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United Nations Nations Unies

INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

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AUG 14 2012
12-07557
EXECUTIVE OFFICE
OF THE SECRETARY-GENERAL

TO: The Deputy Secretary-General
A:

DATE: 13 August 2012

REFERENCE:

THROUGH:
S/C DE:

FROM: Stephen Mathias SM
DE: Assistant Secretary-General
in charge of the Office of Legal Affairs

SUBJECT: **Policy Committee's review of rule of law arrangements**
OBJET:

1. I refer to your memorandum dated 27 July 2012 concerning revisions to the institutional arrangements on rule of law. The discussion note attached to the memorandum suggests, among other things, the creation of a system of Global Focal Points (GFP) for rule of law at the national and international levels. Specifically, DPKO and UNDP would be designated as the GFPs for rule of law at the national level, and OLA and OHCHR would be the GFPs for rule of law at the international level. Our comments are limited to rule of law at the international level only.

2. The initial discussion of the proposal at the joint meeting of the Rule of Law Coordination and Resource Group (RoLCRG) and the Civilian Capacities Working Group on 2 August 2012 was extremely helpful. From the note and the discussion, OLA understands that one of the purposes of the proposal is to enable the Organization to speak and react with one voice on issues raised by Member States in relation to the rule of law at the international level.

3. OLA fully supports efforts to strengthen the rule of law arrangements in the UN system, while bearing in mind the principles of simplification and consolidation as suggested by the discussion note. We believe that it is essential to enhance coherence, coordination and cooperation in the rule of law field. In this connection, the non-exclusive lead entity system established by Policy Committee decision 2006/47 should be revised in order to ensure more clarity and accountability.

4. However, we would suggest that a revised system should not prejudice the existing mandates of the various departments. It should not constrain the ability of departments to carry out their functions efficiently by requiring prior coordination and consultation that is not operationally necessary. Ideally, it should also not overburden departments, which are already stretched because they have to deliver more with less human and financial resources. Further, a revised system should not lead to the creation of new mechanisms outside of the RoLCRG and the duplication of activities, but should instead enhance the effectiveness of the RoLCRG and streamline its operations.

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5. A significant amount of discussion has taken place regarding new institutional arrangements for rule of law at the national level, resulting in the proposed designation of GFPs. As far as we are aware, there has not been any discussion in relation to rule of law at the international level. In principle, we are not convinced that a similar system is necessary for rule of law at the international level, considering that it involves fewer issues and a limited number of entities. A less formal arrangement may well be more appropriate.

6. If, nevertheless, the GFP system is to be introduced for rule of law at the international level, we would suggest that it should be lighter, with no co-location, joint work plans, and joint reporting. In addition, when preparing the detailed proposal to the Policy Committee, the following issues should be considered thoroughly: (a) the designation of GFP(s); (b) coordination amongst the GFPs, if there is more than one GFP; (c) the respective responsibilities of the GFP(s) and non-GFPs; and (d) the relationship and coordination arrangements between GFP(s) and non-GFP entities involved in the issues falling within the responsibility of the GFP(s).

7. OLA stands ready to contribute to further discussions on this subject of great importance to the United Nations.