

TO: Members of the Policy Committee
A: Participants at the 11 September Policy Committee meeting
(see distribution list)

DATE: 11 September 2012

REFERENCE:

THROUGH:
S/C DE:

FROM: The Secretary-General
DE:



SUBJECT: Decisions of the Secretary-General – 11 September meeting of the Policy Committee
OBJET:

Unrestricted

Decision No.2012/13 – Rule of law Arrangements

(i) In order to enhance the predictability, coherence, accountability and effectiveness in our delivery in the rule of law at country and international levels, and to ensure that this delivery is fully grounded in international law, including the UN Charter and relevant UN normative frameworks and standards, Decision No. 2006/47 and the arrangements set out therein should be replaced by the institutional arrangements set out below.

Country level arrangements

(ii) The senior UN official in-country – Special Representatives or Executive Representatives of the Secretary-General or, in non-mission settings, Resident Coordinators – should be responsible and accountable for guiding and overseeing UN rule of law strategies, for resolving political obstacles and for coordinating UN country support on the rule of law, without prejudice to the specialised roles and specific mandates of UN entities in-country. They should focus on effectiveness and results and bear in mind Decision 2011/27(ii) on joint programming as well as Decisions 2005/24 and 2008/18 on integration. These responsibilities should be reflected in the senior officials' respective compacts with the Secretary-General or other performance objectives and processes, and should be fulfilled in consultation with the UN Country Team, as appropriate. **(Action: Special and Executive Representatives of the Secretary-General, Resident Coordinators, UN Country Teams)**

(iii) UN entities working at country level should be responsible and accountable for the provision of technical advice related to the rule of law and the technical design and implementation of rule of law related programmes. They should continue their dialogue with national authorities in accordance with their mandates and specialised roles, within the overall strategic approach overseen by the senior official in-country. UN entities working at country level should keep the senior official in-country informed of their dialogue with national authorities and should fully participate in relevant assessment, planning and coordination processes, and in implementing relevant guidance of the senior official. Members of the Rule of Law Coordination and Resource Group (RoLCRG) should explore ways to incorporate these responsibilities into the performance management of their country directors. **(Action:RoLCRG Members and other UN entities working at country level)**

Headquarters' support to UN country-level rule of law assistance

(iv) DPKO and UNDP should assume the responsibilities of Global Focal Point (GFP) for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations as set out in Annex I. DPKO and UNDP should be held accountable for delivering on the responsibilities set out in Annex I through the compacts of the Under-Secretary-General for DPKO and the Administrator for UNDP with the Secretary-General. DPKO and UNDP should develop an annual work plan for the GFP and keep the RoLCRG apprised of its development and delivery. Other RoLCRG entities with a role in police, justice and corrections in post-conflict and other crisis situations should consider co-locating staff with the GFP where possible and appropriate. The Chair of the Civilian Capacities Steering Committee and the Civilian Capacities Team should continue to support the GFP, as requested, including by providing advice, in particular on issues of budgeting and fundraising. **(Action: DPKO, UNDP, RoLCRG Members, Civilian Capacities Team)**

(v) In responding to country-level requests for assistance in the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations, the GFP should consult with other relevant RoLCRG entities, in accordance with their specialised roles and specific mandates, to ensure system-wide coherence. The GFP can call upon and convene meetings of relevant members of the RoLCRG and other entities, as necessary, to address country-level requests of system-wide relevance. RoLCRG members should cooperate with the GFP in responding to country-level requests. **(Action: GFP in consultation with RoLCRG Members)**

(vi) The response by any other RoLCRG entity to country level requests for specialised advice in the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations should be addressed by the entity receiving the request, engaging any other relevant RoLCRG entities and in coordination with the GFP as appropriate, to ensure system wide coherence. **(Action: RoLCRG Members)**

(vii) The response from any RoLCRG entity to UN country-level requests for assistance outside the scope of the responsibilities of the GFP should be coordinated by the entity receiving the request with the other RoLCRG entities, as appropriate, to ensure system wide coherence. The Rule of Law Unit should be available to support this coordination. **(Action: RoLCRG Members, Rule of Law Unit)**

Rule of law at the international level

(viii) OLA, OHCHR and UNODC, in consultation with all other relevant RoLCRG entities and with the assistance of the Rule of Law Unit, should convene meetings of the RoLCRG in order to discuss trends and challenges in the application of the rule of law at the international level, with a view to strengthening the Organization's institutional response and its dialogue with Member States in this respect. Such meetings should also provide an opportunity to discuss thematic and country level issues affecting the implementation of international law, standards and norms. **(Action: OLA, OHCHR, UNODC, Rule of Law Unit)**

The Rule of Law Coordination and Resource Group (RoLCRG)

(ix) The revised Terms of Reference and composition of the RoLCRG set out in Annex II should be endorsed and go into immediate effect. The Deputy Secretary-General (DSG) should preside over the RoLCRG, chair its meetings at executive level and lead the UN system as a whole on matters related to the rule of law, as well as being the primary interlocutor with Member States and other external actors on strategic issues of system-wide relevance. The DSG and the RoLCRG should be supported by the Rule of Law Unit. **(Action: RoLCRG Members, DSG, Rule of Law Unit)**

One-year review

(x) The RoLCRG should commence a review of the implementation of this Decision within one year, with a view to strengthening these arrangements. **(Action: RoLCRG Members, Rule of Law Unit)**

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Cc: Deputy Secretary-General

Ms. Malcorra

Mr. Ladsous

Mr. Feltman

Mr. Launsky-Tieffenthal

Ms. Amos

Ms. Clark

Mr. Wu

Ms. O'Brien

Ms. Pillay

Ms. Bachelet

Ms. Kane

Ms. Haq

Mr. Fedetov

Mr. Guterres

Mr. Lake

Ms. Cheng-Hopkins

Annex I: Rule of law global focal point arrangements
[as agreed by Civcap Steering Committee on 4 June 2012]

The rule of law (specifically police, justice and corrections) was considered by the Civcap Steering Committee to be the most urgent operational area to apply new global focal point arrangements, due to high demand for the UN's services in this area from Member States and a broad perception that the existing arrangements have failed to bring the necessary clarity, capacity and accountability to delivery of support in this critical area. EOSG has noted that it would be desirable if the Secretary-General were able to present agreed focal point arrangements for the rule of law before the High Level meeting of the General Assembly on the rule of law in September 2012.

The Civcap team reviewed nine options to strengthen the UN's organisational arrangement to support police, justice and corrections, three in more detail: a working paper on this issue was discussed by the Civcap Working Group (available to the Civcap Steering Committee). Due to the potential to bring together complementary capacities and increase accountability for the HQ response, and hence improve delivery on the ground, the Steering Committee has agreed that DPKO and UNDP should assume joint responsibility as Global Focal Point (GFP) for justice, police and corrections in post-conflict and other crisis situations.

Key elements

- DPKO and UNDP should be responsible and accountable for responding to country-level requests, channelled through UN entities on the ground, with timely and quality police, justice and corrections assistance in terms of global knowledge, people, and advice on assessments, planning, funding and partnerships. They should also commit to transparent country-driven measurement of this service.
- Co-location is key to the arrangement. Co-located staff from BCPR-RoL, OROLSI Criminal Law and Judicial Advisory Service and Police Division (PD) staff constitute the GFP technical capacity, with staff continuing to report to existing management and a management system of their ASGs and periodic meetings chaired by the USGs completing the GFP arrangements. Preliminary interest has been expressed by OHCHR and UNODC in coordinating regarding co-location possibilities.
- HQ co-location is, wherever possible, to be mirrored by co-location in the field.
- DPKO and UNDP should be responsible for linking up with all relevant UN entities and their rule of law capacities in order to provide coordinated support, with particular attention to UNODC and OHCHR given that the importance of operational support and evaluation of progress of the criminal justice system in their mandates, as well as to the specialised roles of agencies such as UNICEF, UN Women (in relation to gender expertise) and UNHCR.
- The arrangement should cover PKOs, SPMs and priority non-mission conflict-affected countries, responding to field requests and priorities.
- DPKO and UNDP should develop a joint workplan and financing approach to Member States and should ensure that rule of law is appropriately reflected as a strategic priority in DPKO and UNDP strategic or business plans and budgets, with approval of their governing authorities where appropriate.
- Review of GFP arrangement after one year to assess progress.

Annex II: Rule of Law Coordination and Resource Group (RoLCRG)**Terms of Reference**

- The RoLCRG should be composed of DPA, DPKO, OHCHR, OLA, UNDP, UNHCR, UNICEF, UNODC, and UN Women. On the basis of agreed criteria, RoLCRG should also consider inclusion of OCHA, DESA, SRSB for sexual violence in conflict, UN Habitat, UNOPS, PBSO and other relevant UN entities. The World Bank should also be invited to join.
- The RoLCRG should be supported in all of its activities by the Rule of Law Unit (RoLU).
- The DSG should convene and chair periodic meetings of the Executive Heads of the RoLCRG to discuss strategic challenges, agree on broad, system-wide directions and external messages for Member States and to ensure a strategic approach by the Organization on the rule of law.
- The RoLU should periodically convene meetings of the RoLCRG members to discuss rule of law developments and efforts, and to share information on issues of system-wide relevance.
- Any RoLCRG entity and the RoLU can convene a meeting of the RoLCRG in order to coordinate any strategic issue or policy of system-wide relevance. The RoLCRG entity or the GFP requesting the meeting should prepare the agenda for discussion and chair the meetings. They may seek the assistance of the RoLU to support the meeting.
- RoLCRG should support the promotion of rule of law at the international level. In this respect, OLA, OHCHR and UNODC, in consultation with all other relevant RoLCRG entities and with the assistance of the RoLU, should convene meetings of the RoLCRG in order to discuss trends and challenges in the application of the rule of law at the international level, with a view to strengthening the Organization's institutional response and its dialogue with Member States in this respect. Such meetings should also provide an opportunity to discuss thematic and country level issues affecting the implementation of international law, standards and norms. Where relevant, OLA, OHCHR and UNODC should include the GFP in discussion of thematic issues and implementation of international law related to country level support.
- The RoLCRG should work to ensure overall strategic coordination across the rule of law by taking into account the work of the different task forces and other coordination mechanisms related to the rule of law, such as the Inter-agency SSR Task Force, the Inter-agency DDR Working Group, the UN System Task Force on Transnational Organized Crime and Drug Trafficking, the Inter-agency Panel on Juvenile Justice as well as any institutional arrangements relating to constitution-making, currently under review in the RoLCRG and in the CivCap. The RoLCRG should work to strengthen coordination between the RoLCRG and these mechanisms, as well as with any relevant humanitarian arrangements, such as the Inter-Agency Standing Committee (IASC), bearing in mind OCHA's role as convener of the IASC.
- The RoLCRG should maintain a clearinghouse of information about who in the UN system provides what rule of law assistance as an information resource for those inside and outside the UN system.
- The RoLCRG should act as a repository for UN system rule of law materials and best practices, including the identification and endorsement of core rule of law material, and should establish and manage web resources, in consultation with all RoLCRG entities and the GFP.
- The RoLCRG should mobilize resources for UN rule of law activities.