Glion Human Rights Dialogue 2018 (Glion V):
The place of human rights in a reformed United Nations

Policy Dialogue on
'Human rights in the Secretary-General's reform agenda'

09.30h-13.00h on Tuesday 15th May
Room VIII at the Palais des Nations, Genève

Background paper

Almost immediately after taking Office in January 2017, UN Secretary-General Antonio Guterres announced his intention to introduce wide-ranging reforms to the way the UN works and how its delivers on its mandate. By and large, those reforms have been warmly received by States, civil society, and the press. Indeed, on 18 September 2017, during a high-level event on UN reform held on the margins of the UN General Assembly (GA), over 120 States signed a ten-point political Declaration expressing their commitment to the Secretary-General's reform agenda.

But what are those reforms and what are their likely implications for the UN's human rights pillar?

According to the Secretary-General, the overall goal of his reform agenda is to create a '21st century UN ' that is better equipped to address the complex contemporary challenges facing humankind. It is also, as he has admitted in various public meetings, to show 'important stakeholders' (read: the Trump administration in the US) that the UN is capable of responding to suggestions that is 'not effective, wastes money, [is] not delivering, and [is] unable to stop conflicts.' As the Secretary-General admitted during a July 2017 'Town hall' meeting to introduce some of his proposals: 'reform at the present moment

is an essential instrument for the protection of the UN in a complex context.'

The Secretary-General has also been very clear about his approach to reform: that it should be guided by the need to reduce and eventually eliminate 'the horizontal and vertical fragmentation between the pillars of UN work' (e.g. between the UN's 'peace architecture' covering prevention, conflict resolution, peacekeeping, peace-building, and the UN's 'long-term development' work). Instead, the UN should deliver a country-orientated service, which understands that, for example, sustainable development and capacity building are essential prerequisites for building national resilience and preventing conflicts.

Thus far, he has focused, in particular, on reforms across three areas: UN management (Secretariat); the development system; and the UN's peace and security architecture. The Secretary-General assigned three 'different internal review teams working together' to lead on each of these areas of reform. Proposals are now being taken forward with State delegations in New York.

Management reform

According to the Secretary-General, his management reforms are based on the premise that the UN Secretariat must be better organised and thus 'better able to deliver on our mandate.' Central to this is the idea that the current highly centralised management system (developed in the 1940s and 50s) must be reformed to better reflect the modern reality of the field-based UN: 'that's where we do what we do, and where 2/3 of our staff work.' Those reforms should aim to promote decentralisation, provide greater management flexibility for the Secretary-General, and create a Secretariat for a '21st century UN' that is 'nimble and effective' and that works with high levels of 'transparency and accountability.'

In July 2017, the Secretary-General held a 'Town hall' meeting with UN staff to introduce the key parameters of his management reform plans.

He explained that his reforms are based on the concept of two contracts:

A contract between the Secretary-General, department managers, and structures in the field. He envisions a 'massive' delegation of authority to the field, with a condition of transparency and accountability. This transfer will require preliminary testing and capacity building. He aims for an effective decentralisation of the Secretary-General's responsibilities, in order to take resource management decisions more quickly.

A contract with UN Members States, who over the years have developed a system of micromanagement through the GA and the Fifth Committee. He currently can't move a post between duty stations or between services without going through the Advisory Committee in Administrative and Budgetary Questions (ACABQ) and the Fifth Committee. Mr Guterres will thus ask States for more freedom with some rules (e.g. no transfer of resources between pillars, concerns of regional diversity, plus transparency and accountability mechanisms).

To achieve this, he informed colleagues that he would propose to Member States to restructure the Secretariat into two broad departments:

- One charged with policy, compliance, governance, and oversight. This would define the rules, manage the global budget, coordinate the delegation of authority, and ensures oversight.

- Another charged with operational support services, focused on the on-the-ground deliver of the UN's mandate. This decentralisation would aim to ensure the efficient implementation of UN policy without having to constantly refer back to UN headquarters.

In terms of next steps, the Secretary-General explained that he would continue to consult widely on his proposals, with States and with UN staff, and would submit an 'initial strategic document (a proof of concept)' to the General Assembly later in 2017. Afterwards he would submit a 'detailed and costed breakdown' of each aspect of the reform package to the GA. He expressed his hope 'to have the whole new system in place by 1 January 2019.'

Development system

Regarding reform of the UN's development system, Mr Guterres has called for 'bold changes' in order to support the realisation of the Sustainable Development Goals by 2030. In July 2017, he presented a report to the UN's Economic and Social Council (ECOSOC) on 'Repositioning the UN development system to deliver on the 2030 Agenda – Ensuring a Better Future for All,' in which he presented some initial priorities, strategic guidelines and proposals for reform.

His proposals included, *inter alia*:

- Assigning Deputy Secretary-General Amina Mohammed to oversee the UN Development Group (UNDG) and lead a steering committee to strengthen coherence between the UN's humanitarian and development sectors.
- Enhancing the effectiveness of UN Country Teams (UNCTs) and 'delinking' the functions of UN Resident Coordinators (RCs) from the UN Development Program (UNDP). This important proposal responds to the long-standing criticism of the UN Resident Coordinator system: that RCs have come to be seen – and often to act – solely as representatives of the UN's development pillar and of UNDP, rather than representatives of the UN as a whole and of the Secretary-General.
- Decreasing the number of country-level offices, while strengthening the UN's regional offices.
- Reviewing the funding process and progressively improving donor State oversight.
- It is important – and interesting – to note that few, if any, of these ideas are entirely new. Many of them (e.g. the replacement of dispersed national offices with strong regional bureaus, decentralisation to county-level) can be found, for example, in the famous 1969 'Capacity Study of the United Nations Development System' – sometimes referred to as the 'bible of UN reform.'

In February 2018, the Permanent Representatives of Algeria and Denmark

were appointed to lead intergovernmental consultations on the 'repositioning' of the UN development system. In March, an outline of a draft GA resolution on 'Repositioning' was circulated by the co-facilitators. Presenting the draft, the Permanent Representative of Denmark noted important areas of convergence in discussions thus-far, including on: the strengthened role of UN Country Teams and Resident Coordinators, paired with improved alignment at UN headquarters; the role of partnerships; and the essential role of funding in ensuring a cohesive UN development system.

Peace and security architecture

On 13 October 2017, the Secretary-General presented a report to the GA on 'Restructuring of the United Nations peace and security pillar,' containing his initial reform proposals. In the report, Mr Guterres acknowledges that 'today's peace and security challenges and the shortcomings of the Organisation that have been identified in a number of reviews and studies' call for 'adjustments to the architecture and working methods of the peace and security pillar of the Secretariat, with a view to enhancing the effectiveness of the pillar by reducing the fragmentation of efforts and ensuring a more joined up, whole-of-pillar approach to the delivery of mandates and stronger cross-pillar cooperation.'

The report describes the basic goals and underlying principles of his reform, and presents important proposals to restructure the Department of Political Affairs, the Department of Peacekeeping Operations, and the Peace-building Support Office, and to promote a change in the UN's 'working culture.'

The Secretary-General makes clear in his report that these are initial (fairly broad) proposals and that 'should the GA support the concept and the outlines of the reform, another report providing further details on the proposal, including its full financial implications, will be submitted.'

Regarding the overarching goals of the proposed reforms, the Secretary-General notes his wish to: prioritise prevention and sustaining peace; enhance the effectiveness and coherence of peacekeeping operations and special political missions; make the peace and security pillar more coherent,

nimble and effective through a 'whole-of-pillar' approach; and align the peace and security pillar more closely with the development and human rights pillars.

The proposals include five main elements:

- The creation of a Department of Political and Peace-building Affairs and a Department of Peace Operations.
- The creation of a single political-operational structure under Assistant Secretaries-General with regional responsibilities, reporting to the Under-Secretaries-General for Political and Peace-building Affairs and for Peace Operations.
- The establishment of a Standing Principals' Group of the Under-Secretaries-General for Political and Peace-building Affairs and for Peace Operations, under the Secretary-General's chairmanship.
- The enhancement of certain priority areas to ensure coherence and coordination across the peace and security pillar.
- The introduction of several non-structural changes in the way the peace and security pillar works on a daily basis.

In January 2018, the Secretary-General published a report on 'Peace-building and sustaining peace,' building on GA resolution 70/262 and Security Council resolution 2282 (2016). According to the report: 'an important breakthrough in the twin resolutions was the recognition that efforts to sustain peace were necessary not only once conflict had broken out but also long beforehand, through the prevention of conflict and addressing its root causes.' 'In the resolutions,' continued the Secretary-General, 'it was recognized that the international community must redouble its efforts to support Member States in preventing crises that exact such unacceptable and growing human and financial tolls.'

The Secretary-General's report provides an update on the progress made in the implementation of the resolutions and contains specific recommendations to address existing gaps. His stated aim is 'to forge a common vision and common systems and capacities across the UN to consistently and adequately support States in their endeavour to sustain

peace and build resilient and prosperous nations in line with their commitments to leave no one behind.'

A review of the Secretary-General's report reveals significant overlap and complementarity with the Human Right Council's emerging prevention agenda. Indeed, the report mentions 'human rights' a total of 17 times.

On the basis of the report, on 24-25 April in New York the President of the GA convened a high-level meeting on sustaining peace. It concluded with the adoption of a resolution on 'follow-up on the Secretary General's Report on Peace-building and Sustaining Peace.'

Human rights?

It has been widely claimed by commentators that the human rights pillar is – explicitly at least - notably absent from the Secretary-General's overall reform agenda. This omission may of course reflect a belief, on the part of the Secretary-General, that the human rights pillar is working perfectly and thus does not need to be reformed/improved – although this would appear unlikely. Or it may mean that the human rights pillar – and indeed the concept of human rights itself – is not viewed as a priority by the Secretary-General, or is seen as being too 'difficult' or 'State-sensitive' to be included in his reform plans. A third possibility – and the one promoted by the Secretary-General's team - is that human rights are included / covered by the reforms, but implicitly, within each of the three reform 'baskets'.

Whichever of these is closest to the truth, it is clear that human rights must be central to the Secretary-General's reforms, if those reforms are to succeed.

As already noted, the Secretary-General's reforms are premised on the need to reduce and eventually eliminate 'the horizontal and vertical fragmentation between the pillars of UN work.' However, when spelling out what that means in practice, the Secretary-General (e.g. in his speech to the Town hall event with staff) often speaks of eliminating barriers between the 'UN's peace architecture' (i.e. its peace and security pillar) and its 'long-term

development' work (i.e. its development pillar). The problem is, if human rights are side-lined, the Secretary-General would be *de facto* making the achievement of his headline objectives – greater UN-wide coherence, especially at country-level, a heightened focus on prevention, a consistent drive the support the implementation of the 2030 Agenda for Sustainable Development – practically impossible. Prevention (in its broad sense) is simply impossible without a focus on building the domestic human rights resilience of States (e.g. through human rights capacity-building), and without a UN human rights system that is able to rapidly collate, analyse, and act upon early warning information about emerging patterns of human rights violations. Likewise with sustainable development, a recent study by the Danish Institute for Human Rights has shown that over 90% of the SDG targets are directly anchored in international human rights instruments and heavily dependent on domestic human rights progress (i.e. progress with the implementation of States' human rights obligations).