



U.N. REFORM WATCH no. 18

Analyses from Associates of CENTER FOR U.N. REFORM EDUCATION

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SLUGGISH PROGRESS ON U.N. MANDATE REVIEW

by Irene Martinetti

16 August 2006

Within the framework of the World Summit of September 2005, United Nations' Member States decided that in order to strengthen the U.N. and update its program of work, the General Assembly (GA) and other relevant organs should initiate a review process of all U.N. mandates older than five years. The review is meant to identify and address problems such as the uncoordinated mass of reports usually required by Member States from the Secretariat, the increasing overlap of mandates from different organs undertaking similar issues, the lack of guidance on how to manage older mandates when newer ones address the same issues as well as the lack of information on the outcomes achieved by resources already invested. Moreover, the lack of an intergovernmental organ and a coherent system in place to analyze the effectiveness of the implementation of mandates contribute to the often lamented inefficiency of the U.N.

An important objective of the review is to ensure that all mandates reflect contemporary needs by building a system capable of constantly reviewing and consolidating older mandates that no longer satisfy Member States' priorities with newer and more effective ones. In the Secretary General's vision, creating such a system should make it easier for Member States to oversee the organization and finally make the U.N. truly accountable to its members.

To this end, the Secretary General's report, "Mandating and delivering: analysis and recommendations to facilitate the review of mandates," published in March 2006 provides a general structure for Member States to use for the mandate review.¹ But the gargantuan task of reviewing the mandates is made more arduous by the fact that there is no clear legal definition of what is to be considered a "mandate." As a general notion, legislative mandates are intended to express the will of Member States and grant authority and responsibility to the Secretary General to implement Member States' requests. There are both conceptual mandates (e.g. articulating new international norms) and specific mandates (e.g. requesting specific operations or reports). A working definition formulated by the Secretary General identifies a mandate as a "request for action by the Secretariat or other implementing entities that derives from a resolution of the General Assembly or one of the other relevant organs."²

About 7000 mandates older than five years have been put forward for review by the Secretariat – those older than five years, both renewed and non-renewed, and issued by the principal organs of the U.N.: GA, Security Council and Economic and Social Council (ECOSOC). The number increases to 9000 if also mandates approved within the last five years are included.

The mandate review exercise has become one of the most contentious among the management reform efforts called for by the World Summit of 2005. To begin with, the wording of Resolution A/RES/60/1 adopted at the World Summit, which provides the legal



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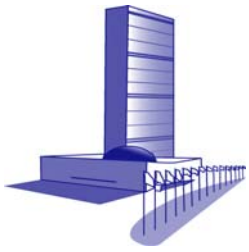
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basis for the reform: "...the General Assembly and other relevant organs will review all mandates older than five years originating from resolutions of the General Assembly and other organs..."³ has given rise to diverging interpretations on the scope of the exercise, thus generating conflict between various groups of Member States. According to the Group of 77 (G77)⁴ and China, the Resolution authorizes only the review of mandates older than five years that have not been renewed.⁵ On the other hand, the US, Japan and the EU interpret it to mean a review of all mandates older than five years, both renewed and non-renewed. Furthermore, the G77 and the Non-Aligned Movement (NAM) contend that the GA resolution calling for the current mandate review only provides for a one-time exercise; consequently they would only accept further review exercises under the request of a new High Level resolution from the General Assembly. As a result of these disagreements and the subsequent lack of progress, the US has expressed its strong dissatisfaction with the mandate review process.⁶ Finally, after having reached agreement to begin the review with non-renewed mandates older than five years, the review process started in June.

In order to facilitate the review, an *ad hoc* Informal Working Group on Mandate Review, currently co-chaired by H.E. Mr. Munir Akram, Ambassador of Pakistan and H.E. Mr. David Cooney, Ambassador of Ireland, has been meeting on a weekly basis since the month of June.⁷ Thus far, the group has been working on those mandates that are older than five years, non-renewed; and issued only by the GA – a total of 399 mandates, representing about 4% of the total number of mandates.⁸

The divergence of opinions on what mandates should be subject to review is only one of the numerous difficulties encountered by the Member States. There is no general agreement on what guiding principles should be followed for the review and no common ground on the scope of the exercise. Without reaching agreement on these matters, the review cannot but continue at a disappointingly lengthy pace. Informal high level consultations are ongoing between interested parties with the objective of resolving their fundamental disagreements on the scope and process to be utilized.

Furthermore, there is a fundamental lack of trust between various groups of Member States. The G77 fears that the review is being pushed by the US, Japan and the EU as an exercise directed to eliminate a great number of mandates and cut costs, to the detriment of the developing countries. In order to build up the confidence of all Member States in the process, enabling the review to expand beyond the current 7% that includes only non-renewed mandates older than five years, issued by the GA, ECOSOC and Security Council, the US and its allies will need to provide more assurances that their prime motivation is to improve the effectiveness of the U.N. and provide for better implementation of mandates rather than to cut costs by eliminating mandates. One way to improve confidence, as pointed out by the G77 and China, would be to agree to identify which mandates need more resources to be allocated for better implementation of their activities, rather than just eliminating or consolidating older mandates with newer and more efficient ones.⁹



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The lack of adequate information on the mandates further exacerbates this already difficult review process. Member States are not analyzing the mandates on an individual basis, but according to a list provided by the Secretariat. Because the exercise involves the reviewing of mandates covered by multiple agencies worldwide, the information on the amount and effectiveness of resources currently allocated to each mandate is difficult and slow to gather. As a result, the Secretariat updates the Mandate Registry continuously and every time the Member States pronounce themselves on a list of mandates, they find the list has already changed.¹⁰

Another issue causing great controversy is the lack of agreement on how to use eventual savings in resources from the process of consolidating mandates. The G77 and China, as established at the Putrajaya Ministerial meeting in May 2006, maintain that these resources should be redirected to activities of the organization in the area of development. The US instead insists that these resources could be employed in different areas of the U.N., for example to finance the reform of the Secretariat.¹¹ Still other Member States contend that the savings should remain in their area of pertinence (e.g. savings from peacekeeping mandates should be deployed for other peacekeeping related activities).

Lastly, no agreement has yet been reached on how to deal with mandates deemed politically sensitive. The developing countries and other concerned parties want the assurance that they will have the last word when deciding on such mandates. However, to this day there is only assurance that politically sensitive mandates will be handled at the end of the exercise with the utmost consideration.

It seems obvious that the Mandate Review will not be completed by December 2006, as had been envisioned in the World Summit Outcome Document. To date, out of the 399 non-renewed mandates older than five years to be examined, only 69 have been agreed by all Member States to be completed and put aside.¹² There is also a series of “no indication mandates” (20) for which the Secretariat has still not been able to provide enough information.

All other mandates have been categorized either as “implemented in progress,” (103) “non applicable,” (31) and “founding or founding related.”¹³ Most of the founding and founding related mandates are part of the figure of 245 mandates designated as completed by the Secretariat, as of July 31st. However, the G77 and NAM maintain that some of the founding mandates are inefficient and thus should be reaffirmed rather than considered completed; otherwise the scope of the exercise would be null. On the other hand, the US and the EU would like to simply set them aside without further reaffirming them. In addition, aside from the “no indication mandates,” an additional 13 mandates belonging to the category of “implemented in progress” have not yet been agreed upon because the Secretariat is expected to provide more information on allocated resources and effectiveness.

When the Informal Working Group resumes its work during the week of August 24th, after a suspension of three weeks, the Member States will be asked to pronounce themselves on all



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those mandates that remain pending. Until these are agreed upon, the exercise cannot move onto the next phase.

Phase 2 is supposed to go beyond mandates older than five years and non-renewed to also review all mandates older than five years and renewed. The initiation of Phase 2 will depend upon the willingness of the G77 and NAM to take the process to the next level, which ultimately will depend upon the ability and political will of the G77, NAM, US and the EU, to reach agreement on basic guiding principles. The feeling is that if agreement on guiding principles is reached, then there will be a good chance for the mandate review exercise to go beyond the five years old/non renewed mandates threshold.

If Phase 2 will indeed be initiated, the process of examining all the remaining recurring mandates will entail an enormous challenge for the Secretariat: it will have to provide all the necessary information to Member States on each mandate on the ground worldwide so that they can evaluate their qualitative effectiveness. Because of this challenge for the Secretariat, Phase 2 will prove to be an extremely time-consuming exercise, certainly impossible to complete by December 2006.

¹ "Mandating and delivering: analysis and recommendations to facilitate the review of Mandates," Report of the Secretary-General, A/60/733, 30 March 2006.

² "Mandating and delivering: analysis and recommendations to facilitate the review of Mandates," Report of the Secretary-General, A/60/733, 30 March 2006.

³ Resolution adopted by the General Assembly, 2005 World Summit Outcome, A/RES/60/1, 24 October 2005.

⁴ The Group of 77 is a coalition of 132 Member States.

⁵ "Statement delivered by Ambassador Dumisani A. Kumalo, Permanent Representative of the Republic of South Africa to the United Nations and Chairman of the Group of 77, at the meeting of the Informal Working Group of the Plenary on Secretariat and Management Reform: Review of Mandates older than Five Years," New York, 15 February 2006.

⁶ "Statement of Mark D. Wallace United States Representative for U.N. Management and Reform Informal Plenary on Mandate Review," June 14 2006.

⁷ The Informal Working Group on Mandate Review has been established by the Informal Plenary on Mandate Review on June 22nd to work expressly on the older than five years and not renewed portion of the mandates. "Mandate Review Co-Chairs Interim Report," 27 June 2006.

⁸ The figure of 7% often used relates to all mandates, older than five years and not renewed, issued by the three principal organs of the UN: GA, ECOSOC and the Security Council. "Preliminary Draft GA Mandates older than 5 Years and not renewed since," Document issued by the Co-Chairs of the Mandate Review Working Group, H.E. Ambassador Munir Akram of Pakistan and H.E. Ambassador Allan Rock of Canada, 21 June 2006.

⁹ "Statement adopted by the Special Ministerial Meeting of the Group of 77 and China," Putrajaya, Malaysia, 29 May 2006.

¹⁰ The Secretariat has compiled all the mandates in a Mandate Registry. The Mandate Registry is an online tool (<http://webapps01.un.org/mandatereview/searchStart.do>) that allows to search for mandates on an organ (GA, ECOSOC, Security Council), status (older than five year and non-renewed, older than five years and renewed, newer than five years) or issue area basis (e.g. maintenance of international peace and security, development of Africa, promotion of human rights, etc...).

¹¹ "Statement by Ambassador Mark D. Wallace United States Representative for U.N. Management and Reform on 'Investing in the U.N.: For a Stronger Organization Worldwide: Detailed Report,'" in the General Assembly, July 7 2006

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¹² According to the Secretariat's list, as of July 31st, the completed mandates amount to 245. These 69 mandates are not founding or founding-related.

¹³ See table

GLOSSARY

COMPLETED MANDATES:

Mandates that have been acted upon, implemented and completed. Namely, mandates for which no financial resources or staff are allocated. Classifying a mandate as "completed" does not eliminate the mandate legally and does not entail any operational consequences. Completed mandates include a great part of the "founding" and "founding related mandates."

FOUNDING AND FOUNDING RELATED MANDATES:

Mandates that create an entity (e.g. specify or amend the structure and functions of established entities or create new functions within an office). Founding mandates representing one-time tasks or events are generally classified as completed. However, if the establishment of the entity is completed but there are still ongoing activities, founding mandates fall under the category of implemented in progress.

IMPLEMENTED IN PROGRESS MANDATES:

Mandates which have been acted upon and for which implementation is ongoing

NON APPLICABLE MANDATES:

Mandates that call for action by entities other than the UN system, (e.g. NGOs, Member States)

NO INDICATION MANDATES:

Mandates for which it has been impossible yet to recollect the necessary amount of information on their status of implementation

RECURRENT MANDATES:

Mandates that call for recurrent action (e.g. reporting to the GA annually or tracking process of a situation with no end date stated). They may not appear in future resolutions but remain ongoing.