y
This participant did not want to talk about this aspect.

Social Environment
Participant ‘A’
Respondent ‘A’ pointed out that religious, social and cultural values are of no importance in the decision making process with regards to refugees and IDPs but did play a role in how camps are managed.

Participant ‘B, C and D
These participants simply stated that the social environment was important in the decision making process in cases where IDPs lived together with mandate refugees. Refugees must be considered first and any involvement with IDPs must not put refugees in danger.
Participant X and Y
These participants did not think the variables in the social environment were of any influence in the decision of the agency towards the IDPs. It has gotten involved in all parts of the world. Participant ‘Y’ however went further to say that when the social environment posed a threat to the major powers and donors, the agency would easily get involve.

Individual Attributes

Participant ‘A’
Individuals working for the agency have to abide by the goals and policies of the agency; the High Commissioner however has the power to influence decisions and can negotiate directly with states and the Secretary General of the UN to make certain decisions.

Participant ‘B’
Most High Commissioners want to leave a legacy and make certain decisions that are in line with that legacy; but these decisions are often for the good of those the agency seeks to assist.

Participant ‘C’
Only the High Commissioner has the powers to influence decisions but such decisions must be approved by the GA or the Secretary General of the UN. This involves cases related to mandate and not internal policies.

Participant ‘D’
Individual influences on the decision making are impossible but the High Commissioner can initiate decisions but such must be approved by the Secretary General of the UN.

Participant ‘X’
This former employee maintained that there was a lot of infighting among senior staff of the agency; there are disagreements between the headquarters and the field personnel. Decisions at the field level are not based on any morality but on the desire of the field staff to gain promotion or to protect their ‘Godfathers’ at the headquarters.
Participant ‘Y’

This participant maintained that individuals at the decision making level make decisions that gave them power and help them maintain their positions or even move up the management ladder. However such decisions will be kept in line with the policies of the agencies for fear of sanctions although sanctions often occur only when a violation has been brought to the public attention.
CHAPTER FOUR

4.1 Factors Influencing Decision Making in the UNHCR
This section of the paper will try to apply the framework used in the previous section to the UNHCR in order to highlight those factors that influence decision making within the agency.

4.1.1 Social Environment

Although the UNHCR respects religious, cultural and societal values of those it seeks to protect, and that religious persecution is a criterion for eligibility for a refugee status and asylum, the influence of these values on the refugee or IDP protection work of the agency is very peripheral or non-existent. While refugees and IDPs will be placed in conditions that allow them to practice their religion, while their societal values are important to providing social support, while camp management and arrangements do take into account cultural practices by grouping people of the same culture together, these values are not of any major significance in the decision to intervene in an emergency or not11. It has been argued that the values that the UNHCR defends and seeks to protect such as the dignity of human person are universal and should apply in any context and so attention is not paid to the cultural and religious specificities of the emergency regions although; religious, societal, humanistic values will be considered at the operational level and on the ground with regards to the nature of assistance provided.

An organisation is part of an environment or context and by this line of reasoning; organisational decisions cannot be dissociated from the context or environment. In this respect decisions are continuously shaped and reshaped to fit the environment. But it is worth stressing that the social environmental factors do influence UNHCR’s operational decisions but not the strategic ones. Once there is an appeal for the agency to intervene in an emergency and the host government has agreed to provide security the agency rarely refuses to intervene but the agency may withdraw its staff if there are security challenges. However withdrawing is always the last resort as the agency always tries to negotiate access with warring factions.

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11 UNHCR provides assistance to refugees regardless of their race, religion or belief.
To address the security issues, the agency has taken many steps such as the “Hostage Incident Management Training” and the “Security Learning Programme” to deal with present day security and safety challenges. The agency has recently witnessed a security policy shift from “when to leave” to “how-to-stay” (UNHCR, 2009, P.1) which shows its determination to assist the needy despite insecurities that may exist.

An organisation’s survival may be perceived or actually in jeopardy during emergencies when it does not live up to expectation. This may cause server strain and pressure on the organization and its members’ ability to act ethically (Falkenberg and Herremans, 1995; Shrivastava, 1994). The agency does not want to get involved in situations where it is difficult to distinguish population needing assistance from those that do not, the provision of assistance to all usually results in the agency being accused of protecting combatants and rival factions. This often negatively affected the image of the agency.

History as also taught the UNHCR to be cautious; memories of Bosnia and Rwanda with disastrous consequences have pushed the UNHCR further away from accepting responsibility for IDPs. Effectiveness is the most important consideration with regards to UNHCR involvement with IDPs since the situation of the latter is complex, the agency is reluctant to get involved as any failure will be a blow to the image and authority of the agency. The agency is aware that involvement with IDPs if not accompanied by some political will on the part of states will result in failure and the blame will eventually be on the UNHCR (McNamara, 1998).

4.1.2 Government/Legal Environment

The High Commissioner of the UNHCR is appointed by the UN General Assembly and the statutes provide that the High Commissioner shall follow policy directives given by the General Assembly (GA) and the Economic and Social Council (ECOSOC), while the agency’s programme and budget are reviewed and approved by the Executive Committee (ExCom)\textsuperscript{12}. The UNHCR’s activities are regulated by the statute according to which the UNHCR is mandated to

\textsuperscript{12} The ExCom is a subsidiary of the GA established by ECOSOC in 1958 and currently made up of 78 member states all of whom have ratified the 1951 convention on the status of refugees and its 1967 protocol. It has an executive and advisory function but does not substitute the policy function of the GA and ECOSOC.
take care of refugees. Article 9 of the statute further states that “the High Commissioner shall engage in such additional activities, including repatriation and resettlement, as the GA may determine, within the limits of the resources placed at its disposal. Therefore when it comes to decision making, although the UNHCR has formal autonomy in the sense that the High Commissioner has the authority to initiate the taking of new activities, those must be sanctioned by the General Assembly through resolutions.\textsuperscript{13} No matter the legal status of these resolutions, they are considered a representation of the will of states and that the UNHCR tends to seek the approval and legitimisation from states (Freitas, 2001, p.11).

With regards to UNHCR’s involvement with IDPs the criteria for such any involvement were outlined in a series of GA resolutions\textsuperscript{14} by placing the IDPs under the “good offices” of the agency and outlining the prerequisite for involvement for involvement with IDPs which included:

- Authorisation from the GA, the UN Secretary General or other competent principal organ of the UN;
- Consent of the state concerned or where applicable, other relevant entity;
- The relevance of the UNHCR’s expertise to assist, protect and seek solutions for the displaced.
- The need for UNHCR’s activities to remain within the limits of resources at its disposal.

In 1993 the “link criterion” was added by the UN General Assembly\textsuperscript{15} restricting the involvement of UNHCR with IDPs to situations where internal displacement and refugee flows are linked. The UNHCR itself in an attempt to clarify the link criterion came up with three scenarios under which the agency could assist and protect IDPs and these included cases where:

- IDPs and refugees return to or are present in the same area.
- When IDP and refugee flows are the result of the same cause.

\textsuperscript{13} Some have argued that the resolutions are binding because they constitute international customary law (Tuerk, 1999, p.155) while others see them as simply recommendatory (Gilbert, 1998, p.355)

\textsuperscript{14} G.A Resolution 48/116 of 20 December 1993

\textsuperscript{15} Resolution 48/116 of 1993
- When assisting IDPs would help prevent cross-border exodus while guaranteeing the safety of the IDPs (UNHCR, 1994). The GA also warned that involvement with IDPs must not undermine the asylum regime\(^\text{16}\).

Although the agency has increasingly been fighting for autonomy and has in fact exploited world events to gain some autonomy, it is not completely free from the dictates of the UN General Assembly, the Secretary General and even states. An example is Bosnia where the High Commissioner ordered a halt in the operations of the UNHCR because the terms imposed upon the agency were not acceptable, but the UN Secretary General countermanded these orders. This is prove enough that although the agency would like to be autonomous, it cannot completely free itself from the pressures and instructions coming ultimately from states (Forsythe, 2001, p.25).

Although paragraph 2 of the statute states that the High Commissioner shall carry on his/her task in a non-political manner, some have claimed that UNHCR’s involvement with IDPs is dictated by powerful donor countries who want to prevent the influx of refugees into their countries. UNHCR’s operations in former Yugoslavia has been placed under this banner (Cunliffe and Pugh, 1997), at the same time others have commended the UNHCR for being proactive in assisting refugees and IDPs (Weiss and Pasic, 1997). Many states continue to consider matters relating to IDPs to be their responsibility and object to the intrusion by any supra-national body in their internal affairs (Phuong, 2005). When one considers that the consent of states is a sine qua non for any involvement with IDPs, this makes it very difficult for the UNHCR to effectively intervene since the agency will have to work with states because access to affected areas or victims is possible only if the particular government authorises and facilitates it (Freitas, 2001, p.16).

If states cannot influence the decisions of the agency at the level of the GA, they will do so when programmes are launched and funds appealed for (Freitas, 2001, p.11), and some decisions would not be taken by the agency for fear of donor resistance. In Angola in 2000, political pressure from an important donor government was the most significant influence on the decision to engage, overriding all other considerations and in-house opposition (Mattar and White, 2005, p. 47). There are different views over the IDPs between the developed and developing countries;

\(^{16}\) Resolution 49/169 of 1994
the former are unlikely to have IDPs and only favour the establishment of an IDP regime as a means of curtailing the influx of refugees into their countries like was the case in Bosnia and Kosovo (Freitas, 2001, p.20). The developing countries facing IDPs problems are hesitant to recognise that they have such problems; particularly repressive governments are unlikely to recognise IDP problems and are therefore unlikely to readily accept international intervention (Freitas, 2001, p.20). Such confusion at the national and international level has only played in favour of the UNHCR. It is therefore clear that humanity is not the overriding factor; the major powers and donors are only willing to give IDPs some attention to the extent that the latter pose a ‘threat’ to their national interests, while the IDP producing countries use the debate as a means of keeping international opinion away from their internal problems. The UNHCR on its part exploits the situation to acquire some degree of autonomy. In conclusion, there is hardly any humanity in the government and legal influence on the decision making of the agency.

4.1.3 Professional Environment

Although in 1954 the International Civil Service Advisory Board had established standards of conduct to be adhered to by international civil servants, it was acknowledged that the UNHCR by the very nature of it activities needed some additional guidelines of conduct that took into account the specificities of its tasks. The need for a UNHCR – specific code of conduct was also recognised by the office of the Inspector General who called for a UNHCR code of conduct that addressed the problems that should be of concern to the UNHCR staff (UNHCR, 2004) The UNHCR code was intended to reinforce the already existing ‘Staff Regulations and Rules’ by providing detailed guidelines and advice on how to handle physical, financial and emotional relationships between UNHCR staff as well between staff and those they serve. The code that was published in 2004 with nine main principles in not legally binding and together with other codes as the two mentioned above form the ethical framework under which the UNHCR is expected to operate (see UNHCR code of conduct in appendix 4).

By the very nature of its work, the UNHCR staffs are usually put in positions of power in relation to beneficiaries17. A code of conduct was therefore necessary in order to prevent the staff

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17 Principle 7 of the code: prevent, oppose, and combat all exploitation and abuse of refugees and other persons of concern.
from abusing such power. The UNHCR code of conduct or ethics is premised on the believe that the agency’s capacity to effectively protect and assist refugees and other persons of concern depends on the ability of the staff to uphold and promote the highest standards of ethical and professional conduct (UNHCR). The code of conduct is meant to serve as an illustrative guide for staff to make ethical decisions in both their professional and private lives (UNHCR). The code applies to all the agency’s staff and they are all required to sign it. The code is also made known to all implementing partners of the UNHCR and the staff members of the agency are responsible for encouraging, promoting and advocating the dissemination of the code.

The core values which the UNHCR preaches have not necessarily been inculcated in the staff. Gotwald (2009) summarises the core values as illustrated by staff behaviour as follows:

- Achieve goals within the organisation through unilateral control;
- Maximise personal victory and minimise loss;
- Minimise the generation and expression of negative feelings;
- Acting according to what is considered rational (p. 20).

The UNHCR has legitimacy in that it represents millions of people, has the support of states, and has built very good relationships with host governments. Studies have revealed that particular organisations with such legitimacy have the capacity to act partially independent and sometimes in ways not meant by their founders (Koch, 2009, p.431).

When funding becomes available, the UNHCR may decide to become involved as was the case in Afghanistan where the operations benefited from strong engagements from donors who expected a major outflow of refugees. The availability of funds was therefore the reason why the UNHCR was involved in Afghanistan. In Liberia and Uganda in 1990, the lack of resources and capacity led to reluctance to engage (Mattar and White, 2005, pp. 47- 50). In situations where funding is scares, protection officers on the ground or in the field are not comfortable with the diverting of resources that could have been used mandate refugees (Freitas, 2001, p.18). The agency tries to ensure by means of the code of conduct that both refugees and IDPs are assisted efficiently with respect for their dignity. The fact that all employees are expected to sign the code

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18 It is worth knowing that funds for IDPs are raised separately but structures allocation to IDP operation are existing ones.
of conduct illustrates the importance the agency has for the respect of human dignity and it desire to see that assistance is provided to those who need it in an effective and efficient manner. However critics continue to raise eyebrows to the agency’s reluctance to use funds raised for refugees to address IDP issues even though the number of the former has decreased and the latter has increased. If the agency’s activities were premised on helping those in need based on the spirit of humanity such a distinction, with no convincing reason as to why would not be made.

4.1.4 Work Environment

Initially established to protect refugees as defined by statutes the UNHCR has been called upon to get involved with other groups that do not fall under its original mandate. The mandate of the UNHCR is to lead and coordinate international actions for the protection of refugees and to seek lasting solutions to their problems

- The goal is to safeguard the rights and well-being of refugees.
- The office tries to do this by ensuring that everyone exercises their right to seek asylum, refuge in another country or to voluntarily return to their country of origin.

Lack of mandate has often been cited as the justification for not engaging with IDPs but the decision to get involved in Iraq and Colombia were sharp reversal in the UNHCR approach to IDPs which has left many wondering why Iraq and Colombia and not Uganda and Liberia.

In Herat – Afghanistan, the situation was but slightly linked to the required criteria for UNHCR involvement but the agency went ahead anyway stating that their decision was based solely on the desire to alleviate suffering (Mattar and White, 2005, p. 10).

The structure of the UNHCR with a distant management has had an impact on staff. It has been argued that one of the reasons that motivate people to work for humanitarian organisations like the UNHCR is the unresolved conflictual relationship problems that originate from childhood or adolescence. The motivational needs of such individual may push them to seek work with humanitarian organisations as a means of fleeing their own suffering and try to protect others (Gottwald, 2009, p.17). Such individual turn to consider their organisation a family in which they

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19 Although the UNHCR initially refused to get involved in Liberia and Uganda, it eventually did under the rolue of Sadako Ogata.
would find love and protection. But with such a bureaucratic top-down structure of the UNHCR where importance is attached to functions to the detriment of people, there is a sense that the organisation does not care for them and such individuals use other means to protect and empower themselves which often results in unethical decisions.

From the 2004 UN organisational integrity survey\(^{20}\) and the subsequent two reports on the organisational culture of the UNHCR (Wigley 2005, 2006), one could deduce that there was strive within the UNHCR to reaffirm superiority and self entitlement. Top management is seen to use the organisation as a tool in the service of their self-interest avoiding any personal accountability (Delloitte, 2004, pp. 44-45). Top management also often presents reality in reports to be in line with their personal needs, goals and interests. The document cited above stated that there was a perception within the UNHCR that top management was reinforcing the existing hierarchical structure of the agency to protect their positions of power assuming that their power would be in jeopardy were they to make the decision making process more equal (Gottwald, 2009, p.19).

When the UNHCR was established in 1951, it have 34 staff members and the structure was more top-down, vesting all authority in the High Commissioner who was responsible for appointing all staff within limits of budgetary constraints and the staff are responsible to the High Commissioner, the increase in size and number of operations gave rise to a need for more layers to be added to the structure. The more family-like culture that existed in 1951 has given way to a depersonalised system that often considers functions more important than persons holding them and ascribes status to superior roles in the hierarchy (Wigley, 2005, pp.25-29). Thus the culture of the UNHCR seems to have evolved from the vertical family-like culture to a role-based bureaucratic hierarchy shaped by interests of donor states and individuals at the top of the hierarchy (Gottwald, 2009, p.16).

While there are formal policies put in place for refugees, those not falling under the mandate are regulated by the UNHCR “good offices approach”. This approach is one that allowed the

\(^{20}\) The survey was prepared by Deloitte consulting LLP.
UNHCR to intervene on behalf of persons that do not specifically fall under its mandate. In commending the UNHCR for its work in Sudan in 1972, the General Assembly used the phrase “displaced persons” which was meant to assign responsibility to the UNHCR for all those who had been displaced but not covered under the statute. UNHCR’s involvement with IDPs is therefore premised on the concept of ‘good offices’. But according to the stakeholder theory, decision makers will attend to the more salient stakeholders first or those perceived to have a higher salience for the decision maker (Agel, Mitchell and Wood 1997). During conditions of emergencies, the salience of internal stakeholders is higher than that of the external stakeholder and this could be due to the fact that decision makers already have a procedure for internal stakeholders which might not be the case for external stakeholders (Sellnow and Ulmer, 2002). One would therefore assume that the UNHCR would give preference to those that fall under its mandate - refugees.

4.1.5 Personal Environment

As mentioned earlier in this study peer pressures often influence the moral decision making of an organisation or decision makers within an organisation. The UNHCR has concluded memorandum of agreements with a number of other UN agencies relating to the preparation and joint reaction and evaluation in cases of emergency and the elaboration of norms without any prejudice to the execution of the programme (UNHCR, 2001, P. 4). Memorandum of agreements have been signed with UNDP, UNICEF, WHO, UNFPA, and UNIFEM. UNHCR also works in partnership with hundreds of NGOs all over the world. Recognising that the challenges it faced exceeded its capacity to respond, the UNHCR in 1994 launched a cooperation framework with NGOs under the Partnership in Action Initiative (PARinAC). This initiative was particularly important because NGOs are the implementing partners of the agency. As a senior staff interview pointed out, as a prerequisite for such agreements, the NGOs called on the UNHCR to pledge an adherence to the NGO code of conduct and to the humanitarian principles. Such agreements have often been taken into account as to what decisions are taken within the UNHCR since the agency depends on such implementing partners for the effectiveness of its programmes. But with the UHCR fighting to be autonomous from governments it is doubtful if it will allow

21 The “good offices” practice was introduced by Resolution1167 (XII), making it possible for the UNHCR to assist Chinese citizens in Hong Kong without paying attention to their status (Kourula, 1997).
itself to be influenced by NGOs, besides some of these NGOs (especially local ones) depend on the UNHCR for their survival. It is not known to what extent they will force the observance of the humanitarian principles on the UNHCR.

In organisational theory, an organisation does not act alone and even within an organisation, there are different subunits that have different cultures, interest, and perspectives ranging from unit-specific to personal convictions and interests. This depicts the situation within the UNHCR where the people from the various subunits try to influence each other (Freitas, 2001, p.11). The UNHCR is made up of the operational and regional bureaus on the one hand and the legal one such as the Division of International Protection (DIP) on the other. While the latter tends to consider the UNHCR as a lawyer for the refugees charged with protecting refugee rights, the former favour an expansion of the mandate and are likely to give into state pressure in the field (Barnett and Finnemore, 1999, p.725). The conflict that opposes those that support a narrower goal of protection and those that support expansion in operational activities impeded on the decision making in the UNHCR (Freitas, 2001, p.12). Staff considerations are increasingly becoming an important factor in recent years especially with the increased number of deaths among aid workers which has pushed agencies to refrain from sending staff to areas where their security is not guaranteed. The case of IDPs is particularly problematic and dangerous because operations often take place in conflicts within countries (Freitas, 2001, p. 18).

The confusion surrounding the IDP question is the result of competition among some UN agencies. In 1997 Kofi Annan asked Maurice Strong\(^{22}\) to carry out a review of the UN system with particular focus on humanitarian and human rights operation. Strong recommended that the IDP issue be handed over to the UNHCR but other agencies such as the WFP and UNICEF opposed fearing that the UNHCR would become a super-agency, and such pressure forced Annan to back off, instead opting for coordination between the different agencies (Weiss and Korn, 2006, p. 78). Yet representatives from UNICEF, UNDP, and UNHCHR wrote a letter to the Director of the Bureau for the Americas and Caribbean calling on the UNHCR’s involvement with IDPs in Colombia (Mattar and White, 2005, p. 48). But competition between humanitarian

\(^{22}\) Strong has served in the UN as Secretary General of the UN conference on Human environment in the 1970s, then he became the Executive Director of UNDP and currently serves as President of the Council of the United Nations's University for Peace.
agencies needs not always be given a negative connotation as such competitive has led to increased performance on the part of some organisations.

Inter-agency competition and media visibility do have their place in the decision making of agencies. The UNHCR has continuously refused to extend it assistance to IDPs to those resulting from natural disaster but however stating that it will do so in certain cases depending on the scale of the disaster. An analysis of the pattern of assistance to “natural disaster or climate change” IDPs reveals that the UNHCR prefers to intervene in situations where there is wide media coverage such as the Indian Ocean tsunami and Cyclone Nargis. Although inter-agency competition is known to have put pressure on the UNHCR to be more efficient and responsive in its behaviour (Barnett and Finnemore, 1999, p.704), it could cause an organisation to ignore or lose sight of ethical issues. In Liberia there was tension between OCHA and the UNHCR as a result of differences in perception of the role of each organisation relating to the IDPs. This tension resulted in the failure of an operational and strategic plan being put in place – a plan that would have established a framework under the agencies of the UN, government of Liberia and NGOs on how they should work to address IDP problems. (Mattar and White, 2005, p. 36).

4.1.6 Individual Attributes

The High Commissioner is the most significant actor when it comes to decisions relating to UNHCR involvement with IDPs (Mattar and White, 2005, p. 47). The High Commissioner played an important role with regards to Afghan IDPs by engaging in direct discussions with the Secretary General and the UN Chief of Mission which enhanced the potential for prompt decision making. Again in Iraq, the High Commissioner was able to convince the Secretary General that the agency should take a lead on IDPs23 by introducing new elements in the assessment of the situation (Mattar and White, 2005, p. 47).

In 1990 after discussion with the Senior Management Committee (SMC) the High Commissioner decided, to respond positively to a request from UNHCR representatives in Sri Lanka. But in the case of Angola in 2000, the SMC was not in favour of involvement but the High Commissioner’s

23 The UNHCR only took a lead role but did not become involved
position supporting involvement still prevailed. Based on the powers vested in the position by the statute, the High Commissioner is the single individual with the most powers to effect decisions at the UNHCR. According to interviews I carried out most if not all High Commissioners would like to live a legacy and would promote a particular course of action that suits their personal aspirations or that favoured by their government. When Sadako Ogata pushed for the agency to become more operational, Japan increased its funding to the UNHCR substantially (interview with a former staff).

At the regional and country offices Staff members have been reported to make decisions not according to the policy guidelines handed to them by the Headquarters. They have often made decisions based on the realities on the ground or to suit their individual goals. It the time of reporting, what is usually reported is not what was done in the field (interview with former UNHCR staff).

4.2 UNHCR’s Involvement with Internally Displaced Persons

The UNHCR is a subsidiary organ of the General Assembly of the UN created by the General Assembly resolution 428(v) on the 14 of December 1950 (Loescher 2008:13) and was established to discharge its statutory functions under the auspices of the Executive Committee of the High Commissioner’s Programme which was itself subsidiary body under ECOSOC. The UNHCR was established to take care of the approximately 2 million refugees in Europe after the Second World War (see appendix 5 for the statutes of the UNHCR). Initially established for three years the UNHCR continued to work with refugees that resulted from the Cold War. It was intended to be a non- operational agency; its scope of action was limited to supplementing and supervising states with regards to refugee problems (Zieck, 1997:70). The decolonization process in Africa that often resulted in violent conflicts led in the transformation of the UNHCR from a non- operational agency to an operational one with the focus shifting from Europe to Africa, and this transformation continued as a result of the numerous exigencies in various parts of the world.
Chapter one of the resolutions specifies that the UNHCR was created to act under the authority of the General Assembly to server two specific functions: to protect refugees and to find permanent solutions to their plight, either through voluntary repatriation or through their assimilation within new national communities. The UNHCR was therefore to concern itself with refugees that fell under the definition provided in the statute of the UNHCR, the 1951 Convention on the status of refugees and the 1967 protocol. A refugee is defined as any person “who is outside their country of nationality, or if he has no nationality, the country of his former habitual residence, because he has or had well-founded fear of persecution by reason of race, religion, nationality or political opinion and is unable or because of such fear is unwilling to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality, to return to the country of his former habitual residence”24. In both the Convention and the statute is the provision that “persons falling under the competence of the UNHCR shall be those defined in Article 1 of the Convention, and such other persons as the General Assembly of the United Nations may from time to time determine (Zieck 1997:71).

As mentioned at the beginning of this study, there is another phenomenon of displacement that was not addressed in the statute of the UNHCR and that is Internally Displaced persons (IDPs). “IDPs are persons or a group of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violation of human rights or natural and man-made disasters, and who have not crossed an internationally recognised state border” (Deng, 1998).

Although the phenomenon of IDPs existed as far back the early 1970s, the end of the Cold War accentuated the problem as new crises erupted and were mostly fought within national boundaries, they were the result of ethnic tensions or the strive for democracy in the developing countries. Current statistics show that there are more IDPs in the world today than refugees. At the beginning of 2009 there were 10.5 million refugees as opposed to 26 million IDPs (Internal Displacement Monitoring Centre, 2007). The problem of IDPs has resulted in an unending debate over who is to take care of them. Unlike refugees there is no legal document or institution like the UNHCR mandated to take care of them.

24 Article 1(2) of the Convention relating to the status of refugees
The UNHCR has been sending contradictory signals, by consistently refusing to take up the responsibility for IDPs, even if it is willing to expand its role and to provide leadership and coordination in the UN system (Freitas, 2001, p. 14). Many appeals have been made to make IDPs the responsibility of the UNHCR based on its expertise and knowledge but the latter has been very reluctant to take up this responsibility. In 1993 the Netherlands called on the international community to assign to the UNHCR the general competence for IDPs, a similar appeal was made by Francis Deng but the idea was not endorsed by the UNHCR or by the ExCom. In 1997, during the UN reform, the UNHCR was again approached on the issue and the United States (US) Ambassador Holbrook in 2000 called on the agency to take responsibility for this group of persons based on the agency’s expertise outlining the irrelevance of the distinction between IDPs and refugees by referring to the former as “internal refugees” (USUN Press Release No. 95). This proposal was supported by several NGOs including Doctors without Borders, IRC, and Human Rights watch. Again the UNHCR responded by stating that the suggestion was unfeasible for a single humanitarian organisation although it affirmed its commitment to the cause. Although the UNHCR has been involved with IDPs as far back as 1972 when it was asked by the UN Secretary General to take care of the displaced in Sudan, and currently takes care of about 14 million IDPs, it has consistently resisted attempts to have IDPs formally included into its mandate. Instead it has opted to play a lead role in the Inter-Agency Standing Committee that was set up in 2005 to take care of IDPs. Such assistance to IDPs has been limited to those resulting from conflict to the exclusion of those from natural disasters. Involvement with those from natural disasters is limited or only in exceptional cases like the 2004 ocean tsunami, the 2005 Pakistani earthquake and the Cyclone Nargis of 2008 in Myanmar (UNHCR). UNHCR involvement with internal displacement as a result of natural disasters is determined on a case-by-case basis. In cases where the agency has an office running already in the disaster affected region, the office only offers its support to the authorities and as a sign of solidarity and as contribution falling within the broader UN effort. (Gulterres, 2009, p.7).

The UNHCR together with the ICRC form the major humanitarian organisations in the world and if humanitarianism was so much about saving lives and alleviating suffering wherever it may

25 Deng was the High Commissioner’s special representative for IDPs.
be found, why would the UNHCR refuse to take responsibility for IDPs even though there are more IDPs than refugees in the world today? This has led many to conclude that humanitarian organisations in general and the UNHCR in particular is not often guided in their actions by the principles enshrined in the concept of humanitarianism, the core of which is ‘humanity’ and that everything is based on politics and the influence of the major powers and donors.

The next section of this study will therefore illustrate the factors that influence decision making in the UNHCR in relation to the IDPs. The findings are based on an analysis of literature as well as interviews with staff and former staff members of the UNHCR.
4.3 Findings

The interviews and literature study revealed that all variables played a role or influenced the decision making process within the UNHCR although the influence of some factors is more than others. The findings here-presented are mainly based on the interviews and questionnaire as well as publications of independent researchers.

Work Environment

It was found that UNHCR’s reluctance to get involved or take full responsibility for IDPs is based on their non-inclusion into its mandate. As one participant to the interview stated, ‘when there is an emergency or when we are called upon to assist, the first question that we will have to answer is, does the emergency situation fall within our mandate?’ The UNHCR gives preference to it mandate beneficiaries and all respondents mentioned that experience has shown them that in countries where they have gotten involved with IDP issues, it has been very difficult to negotiate with that same government to accept refugees. An example is Sudan which has a considerable number of IDPs but also refugees from DRC.

The structure and culture of the agency which vested much power on the High Commissioner was also an important factor. Since UNHCR’s involvement with IDPs is still on an ad hoc basis, the decision when and where to engage is very much a function of how much the High Commissioner is willing to persuade the Secretary General of the UN, and the major powers that intervention is necessary in a particular situation. The former staff members also stated that the mandate was a determining factor in decision making within the UNHCR but while one of them classified ‘mandate’ as the most important factor the other cited the wishes of and pressure from the major donors as the most important factor.

Professional Environment

Although a code of ethics has been put in place to ensure ethical decision making and conduct, there is no appropriate mechanism for the enforcement of the code on a regular basis. Most of the time unethical decisions are only sanctioned when they have been made open and there is
pressure on the UNHCR to take measures. The former staff agreed to the existence of a code of conduct but argued that the implementation of programmes or projects was not always in line with the code of conduct. Each programme or project Director is usually handed policy guidelines on how the programme or project should be executed but this is often done according to the judgement of the individual who do not always implement according to the codes of conduct but according to reasons that range from personal to contextual and political. What has often been done in the field is not accurately reported to the headquarters as reports are coined to match with the policy guidelines even though the implementation process might have been very different from what is reported.

Availability of resources is a major factor preventing the UNHCR to get involved with IDPs. Funding for IDP operations are raised separately from refugees and since most donors do not have IDP issues, they are unwilling to fund IDP operations except in cases where they fear a particular situation may lead to an influx of refugees into their countries; as was the case in Bosnia. If funds are not specifically provided for IDPs, the UNHCR is unwilling to use funds meant for refugees in IDP operations. The potential to get funds has also influenced decision making in the agency when the agency feels that getting involved would make it visible in the media and help raise funds; an example was the agency’s involvement during the ocean tsunami in Asia. This involvement was contrary to the position adopted by the UNHCR that it would not get involved with IDPs resulting from natural disasters.

**Personal Environment**

It was evident that there has been pressure from other organisations especially NGOs for the agency to take responsibility for IDPs but such pressure did not form the basis for decision making within the UNHCR. Giving in to such pressures would comprise the independence and will be counter to the agency’s quest for increased autonomy.

Peers like other UN agencies, NGOs and other humanitarian actors are considered when the UNHCR does its assessment in an emergency situation resulting in IDPs. Since the IDP issue is handled by the IASC, the UNHCR would always like to know who is already on the ground, what their resources, expertise are and how they can work together. This is an important element
at the operational level but there was no prove that it played any role on the agency’s decision to engage with IDPs or not.

Other UN agencies like the UNDP and UNICEF have continuously brought pressure to bear on the Secretary General of the UN not to give responsibility of IDPs to the UNHCR fearing that this would make the latter a super-agency within the UN

**Government/Legal Environment**

Legally IDPs are considered to be the responsibility of their government which raises the question of sovereignty. Although some have evoked the principle of “sovereignty as responsibility”, this does not provide a legal framework for the UNHCR to intervene in refugee issues; involvement is still dependent on request from the Secretary General of the UN, the consent of the concerned state or request from any other principal organ of the UN. However when assistance has not been asked for and the emergency situation is deteriorating seriously the host government, can be asked to allow access to the victims. The notion that the agency’s reluctance to take responsibility for IDPs was the making of the powerful states was rejected. One respondent argued that the decision to have the headquarters of the agency in Geneva and not in New York was to avoid any interference on the part of governments, suggesting that there was more politics in New York than Geneva. The same respondent went further to acknowledge that some states have tried unsuccessfully to influence the agency by withholding or earmarking funding.  

The High Commissioner of the UNHCR is appointed by the UN General Assembly and the statute provides that the High Commissioner shall follow policy directives given by the General Assembly and ECOSOC, while the agency’s programme and budget are reviewed and approved by the Executive Committee (ExCom). These coupled with the resolution that outlines the

26 Adviser to the Director of Operations
27 The ExCom is a subsidiary of the GA established by ECOSOC in 1958 and currently made up of 78 member states all of whom have ratified the 1951 convention on the status of refugees and its 1967 protocol. It has an executive and advisory function but does not substitute the policy function of the GA and ECOSOC.
criteria for involvement with IDPs (General Assembly Resolution 48/116 of 20 December 1993), places restrictions on the agency.

In situations where it is difficult to make a distinction between IDPs and refugees or when refugees are living together with IDPs, the confusion, uncertainty, and insecurity associated with these circumstances leads the UNHCR to consider this as an extension of its mandate (Mattar and White, 2005, p. 49).

Difficulty in disengagement with IDPs is often advanced as the reason for not getting involved with IDPs. In Afghanistan the government became dependent on UNHCR for funds to take care of IDPs but the problem of disengagement can be solved by putting in place a comprehensive plan that would provide durable solutions.

Social Environment

There was no evidence that the social environment variables as presented in the model were of any significance in the decision making with regards to IDPs because the values which the agency seeks to defend like the right to life, the dignity of the human being are all universal principles and with regards to these principles no distinction was made.

Social environmental challenges or the emergency context in which IDPs often live with local populations and even warring factions can result in security dangers. The UNHCR is aware of these dangers and security issues are part of the operational policy decisions and not at the strategic level. Besides the agency is continuously upgrading its safety and security policies; and currently the agency has witnessed a security policy shift from “when to leave” to “how-to-stay” (UNHCR, 2009, P.1). The agency has taken many steps such as the “Hostage Incident Management Training” and the “Security Learning Programme” to deal with present day security and safety challenges. Unlike in the past, the agency currently often operates in the midst of conflict where safety and security are often a challenge.
Individual Attributes

There was no evidence that variables like moral level, personal goals, demographics, life experience, self concept etc. were of any significance in the moral decision making of the UNHCR. The staff members interviewed explained that when an emergency occurs, the UNHCR has to coordinate with OCHA’s Emergency relief Service and the IASC on how to address the situation and that within the agency, the policy and goal are clear and that it was impossible for anyone individual’s personal attributes to influence the decision making process. While individual attributes were found not to play a role at the Headquarters where decisions are made, they were of great influence at the implementation level in the regional and country offices. It was reported that regional and country heads took decisions that were motivated by the desire to keep their job, please their Supervisor at the Headquarters

It was however clear that the High Commissioners wielded a lot of power and would often follow a course of action and be backed by their respective governments. The desire to leave a legacy has played a role over the years.
CHAPTER FOUR

5. Discussion and Conclusion

5.1 Discussion

Humanity does not make any distinction as to nationality, race, religion and creed but simply seeks to help those in need based on the fact that they are human. But to conclude that there is no humanity in the involvement of the UNHCR with IDPs is to ignore the changes in the concept of humanitarian itself and complexities of contemporary humanitarianism. While the question who should take responsibility for the IDPs is a legitimate one, to justify the agency’s decision not to take responsibility for IDPs on grounds of donor influence or pressure from major powers alone is a failure to grasp the complexities of the IDP discourse. To conclude that the agency does not attach the due importance to the sufferings of the IDPs is to ignore all the commendable work the agency is doing for IDPs. Critics of the UNHCR’s policy towards IDPs have place too much focus on the normative aspect, arguing that IDPs should be formally included into UNHCR’s mandate by UN Resolutions but not too many of them are willing to commend the agency for the assistance it currently provides to IDPs who constitute over half the total population it currently assists. Instead of focusing on the normative aspect, the UNHCR has shown a commitment to humanitarianism by taking solution-oriented and pragmatic approaches to the IDP problem.

The UNHCR according to the statute is responsible to a number of other bodies like the UN General Assembly, ECOSOC and the Secretary General of the UN. The General Assembly can pass a resolution for the UNHCR to take up responsibility for the IDPs but as was found out during the research, the General Assembly is unwilling to pass such a resolution for the simple reason that it is made up of states that have their interests. The major powers and donors are unwilling to include IDPs in the mandate of the UNHCR because it is a phenomenon that does not concern them, they prefer to use article 9 of the statute\(^\text{28}\) to allow intervention on an ad hoc basis, when the IDP situation is a threat to their security. The IDP producing countries on their part are unwilling to give the UNHCR any powers that will mean meddling in what they consider

\(^{28}\) Article 9 of the statute states that “the High Commissioner shall engage in such additional activities, including repatriation and resettlement, as the GA may determine, within the limits of the resources placed at its disposal
their internal affairs since IDPs are legally their responsibility. It would be fair to say here that decisions with regards to IDPs are not motivated by the humanitarian imperative to the extent that the GA and even states have been unwilling to support actions to formally include IDPs into UNHCR’s mandate. On the other hand the fact that the agency is involved with a huge number of IDPs and is willing to call on states to grant access in the absence of a formal appeal for assistance from the latter, is prove enough that there is willingness to assist those in need.

The impediments on efforts by the UNHCR to effectively address the problem of IDPs range from financial to legal, institutional, political and operational. Donor states are unwilling to commit financial resources to the IDP cause and at this point there is no legal regime regulating the IDP question as is the case with refugees; assistance to IDPs is based on a human rights approach, which fails to address the problems of IDPs in absence the rights of the latter being incorporated into and recognised by national laws. The lack of political will on the part of states and the lack of predictability in operation under the IASC make room for in effectiveness in addressing IDP issues. Given that IDPs form the majority of all those displaced today, the humanitarian spirit warrants that resources be committed to looking for lasting solutions to their problems

The UNHCR cannot completely be absolved from blame in the confusion surrounding the IDP issue, which is being used by the agency to fight for institutional autonomy. Although it has achieved some success, autonomy in decision making has been exercised only in minor issues that have but minimal impact on the security of the major powers.

One would like to absolve the UNHCR from any blame in the above-described situation but its continuous refusal to take responsibility for IDPs on the basis that they do not fall within its mandate also raises a lot of questions as to their commitment to humanitarian values. Although there are instance where the agency

Although the UNHCR provides assistance to IDPs such assistance is limited to the provision of material assistance, the international community would like to see the agency get involved in protection as well
As to the question that this research seeks to answer, notably to what extent the decision making process of the UNHCR towards IDPs is motivated by the principle of humanity one could say that; the agency’s decision making in relation to the IDPS is motivated by humanity to the extent that more than half those the agency currently assist are not included in its mandate but was able to extend assistance to them based on its good offices approach and has accepted to play a lead role in the cooperative mechanism set up to tackle the IDP problem - IASC.

However if one is to consider humanitarianism as based on alleviating human suffering without any political or other consideration but based on need alone, then one is bound to question UNHCR’s resistance to calls for it to take full responsibility for IDPs, moreover when it had decided to assist IDPs, those resulting from natural disasters have been excluded even though natural disasters produce as much IDPs as conflicts. One would say that the decision making within the UNHCR are not totally guided by the humanitarian imperative, to the extent that it has refused to take responsibility for IDPs despite appeals from some governments and NGOs and despite the fact that there are more IDPs than refugees in the world today.

We therefore see some humanity in the work environment, government and legal environment, personal environment. To however grasp the full picture of the UNHCR’s attitude towards IDPs, it is recommended that studies be done in on the major factor that influence the UNHCR and that is states, either through funding or through the UN General Assembly. The topic for future research should therefore be to look into the factors that influence states’ decision making towards IDPs.

5.2 Conclusion

The UNHCR presently assists about 14 million IDPs and plays a lead role in the Inter-Agency Standing Committee that was set up to address the IDP problems amongst others. The fact that more than half those the agency currently assists are IDPs who are not included in its mandate illustrates how far the agency is committed to the humanitarian cause. Whether the agency accepts to take full responsibility for IDPs or not, the truth of the matter is that lives are being saved. Besides the mandate of the agency can officially be extended in scope by the UN General
Assembly, failure to do so has been the result of a lack of political will on the part of states that make up the General Assembly. It is therefore clear that it is more incumbent on the UN and major states to address the IDP problem and not just the UNHCR alone.

Situations that cause internal displacements are complex as they occur within states and are often the result of ethnic violence and resource wars. Assistance and protection of IDPs by UNHCR if not accompanied by some political will and initiatives will not produce the desired results of effectively addressing and providing lasting solutions to the problems of IDPs.
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Appendix 1

Guiding questions for interviews

1. Please can you recount what happens from the time an emergency resulting in IDPs occurs to the time the UNHCR finally gets involved?

2. Which would triumph during the decision making process; the directives of the General Assembly or mandate, in-house preference of the UNHCR and or High Commissioner?

4. What is the importance of the High Commissioner in the decision making? Does the personality and nationality of the High Commissioner matter? Explain please.

5. Has the UNCHR ever been reluctant to intervene in a disaster but is obliged to do so? Example and why?

6. Which would you say is more important to the UNHCR’s decision whether or not to get involved with IDPs, human suffering or the agency’s mandate and policies?

7. Are there any instances or is it possible for the goals of individuals e.g. High Commissioner or senior staff to shape decisions?

8. I understand the UNHCR has agreements with other organizations, to what extent is this taken into account during decision making. Do the agreements have any bearing on decision making?

9. What is the place of the wishes and opinions of major countries and donors in the decision making with regards to IDPs.

10. What would you say to skeptics who say that because the UNHCR is dependent on the major powers for funding; its decision cannot be apolitical?

11. When the UNHCR makes decision to intervene in a certain disaster situation, do religious and or cultural values of the area matter?

14. The mandate of the UNHCR with regards to IDPs is not really clear to me could you explain?
14. What would you say to critics who claim that although the UNHCR is present in the field, is doing a great job it is under the chains on the most powerful countries and major donors. Consequently there is a lot of politics involved in the way the Agency deals with the refugees and IDPs issues?

15. It makes sense that safety of the UNHCR staff should be of great importance; do you have cases where you consider the environment too dangerous to intervene even if there is great human suffering?
Appendix 2: Questionnaire for scaling

Please scale the following by attributing numbers with 1 being the most important factor considered during decision making process relating to IDPs and 15 being the least important factor. Please feel free to include any important factors you think have been left out. Those with equal importance can be given the same number. Leave out any variable you believe does not apply.

1. Mandate, organization goals and policy and culture
2. Codes of Conduct
3. Government and administrative regulations
4. Religious, cultural and societal values of disaster area
5. Influence from other organizations and NGOs
6. Image of the UNHCR
7. Safety of personnel
8. Opinions and recommendations of major powers and donors
9. Directives by the General Assembly
10. The actions of other organizations
11. Amount of funding and other resources
12. Win and loss equation
13. Human Suffering
14. International public opinion
15. Preferences and opinions of the High Commissioner and staff

Thank you
Appendix 3: Results of questionnaires.

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<td>Opinions and recommendations of major powers and donors</td>
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<td>The actions of other organizations</td>
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<tr>
<td>Preferences and opinions of the High Commissioner and staff</td>
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<td>4</td>
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</table>

Participants A, B, C, and D are currently working with UNHCR in senior management positions while X and Y are former employees of the UNHCR.
Appendix 4: UNHCR Code of conduct

1. Treat all refugees and other persons of concern fairly, and with respect and dignity.
2. Uphold the integrity of UNHCR by ensuring that my personal and professional conduct is and is seen to be, of the highest standard.
3. Perform my official duties and conduct my private affairs in a manner that avoids conflict of interest, thereby preserving and enhancing public confidence in the UNHCR.
4. Contribute to building a harmonious workplace based on team spirit, mutual respect and understanding
5. Promote the safety, health and welfare of all UNHCR staff as a necessary condition for effective and consistent performance
6. Safeguard and make responsible use of the information and resources to which I have access by reason of my employment with UNHCR.
7. Prevent, oppose and combat all exploitation and abuse of refugees and other persons of concern.
8. Refrain from any involvement in criminal or unethical activities, activities that contravene human rights, or activities that compromise the image of UNHCR.
9. Refrain from any form of harassment, discrimination, physical or verbal abuse, intimidation or favouritism in the workplace.
Appendix 5: Statute of the UNHCR


The General Assembly,

in view of its resolution 319 A (IV) of 3 December 1949;

1. Adopts the annex to the present resolution, being the Statute of the Office of the United Nations High Commissioner for Refugees;

2. Calls upon governments to co-operate with the United Nations High Commissioner for Refugees in the performance of his functions concerning refugees falling under the competence of his Office, especially by:

(a) Becoming parties to international conventions providing for the protection of refugees, and taking the necessary steps of implementation under such conventions;

(b) Entering into special agreements with the High Commissioner for the execution of measures calculated to improve the situation of refugees and to reduce the number requiring protection;

(c) Admitting refugees to their territories, not excluding those in the most destitute categories;

(d) Assisting the High Commissioner in his efforts to promote the voluntary repatriation of refugees;

(e) Promoting the assimilation of refugees, especially by facilitating their naturalization;

(f) Providing refugees with travel and other documents such as would normally be provided to other aliens by their national authorities, especially documents which would facilitate their resettlement;

(g) Permitting refugees to transfer their assets and especially those necessary for their resettlement;

(h) Providing the High Commissioner with information concerning the number and condition of refugees and laws and regulations concerning them;

3. Requests the Secretary-General to transmit the present resolution, together with the annex attached thereto, also to States non-members of the United Nations, with a view to obtaining their co-operation in its implementation.

325th plenary meeting, 14 December 1950.

ANNEX

Statute of the Office of the United Nations High Commissioner for Refugees

Chapter I

General Provisions

1. The United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting governments and, subject to the approval of the governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.

in the exercise of his functions, more particularly when difficulties arise, and for instance with regard to any controversy concerning the international status of these persons, the High Commissioner shall report the opinion of an advisory committee on refugees if it is created.

2. The work of the High Commissioner shall be of an entirely non-political character: it shall be humanitarian and social and shall relate, as a rule, to groups and categories of refugees.

3. The High Commissioner shall follow policy directives given by the General Assembly or the Economic and Social Council.

4. The Economic and Social Council may decide, after hearing the views of the High Commissioner on the subject, to establish an advisory committee on refugees, which shall consist of representatives of States Members and States non-members of the United Nations, to be selected by the Council on the basis of their demonstrated interest in and devotion to the solution of the refugee problem.

5. The General Assembly shall review, not later than at its eighth regular session, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1953.

Chapter II

Functions of the High Commissioner

6. The competence of the High Commissioner shall extend to:

A. (i) Any person who has been considered a refugee under the Arrangements of 12 May 1928 and 10 June 1938 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 12 September 1931 or the Constitution of the International Refugee Organization;

(ii) Any person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it.

Decides as to eligibility taken by the International Refugee Organization during the period of its activities shall not prejudice the status of refugees being accorded to persons who fulfil the conditions of the present paragraph.

The competence of the High Commissioner shall cease to apply to any person defined in section A above if:

(a) He has voluntarily re-applied himself of the protection of the country of his nationality;

(b) Having lost his nationality, he has voluntarily re-acquired it;

(c) He has acquired a new nationality, and enjoys the protection of the country of his new nationality;

(d) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;

(e) He can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, claim grounds other than those of personal convenience for continuing to avail himself of the protection of the country of his nationality. Reasons of a purely economic character may not be invoked;

or