

---

# Advance Unedited Version

Distr.: General  
12 March 2015

Original: English

---

## Seventieth session

Item [...] of the provisional agenda  
Joint Inspection Unit

### **Review of management and administration of the Office of the United Nations High Commissioner for Human Rights**

#### **Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly his comments on the report of the Joint Inspection Unit entitled “Review of management and administration of the Office of the United Nations High Commissioner for Human Rights” (A/70/68).

## I. Introduction

1. Human Rights Council resolution 22/2 requested “the Joint Inspection Unit to undertake a comprehensive follow-up review of the management and administration of the Office of the High Commissioner, in particular with regard to its impact on the recruitment policies and the composition of the staff, and to submit a report thereon and containing concrete proposals for the implementation of the present resolution to the Human Rights Council”. The General Assembly, by its resolution 68/144 of 18 December 2013, took note of the report of the Human Rights Council for its seventh organizational meeting and its twenty-second and twenty-third sessions, in which, among other things, resolution 22/2 is contained.

## II. General comments

2. The Secretary-General appreciates the collaborative approach undertaken by the Joint Inspection Unit in the preparation of its report. The Secretary-General especially appreciates the report’s observations regarding certain long term challenges facing the Office of the United Nations High Commissioner for Human Rights (OHCHR), such as financial sustainability in a context of increasing mandates from legislative bodies and expanding demands connected to Human Rights up Front, mainstreaming human rights across the United Nations system and the emphasis on human rights in the post-2015 development agenda.

## III. Specific comments on recommendations

### *Recommendation 1*

**The General Assembly should initiate an action-oriented review of the governance arrangements of OHCHR, through an open-ended working group or an open-ended ad hoc committee with a definite time frame and an agreed agenda, to review the governance framework and recommend measures for improvement so as to strengthen the capacity of Member States to provide strategic guidance and direct and monitor the work of OHCHR.**

3. The Secretary-General concurs with the view of many Member States, as noted in the JIU report, that existing governance arrangements strike an appropriate balance between independence and accountability. Most importantly, existing governance arrangements accord with the General Assembly’s legislative decisions. The following seeks to respond to key issues raised in the JIU report’s section on “Governance and Oversight by Member States”.

4. The Secretary-General would like to recall that by resolution 48/141 of 20 December 1993, the General Assembly decided “to create the post of the United Nations High Commissioner for Human Rights” and also decided that “the High Commissioner shall...[b]e appointed by the Secretary-General of the United

Nations and approved by the General Assembly...and [b]e of the rank of Under-Secretary-General". By the same resolution, the General Assembly decided that "the High Commissioner shall be the United Nations official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General". The General Assembly also decided that "the Office of the United Nations High Commissioner for Human Rights shall be located at Geneva" and requested "the Secretary-General to provide appropriate staff and resources...to enable the High Commissioner to fulfil his/her mandate".

5. Resolution 48/141 makes clear that the mandate set out in the resolution is to be fulfilled by both the High Commissioner and OHCHR. There is no indication in resolution 48/141 that the High Commissioner and OHCHR have separate mandates and perform different functions or that the mandate set out in the resolution is not assigned to, and to be discharged by, the Office.

6. The organization of OHCHR is further elaborated in the Secretary-General's bulletin on the "Organization of the Office of the United Nations High Commissioner for Human Rights" (ST/SGB/1997/10). The Secretary-General's bulletin provides, in section 2.3, that "[t]he Office of the United Nations High Commissioner for Human Rights is headed by a High Commissioner with the rank of Under-Secretary-General." Section 3 of the bulletin further provides that "[t]he United Nations High Commissioner for Human Rights is accountable to the Secretary-General" and that "[t]he High Commissioner is responsible for all the activities of the Office of the United Nations High Commissioner for Human Rights, as well as for its administration". Thus, under the Secretary-General's bulletin the High Commissioner and the Office have the same mandate and perform the same functions.

7. The General Assembly deliberated on the Secretary-General's bulletin during its fifty-second session,<sup>1</sup> while considering the Secretary-General's report "Renewing the United Nations: a programme for reform".<sup>2</sup> Member States made detailed statements regarding the proposed reform programme, including in relation to the Secretary-General's bulletin.<sup>3</sup> In their statements, Member States neither expressed doubts nor raised questions as to whether the High Commissioner was part of the Office, or whether the High Commissioner and the Office had separate mandates and performed different functions.

8. Subsequently, the General Assembly commended the Secretary-General's reform initiatives through resolution 52/12 A of 12 November 1997. Operative paragraph 2 of resolution 52/12 A called on the Secretary-General to implement the actions described in his report, which included the following: 'Action 14: The reorganization of the human rights secretariat is to be fully implemented. Under the new High Commissioner for Human Rights, both offices will be consolidated into a

---

<sup>1</sup> See A/52/584, paras 23-26.

<sup>2</sup> A/51/950.

<sup>3</sup> See A/52/661, A/52/662, A/52/663 and A/52/664.

---

single unit, to be called the Office of the United Nations High Commissioner for Human Rights.’

9. The JIU report’s suggestion that the High Commissioner and OHCHR are distinct entities, the former with an independent mandate and the latter lacking such a mandate, is therefore not consistent with the General Assembly resolutions and the Secretary-General’s bulletin cited above. General Assembly resolution 48/141 explicitly requested the establishment of an Office to enable the High Commissioner to fulfil his/her mandate. General Assembly resolution 52/12 A endorsed the merging of OHCHR and the Centre, as one Office, headed by the High Commissioner, accountable to the Secretary-General and forming part of the United Nations Secretariat. The establishment of OHCHR as part of the Secretariat is also consistent with the establishment and functioning of previous Secretariat human rights entities, namely the Division of Human Rights and the Centre for Human Rights. There is also no legislative basis for the Office to have a ‘dual role’, with its responsibilities divided between supporting the High Commissioner and serving as the secretariat of the United Nations human rights mechanisms.

10. It is important to bear in mind that the General Assembly did not contemplate a separate governance structure for the Office of the High Commissioner for Human Rights. As far as the responsibility to deal with administrative and budgetary matters of OHCHR is concerned, the Secretary-General, as the Chief Administrative Officer of the Organization, is responsible for the Organization’s programme planning and budgeting, including for OHCHR. The intergovernmental organs vested with the responsibility to exercise oversight over administrative and budgetary matters of the Secretariat, including OHCHR, are the General Assembly and the relevant subsidiary organs, namely the Fifth Committee, the Advisory Committee on Administrative and Budgetary Questions, and the Committee for Programme and Coordination. The JIU report affirms that most Member States agree that oversight of budgetary, financial and administrative matters rests with the Fifth Committee. The report further affirms that, through the Committee for Programme Coordination, there is oversight of programme matters. This oversight ensures transparency and accountability, while also respecting the independence of the Secretariat, including that of OHCHR.

11. The JIU report acknowledges that Member States have not sought to review or further explicate OHCHR’s existing governance arrangements. In this regard, the JIU report, in paragraph 41, states that OHCHR and many Member States “view General Assembly resolutions 48/141, establishing the post of the United Nations High Commissioner for Human Rights, and 60/251, establishing the Human Rights Council as precluding any administrative, financial or even programmatic oversight over the Office by the Commission on Human Rights and its successor body, namely, the Human Rights Council.”

12. The Secretary-General supports the report's call for greater interaction by the High Commissioner with Member States to continue,<sup>4</sup> including within the framework of Human Rights Council President statements 15/2 of 1 October 2010, 18/2 of 30 September 2011 and 19/1 of 22 March 2012. Such interaction not only reinforces existing governance arrangements, it ensures that Member States have abundant opportunities to express their views in regard to overall strategic guidance and priorities and the concomitant allocation and utilization of resources. Moreover, it ensures that the High Commissioner has sufficient opportunities to consult with Member States in relation to how he/she intends to fulfil his/her obligations in compliance with General Assembly resolution 48/141.

***Recommendation 2***

**The High Commissioner should establish/finalize, by the end of 2016, and regularly update thereafter, a risk management policy for OHCHR, comprising all the elements of a comprehensive risk management framework, and report annually to the governing bodies on its implementation.**

13. As part of a comprehensive accountability framework, a Secretariat-wide risk assessment was initiated in 2013, and subsequent consultations were conducted with senior management across the Secretariat to prioritize risk areas initially identified. A joint Policy Committee and Management Committee meeting in September 2014 resulted in the adoption of a preliminary risk register that summarizes the top strategic risks for the Organization, the implementation of relevant risk response strategies and the governance structure for the process. This is currently being refined in Secretariat-wide risk treatment working groups, for the establishment of a detailed Enterprise Risk Management plan.

14. Further details on this process have been presented to the General Assembly, as requested in its resolution 68/264, in the fourth progress report on the accountability system in the United Nations Secretariat, A/69/676 dated 18 December 2014.

15. The Secretary-General thus underlines that a fully-fledged Enterprise Risk Management system is currently being developed for the Secretariat and that OHCHR is actively participating in this initiative.

***Recommendation 3***

**The High Commissioner should establish a working group, composed of the Senior Management Team and other senior staff as necessary, to review the OHCHR strategic planning process(es) in consultation with other relevant departments as necessary, and submit to the General Assembly, through the Secretary-General, the report of the working**

---

<sup>4</sup> Reference is made to para 72 of the report.

**group, for its consideration by no later than the seventy-first session of the Assembly.**

16. The OHCHR strategic framework, programme budget and programme of work are formulated within the framework of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation and the Financial Regulations and Rules of the United Nations. The planning, programming and budget process of OHCHR is undertaken in strict adherence to the Charter of the United Nations, in particular Articles 17 and 18, with full respect for the prerogatives of the principal organs of the United Nations, full respect for the authority and the prerogatives of the Secretary-General as the Chief Administrative Officer of the Organization and in recognition of the need for Member States to participate in the determination of the budget. The biennial strategic framework and the biennial programme budget cover all activities of OHCHR, both substantive and servicing, including those to be financed partially or fully from extrabudgetary resources.

17. The JIU report does not provide evidence of actual problems linked to OHCHR's strategic planning processes; rather, it appears to identify the potential for problems. At the same time, the report acknowledges improvements achieved by OHCHR in terms of Results-Based Management (RBM). It further acknowledges that such improvements, which have been recognised by Member States, would not have been possible had the Office limited itself to using the existing strategic framework and IMDIS system.

18. Additional consideration could have been given to the JIU's recent report on strategic planning in the United Nations.<sup>5</sup> That report made clear the difficulties faced by the Secretariat in seeking to implement RBM. It commented positively on the system that OHCHR has developed to plan, monitor and report on implementation.<sup>6</sup> Further, it observed the fact that double planning and monitoring has become a common practice across the Secretariat. In this regard, the issue should not merit focused attention in relation to OHCHR.

19. In addition, the JIU report could have taken note of on-going efforts, led by Member States, to review and improve the United Nations programme planning and budgetary process.<sup>7</sup>

20. It is in this context that the Secretary-General believes that the establishment of a senior-level working group to review, in consultation with other departments,

<sup>5</sup> JIU/REP/2012/12.

<sup>6</sup> Ibid., paras 185-187.

<sup>7</sup> "Because Process Matters: Groundwork for a Reform of Planning and Budgeting at the United Nations", Independent Expert Panel Report (An initiative by: Australia, Mexico, Nigeria, Peru, Poland, Saudi Arabia, South Africa, Switzerland, Thailand), August 2014, available at: <http://newyorkun.mfa.gov.pl/resource/41dff8b4-6fdb-4688-8699-72496385ed8c:JCR>.

OHCHR's strategic planning process and report to the General Assembly is unnecessary.

***Recommendation 4***

**The High Commissioner should update, by the end of 2015, the existing action plan with specific measures, targets and timetables to broaden the geographical diversity of the professional workforce, and continue to report annually to the Human Rights Council and to the General Assembly on its implementation.**

21. The Secretary-General notes that a comprehensive and proactive action plan reflecting a strong and continuous commitment by OHCHR management to improve the geographic diversity of the Office's staff has been put in place in 2006 (E/CN.4/2006/103) and has yielded positive results ever since. Any updates to measures, targets and timetables to broaden this geographic diversity would, however, have to be in line with the General Assembly-mandated system of desirable ranges. It is noted in this regard that a broader geographic diversity among the staff is a priority concern for the entire Secretariat, and accordingly targets for recruitment of un- and underrepresented nationalities are applied to the Secretariat as a whole, and included in the senior managers' Compacts with the Secretary-General. OHCHR will nevertheless consult with the Office of Human Resources Management to determine whether any additional targets or measures may be feasible within the existing system.

22. The Secretary-General notes that the High Commissioner reports independently on matters related to geographic diversity to the Human Rights Council and /or to the General Assembly as requested. The latest such requests were contained in Human Rights Council resolution 22/2, which was implemented by the High Commissioner's report on the Composition of the staff of the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/18), and in General Assembly resolution 62/236, which was implemented by the report of the Secretary-General on Measures to improve the balance in the geographical distribution of the staff in the Office of the United Nations High Commissioner for Human Rights (A/63/204).

23. The Secretary-General further notes that the composition of the staff of OHCHR is included in the Report on the Composition of the Secretariat: Staff demographics, the latest such report being A/69/292.

***Recommendation 5***

**The High Commissioner should develop, by no later than the end of 2016, a comprehensive strategy and related action plan to adapt to the specific circumstances and requirements of OHCHR the Secretariat's human resources management strategy and policies; he/she should inform the governing bodies of the adoption of the strategy and action plan, update**

**them regularly as necessary, and report to the governing bodies periodically on their implementation.**

24. The Secretary-General reiterates that OHCHR is part of the Secretariat, as are its staff members, and that as such both the Office and its staff members are subject to the same human resources regulations, rules and policies as the other departments, offices and staff members of the Secretariat. Such regulations, rules and policies cannot be amended specific to any individual department or office, and thus it would be difficult to conceive of any comprehensive strategy that would lead to an OHCHR-specific change in the applicable Secretariat human resources management strategy or policies.

25. The General Assembly would have to approve any initiative to deviate from or otherwise revise the human resources policies and strategies of the Secretariat. The Secretary-General reiterates in this regard that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibility for administrative and budgetary matters, as reaffirmed by General Assembly resolution 45/248 B of 21 December 1990 (section VI, para. 1).

26. Nevertheless, the Secretary-General acknowledges the need to take account of OHCHR's specific human resource challenges, in particular the need to mobilise staff members on short notice to respond to emergencies and/or time-bound mandated activities. In this regard, OHCHR shall pursue a dialogue with OHRM with a view toward determining modalities to adapt to these specific challenges.

#### ***Recommendation 6***

**The Secretary-General should, in the context of the Human Rights Up Front initiative, review, in consultation with the United Nations System Chief Executives Board for Coordination as appropriate, the mandates, activities and work of different entities with human rights mandates with a view to streamlining their work, mainstreaming human rights across the United Nations system and enhancing synergies. The results of the review should be submitted, along with the Secretary-General's own recommendations, to the General Assembly for consideration at its seventy-first session.**

27. The Secretary-General considers the recommendation for a review of mandates, activities and work of different entities with human rights mandates a good opportunity to strengthen the capacity of the United Nations system to implement the responsibilities mandated by Member States. In this context, General Assembly resolution 48/141, and in particular paragraphs 4(i) and (j), call on the High Commissioner for Human Rights "to coordinate the human rights promotion and protection activities throughout the United Nations system" and "to rationalize, adapt, strengthen and streamline the United Nations machinery in

the field of human rights with a view to improving its efficiency and effectiveness”.