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United States Department of State
and the Broadcasting Board of Governors
Office of Inspector General

Report of Inspection

Program Review of Refugee Coordination in Jerusalem

Report Number ISP-I-10-29, January 2010

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PURPOSE, SCOPE AND METHODOLOGY OF THE INSPECTION

This inspection was conducted in accordance with the Quality Standards for Inspections, as issued by the President's Council on Integrity and Efficiency, and the Inspector's Handbook, as issued by the Office of Inspector General (OIG) for the U.S. Department of State (Department) and the Broadcasting Board of Governors (BBG).

PURPOSE

The Office of Inspections provides the Secretary of State, the Chairman of the BBG, and Congress with systematic and independent evaluations of the operations of the Department and the BBG. Inspections cover three broad areas, consistent with Section 209 of the Foreign Service Act of 1980:

- **Policy Implementation:** whether policy goals and objectives are being effectively achieved; whether U.S. interests are being accurately and effectively represented; and whether all elements of an office or mission are being adequately coordinated.
- **Resource Management:** whether resources are being used and managed with maximum efficiency, effectiveness, and economy and whether financial transactions and accounts are properly conducted, maintained, and reported.
- **Management Controls:** whether the administration of activities and operations meets the requirements of applicable laws and regulations; whether internal management controls have been instituted to ensure quality of performance and reduce the likelihood of mismanagement; whether instances of fraud, waste, or abuse exist; and whether adequate steps for detection, correction, and prevention have been taken.

METHODOLOGY

In conducting this inspection, the inspectors: reviewed pertinent records; as appropriate, circulated, reviewed, and compiled the results of survey instruments; conducted on-site interviews; and reviewed the substance of the report and its findings and recommendations with offices, individuals, organizations, and activities affected by this review.



**United States Department of State
and the Broadcasting Board of Governors**

Office of Inspector General

PREFACE

This report was prepared by the Office of Inspector General (OIG) pursuant to the Inspector General Act of 1978, as amended, and Section 209 of the Foreign Service Act of 1980, as amended. It is one of a series of audit, inspection, investigative, and special reports prepared by OIG periodically as part of its responsibility to promote effective management, accountability and positive change in the Department of State and the Broadcasting Board of Governors.

This report is the result of an assessment of the strengths and weaknesses of the office, post, or function under review. It is based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

The recommendations therein have been developed on the basis of the best knowledge available to the OIG and, as appropriate, have been discussed in draft with those responsible for implementation. It is my hope that these recommendations will result in more effective, efficient, and/or economical operations.

I express my appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in black ink, appearing to read "H. W. Geisel".

Harold W. Geisel
Deputy Inspector General

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KEY JUDGMENTS

- The Office of the Refugee Coordinator in Jerusalem carries out the full range of the position's mandated functions throughout its area of responsibility.
- The refugee coordinator is fully integrated into the political section of Consulate General Jerusalem, and the coordinator's input has been important in key reporting from the consulate general.
- The refugee coordinator provides ample reporting to the Bureau of Population, Refugees, and Migration (PRM) and other U.S. Government constituencies. PRM consults closely with the refugee coordinator in developing U.S. positions to represent to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).
- There are multiple formal and informal means by which staff members in the refugee coordinator office monitor UNRWA operations. The refugee coordinator has access to UNRWA officials at all levels and communicates with UNRWA on a daily basis.
- As a humanitarian agency, UNRWA aims to maintain the neutrality of its staff and installations, although what is or is not neutral in specific instances is open to debate. The refugee coordinator is diligent about bringing objectionable actions to UNRWA's attention.
- The two-person office is inherently limited in its capacity to monitor 58 refugee camps, hundreds of schools, and health clinics (many of them outside the camps), and 30,000 staff members serving 4.7 million people. This means that the office depends on UNRWA for information that the office lacks the resources to verify independently.
- This report recommends that the refugee coordinator and PRM work with UNRWA to improve the timeliness and quality of information that UNRWA provides and that the refugee coordinator track the outcome of actions that bear on UNRWA's neutrality.

- U.S. contributions directed to UNRWA's special projects (e.g., schools, health clinics, and community centers) have high visibility and demonstrate U.S. interest in improving the living conditions of Palestinian refugees.

The purpose of the program review was to evaluate the Jerusalem refugee coordinator's role in the oversight of U.S. contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and other organizations, and to review the guidance and support that the refugee coordinator receives from Consulate General Jerusalem, the Bureau of Population, Refugees, and Migration (PRM), and the Bureau of Near Eastern Affairs (NEA). This review will complement a limited-scope review to be conducted by the Office of Inspector General, Middle East Regional Office (MERO) in response to Congressional inquiries about PRM monitoring of UNRWA and UNRWA's compliance with U.S. goals and section 301(c) of the Foreign Assistance Act of 1961, as amended.¹

The inspection took place in Jerusalem between October 9 and 14, 2009. ^{(b) (6)}
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¹“No contributions by the United States shall be made to the United Nations Relief and Works Agency for Palestinian Refugees in the Near East except on the condition that the United Nations Relief and Works Agency takes all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestinian Liberation Army or any other guerrilla type organization or who has engaged in any act of terrorism.”

CONTEXT

The principal functions of the Office of the Refugee Coordinator in Jerusalem are to represent U.S. interests and to monitor the operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). UNRWA provides food; manages refugee camps, schools, and health clinics; and renders other social services for 4.7 million Palestinian refugees under its protection. Through the Bureau of Population, Refugees and Migration (PRM), the United States is the largest contributor to UNRWA. U.S. contributions have averaged approximately \$225 million per year during the past two fiscal years, while UNRWA's total expenditures have averaged \$1.1 billion per year.

U.S. contributions directed to UNRWA special projects such as schools, health clinics, and community centers have high visibility and demonstrate U.S. interest in improving the living conditions of Palestinian refugees. U.S. embassy officials in the region have attended inaugurations of UNRWA facilities for refugees. These facilities are financed in whole or part by the United States and many refugees would not be aware of the extent of U.S. support for them if not for these directed contributions.

The refugee coordinator position was moved from Embassy Amman to Consulate General Jerusalem in 2007. The Office of the Refugee Coordinator consists of one Foreign Service officer and one locally employed (LE) refugee specialist. The office is part of the political section, and the refugee coordinator reports to the chief of the political section. The office has regional responsibilities for Palestinian refugees assisted by UNRWA in the West Bank, Gaza, Lebanon, Jordan, and Syria. The refugee coordinator makes quarterly trips to Lebanon and Syria, and travels frequently to the West Bank and Jordan. Gaza is currently off limits to U.S. Government officials, as are the camps in Lebanon, although the refugee specialist visited a refugee camp in Lebanon in July 2009. The office also has regular contact with other humanitarian organizations with a presence in the region, including traditional PRM partners—the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC)—as well as the United Nations Office of the Coordinator for Humanitarian Affairs (OCHA).

INTEGRATION AND COORDINATION

The refugee coordinator, with a budget provided by PRM, operates semi-independently within Consulate General Jerusalem's political section. The refugee coordinator coordinates her activities with the rest of the political section, as well as with other U.S. embassies within her region of operation, primarily through the following formal mechanisms:

- participation in daily political section staff meetings;
- front channel cables, coordinated with and cleared by the political section chief, on current events of broader interest (notably on matters connected with Lebanon or Gaza);
- an email weekly report of activities, which is widely distributed to PRM, NEA, the Bureau of International Organizations, other U.S. embassies in the region, and other offices within Consulate General Jerusalem; and
- detailed trip reports, directed primarily to PRM, and copied to the political section chief and others in the Department and other U.S. embassies, as appropriate; and written reports of visits to refugee camps, for which the refugee coordinator has created a template, including photos.

At the same time, there are numerous informal interactions that guide the refugee coordinator's activities and facilitate the sharing of information. She is in daily contact with PRM by phone and email, and PRM seeks the refugee coordinator's input on such matters as the PRM's response to the Government Accountability Office (GAO) Report to Congressional Committees (GAO-09-622, May 2009) and the pending 2010 *Framework for Cooperation Between UNRWA and the Government of the United States of America*.

The refugee coordinator rarely receives guidance or requests directly from NEA. More typically, NEA seeks information related to the refugee coordinator's portfolio directly from PRM. An exception occurred during the 2008-2009 Israeli Operation Cast Lead and its aftermath, during which NEA sought, and the refugee coordinator reported, information on the humanitarian conditions in Gaza and the international response.

Within Consulate General Jerusalem, there is a strong tradition of cooperation; colleagues in the political or economic sections frequently check with the refugee coordinator when their assignments cross into the refugee coordinator's area of responsibility. This is facilitated by a distinct division between matters relating to UNRWA (therefore handled by the refugee coordinator) and those which come under the auspices of the Palestinian Authority (handled by the political or economic sections). Several colleagues lauded the refugee coordinator's willingness to make inquiries on their behalf to her contacts. For example, when colleagues recently were investigating water development projects in Gaza, the refugee coordinator's contacts helped them confirm the exact nature and location of key projects. The refugee coordinator also interacts a great deal with U.S. Agency for International Development (USAID) representatives in Jerusalem, participating in meetings that help set USAID and other assistance priorities.

The refugee coordinator works closely with neighboring embassies (i.e., Tel Aviv, Beirut, Damascus, and Amman), coordinating her travels with their political sections. She worked with the refugee coordinator in Amman on resettlement cases of Palestinian refugees coming out of Iraq (who are not assisted by UNRWA). There is virtually no overlap of operational responsibilities with the other refugee coordinators in the region, who focus overwhelmingly on Iraqi refugees.

OVERSIGHT

The main responsibility of the Office of the Refugee Coordinator is to represent U.S. interests toward UNRWA and to monitor UNRWA, which has the mandate to assist some 4.7 million Palestinian refugees in Jordan, Lebanon, Syria, West Bank, and Gaza. The refugee coordinator's office also has regular contact with other humanitarian organizations, including UNHCR, ICRC, and OCHA.

OBTAINING INFORMATION ABOUT CONDITIONS AFFECTING REFUGEES AND UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST OPERATIONS

The refugee coordinator has several formal mechanisms for obtaining and exchanging information with UNRWA:

- annual reports on the operation of the general fund;
- semiannual reports on emergency appeals;
- semiannual reports on special projects;
- participation in the semiannual meeting of the UNRWA Advisory Commission (led on the U.S. side by a senior PRM official) and more frequent meetings (4-6 times per year) of the subcommittee, on which the refugee coordinator sits; and
- semiannual reports on "issues raised by section 301(c) of the FAA."²

The refugee coordinator also engages in frequent, informal communication with UNRWA officials, as well as visits to UNRWA offices and installations. The refugee coordinator has access to and meets with UNRWA staff at all levels, including the Commissioner General, deputy commissioner general, field directors, operations support officers (OSOs), camp services officers, and other camp personnel. The refugee coordinator and refugee specialist have daily contact with UNRWA staff

² UNRWA Memorandum: Periodic information requested by the Bureau of Population, Refugees and Migration Affairs, U.S. Department of State, 28 August 2009.

members by phone and email. The refugee specialist also monitors the Palestinian press. During site visits, the refugee coordinator and refugee specialist meet with refugees, as well as with UNRWA staff. The refugee coordinator and refugee specialist spend approximately 25 percent of their time traveling and 75 percent of their time working on UNRWA-related issues.

The refugee specialist is a Palestinian who speaks fluent Arabic. Her cultural background, language skills, and prior experience in project management for USAID have increased the office's access and capabilities when conducting site visits. For example, in July 2009, she was able to visit a refugee camp in Lebanon that was not accessible to the refugee coordinator.

Neither the refugee coordinator nor refugee specialist may travel to Gaza due to the prohibition of such travel by U.S. Government officials. They depend principally on UNRWA staff for information regarding the humanitarian situation in Gaza, but they cannot verify the accounts independently through site visits. They do have access to UNRWA installations outside of Gaza, but as a two-person office, they have an inherently limited capacity to monitor 58 camps, hundreds of schools and health clinics (many of them outside of camps), and 30,000 staff serving 4.7 million people.

EFFECTIVENESS AND ACCOUNTABILITY

PRM negotiates with UNRWA on the *Annual Framework for Cooperation between UNRWA and the Government of the United States of America*. The 2009 framework defines, among other things:

- shared strategic goals;
- a reform agenda setting performance measures to improve UNRWA accountability and effectiveness; and
- measures to help protect the neutrality of the UNRWA's installations and programs, and to comply with section 301(c) of the Foreign Assistance Act.

The 2010 framework is under discussion within PRM. The refugee coordinator has contributed to the draft, and is a full participant in the process of preparing the PRM position and communicating with UNRWA in order to finalize mutually agreed-upon text.

PRM earmarks certain U.S. contributions to special projects, such as schools, health clinics, community centers, and the OSO program. These earmarked funds totaled \$8.79 million in FY 2009. However, PRM does not earmark U.S. overall contributions to UNRWA's general fund (\$108.5 million in FY 2009) or to UNRWA's emergency appeals for Gaza and the West Bank (\$116.24 million in FY 2009), although UNRWA attributes expenditures on specific projects to the U.S. contributions. Like other UN organizations, UNRWA pools non earmarked contributions from the United States and other donors to its general fund and emergency appeals.

U.S. contributions from PRM to the West Bank and Gaza emergency appeals may not be used for cash assistance, but there is no such restriction on the use of U.S. contributions from PRM to UNRWA's general fund. This is problematic, since cash assistance may present a high risk for misuse of funds. It should be noted that, while there is no restriction on the use of U.S. contributions for cash programs in UNRWA's general fund, cash assistance is an extremely small part of UNRWA's general fund programming.

UNRWA adheres to the UN-wide, single audit principle, under which the UN board of auditors has exclusive responsibility for conducting external audits of UNRWA. There are no indicators of any problem with this arrangement.

U.S. contributions directed to UNRWA special projects have high visibility and demonstrate U.S. interest in improving the living conditions of Palestinian refugees, many of whom would not be aware of the extent of U.S. support for them if not for these directed contributions.

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST NEUTRALITY

UNRWA has a policy of neutrality, consistent with its mission as a humanitarian organization. It seeks to ensure the neutrality of its installations, programs, and staff. UNRWA staff circulars make the policy known to its staff. It has investigated reports of inappropriate behavior and taken disciplinary action or terminated staff members who violated the policy. What is unacceptable behavior in specific instances, however, is open to debate. For example, UNRWA staff members do not remove maps showing Palestine encompassing the entire territory of Israel, considering them to be historical statements.

During two camp visits in Syria, the refugee coordinator and refugee specialist observed violent or gruesome images and exhortations to violence in UNRWA schools, which they found inconsistent with UNRWA's policy of neutrality. In addition to compromising UNRWA's neutrality, these images and messages are inappropriate for children. They brought the problem to the attention of the responsible camps services officer, who agreed with their viewpoint. The refugee coordinator was able to confirm that the images were removed in one of the two cases.

Recommendation 1: Consulate General Jerusalem should require that following field visits to United Nations Relief and Works Agency for Palestine Refugees in the Near East installations, the refugee coordinator should raise issues of concern with appropriate officials in the United Nations Relief and Works Agency for Palestine Refugees in the Near East, keep a log of all such issues of concern, and track the response to each issue. (Action: Consulate General Jerusalem)

UNRWA's benefits to refugees fall into two categories: discretionary and nondiscretionary support. Primary education and primary health care are nondiscretionary, meaning that refugees are entitled to these benefits, even if providing services to them would compromise UNRWA's neutrality. Discretionary benefits, which include cash assistance and burial benefits, are subject to being withheld for reasons of neutrality. For example, in one case UNRWA denied discretionary benefits to the family of a deceased staff member (and also terminated employment of his two immediate supervisors) when he was found to have been a militant.³

UNRWA's semiannual reports to PRM on issues raised by section 301(c) of the Foreign Assistance Act present a record of actions with respect to a range of issues – e.g., staff training, refugees denied discretionary assistance, staff disciplinary matters, misuse of UNRWA installations, incursions into UNRWA installations, and background checks against UN 1267 Sanctions Committee list.

³ GAO report 09-662 (see following page) states that UNRWA reported 110 cases of denial of discretionary benefits since July 2006 because refugees' behavior was inconsistent with UN neutrality or restrictions related to FAA section 301(c).

In March 2009, the refugee coordinator reported by cable (09 Jerusalem 597), an issue reported in the local press. Hamas and the Palestine Liberation Organization (PLO) were making competing claims that their respective organizations had won UNRWA staff union elections. On behalf of PRM, the refugee coordinator asked UNRWA to investigate the situation, and she was diligent in following up with UNRWA to request information and report to PRM the UNRWA's communications with its staff. PRM communicated its concern about this situation's possible impact on UNRWA's tradition of neutrality, in a letter from the Acting Assistant Secretary to the UNRWA Commissioner General.

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The UNRWA OSO program began in 2003 in response to a U.S. Government initiative to improve UNRWA's oversight and ensure that its staff did not engage in political activity. OSOs inspect UNRWA installations to assess the status of privileges and immunities, security, neutrality, and other operational issues, with the goal of inspecting major installations twice a year. PRM funds the OSO program through earmarked contributions.

There are OSOs in the West Bank and Gaza, and an OSO office is being set up in Lebanon. Jordan has begun to conduct inspections, modeled upon the OSO program, of UNRWA installations in its territory. In Syria, UNRWA depends on senior staff members working with local authorities to monitor neutrality. This arrangement is not satisfactory, because, unlike UNRWA, the Jordanian and Syrian Governments are not humanitarian organizations, and therefore do not have to ensure the neutrality of their staff and facilities. The OIG team brought this issue to the attention of the OIG MERO team undertaking a review of PRM oversight of UNRWA. (See PURPOSE, above)

The OIG team observed that the OSO inspection log templates for Gaza and the West Bank are not identical. For example, only the Gaza log template has questions about encroachment on facilities and threats to OSO staff. Instructions for the inspections contain limited guidance on procedures and criteria that OSOs should follow to support the judgments to be recorded on the completed checklist. Although the conditions and risks in Gaza, compared with those on the West Bank,

may not be identical at a given time, the principle of neutrality and the criteria for evaluating compliance should be the same in all locations. The OIG team made an informal recommendation that the refugee coordinator urge UNRWA to make the log templates and instructions uniform.

The refugee coordinator holds a general meeting roughly every other month with OSOs from the West Bank and Gaza to learn of any incidents affecting UNRWA's neutrality; following each meeting, she submits a report to PRM. On occasion, the OSOs furnish inspection logs to the refugee coordinator, but they do not do so routinely. Even when OSOs do submit logs, it is often months after the fact.

As a result, any problems that arise primarily come to the refugee coordinator's attention either during the meetings that are held every two months, or through UNRWA's semiannual reports to PRM on issues raised by section 301(c) of the Foreign Assistance Act. The OIG team made an informal recommendation that the refugee coordinator require UNRWA to supply all completed inspection logs.

GOVERNMENT ACCOUNTABILITY OFFICE REPORT

In May 2009, the Government Accountability Office (GAO) released a report (*FOREIGN ASSISTANCE: Measures to Prevent Inadvertent Payments to Terrorists under Palestinian Aid Programs Have Been Strengthened, but Some Weaknesses Remain*, GAO 09-622) that contained recommendations to PRM to enhance protection against inadvertent payments to terrorists. The report recommends:

- establishing criteria to evaluate UNRWA's efforts;
- screening names of UNRWA contractors against lists of names of concern to the United States; and
- monitoring UNRWA commitments regarding internal audits.

PRM replied to the GAO that it concurs with the first recommendation and is considering the other two. The refugee coordinator is working with PRM to develop criteria for fulfilling the GAO recommendation. PRM currently is considering a draft of these criteria.

OVERSIGHT RESPONSIBILITIES FOR ORGANIZATIONS OTHER THAN THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

The refugee coordinator maintains traditional relationships with humanitarian organizations, principally UNHCR and ICRC, which PRM funds through those organizations' regional appeals. The refugee coordinator's interactions with UNCHR have been focused on asylum seekers in Israel, mostly from Africa. She also has worked with UNHCR, Embassy Tel Aviv, and the Government of Israel to develop Israel's capacity for adjudicating asylum claims. In addition, she meets several times per year with ICRC representatives. ICRC undertakes a range of humanitarian assistance, in addition to its unique work facilitating communication among separated family members, monitoring conditions of detention, and reporting on the conduct of hostilities.

The OCHA office in Jerusalem coordinates humanitarian assistance among the UN sectoral clusters and chairs reviews of UN appeals for Gaza and the West Bank. The refugee coordinator meets periodically with OCHA staff, mostly during donor meetings on UN appeals.

The refugee coordinator has direct oversight responsibility for only one PRM-funded non-governmental organization project. This project is funded under the Julia Taft Fund for Refugees, a global PRM program that allocates up to \$20,000 to embassies for worthy projects. In Jerusalem, the African Refugee Development Center has received \$20,000 to support its programs to help integrate African refugees and asylum seekers into Israeli society. The refugee coordinator recommended funding the project and monitors its implementation.

RECOMMENDATION

Recommendation 1: Consulate General Jerusalem should require that following field visits to United Nations Relief and Works Agency for Palestine Refugees in the Near East installations, the refugee coordinator should raise issues of concern with appropriate officials in the United Nations Relief and Works Agency for Palestine Refugees in the Near East, keep a log of all such issues of concern, and track the response to each issue. (Action: Consulate General Jerusalem)

INFORMAL RECOMMENDATIONS

Informal recommendations cover operational matters not requiring action by organizations outside the inspected unit and/or the parent regional bureau. Informal recommendations will not be subject to the OIG compliance process. However, any subsequent OIG inspection or on-site compliance review will assess the mission's progress in implementing the informal recommendations.

The OIG team observed that the OSO inspection log templates for Gaza and the West Bank are not identical. Instructions for the inspections contain limited guidance on procedures and criteria that OSOs should follow to support the judgments to be recorded on the completed checklist.

Informal Recommendation 1: Consulate General Jerusalem should require that the refugee coordinator urge the United Nations Relief and Works Agency for Palestinian Refugees in the Near East to develop uniform operations support officer inspection logs and fully elaborated instructions that prescribe criteria and procedures that operations support officers should follow to support the inspectors' judgments.

OSO inspection checklists do not routinely reach the refugee coordinator, and when they do it is often months after the fact.

Informal Recommendation 2: Consulate General Jerusalem should require that the refugee coordinator require the United Nations Relief and Works Agency for Palestinian Refugees in the Near East to routinely provide the refugee coordinator's office with all completed inspection checklists within a week of the completion of the inspection.

PRINCIPAL OFFICIALS

Position or Title	Name	Arrival Date
Consul General	Daniel Rubinstein	09/09
Deputy Principal Officer	Gregory Marchese	08/08
Chief, Political Section	John R. Waters	06/09
Chief, Economic Section	Jonathan Carpenter	07/07
Refugee coordinator	Crystal Kaplan	08/07

ABBREVIATIONS

GAO	Government Accountability Office
ICRC	International Committee of the Red Cross
LE	Locally employed
MERO	Middle East Regional Office
NEA	Bureau of Near Eastern Affairs
OIG	Office of Inspector General
OCHA	United Nations Office for the Coordinator for Humanitarian Affairs
OSO	Operations support officer
PLO	Palestine Liberation Organization
PRM	Bureau of Population, Refugees, and Migration
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
USAID	United States Agency for International Development

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