



HOW TO REFORM THE UNITED NATIONS

Matthew Parish

Organizations are not as efficient as individuals. Individuals know what they want. Organizations, which are ultimately composed of nothing more than individuals, may have many different things that they want. On occasion, each person in an organization may have their own agenda. This creates inefficiencies, as individual preferences conflict and people compete politically for influence. In a private company, this inefficiency problem may be disciplined by the appointment of management by owners to pursue profit. If management do not succeed in achieving the owners' goals of achieving profit, they are removed and replaced with people who will. In public organisations, this are not so straightforward. The problem of disciplining inefficiency is more complex, because the goal of the organisation may not be obvious, even if it is enshrined in statute. Its "owners" - that is to say, the general public or that subsection of the general public the organisation is ostensibly designed to serve - may not all have co-aligned ideas of what the organisation is supposed to do.

In the face of these competing mandates, the managers may take advantage of a risk of indirection and pursue their own self-interests, which are more likely to be seizure of public funds as budget; development of a bureaucracy of sub-managers over whom they exercise dominion; and creation of rules and procedures that institutionalise their seizure of influence. Harmful conduct of this nature is ultimately disciplined in approximately democratic societies by elections. If public organisations become too inflated and inexact in their mandates, then electors remove politicians with authority over the organisations and replace them with those who pursue a less inefficient agenda. Elections as a form of inefficiency discipline are necessarily imperfect (as with all institutional life), but the logical direction of political economy is clear.

Yet for international organisations, the requisite elections are so few and far between, and the electors so divorced from the funds they are spending, that the use of elections as a form of inefficiency discipline becomes too tenuous. Domestic administrators, already at risk of engagement in the rent-seeking politics of taking advantage of public sector inefficiencies, are also the electorate supposed to discipline the international organization. Hence domestic administrators with a conceivable incentive to inflate budgets and staff might be inclined to elect international bureaucrats with an incentive to do much the same thing.

In theory domestic electorates could come to the rescue, voting out the domestic administrators who elect the international administrators. But such a model of institutional discipline falls foul of two false premises. The first is the assumption that all domestic administrators in the election of the international organisation's bureaucrats are themselves subject to electoral discipline. In circumstances where a plurality, if not a majority, of international organisation member states are imperfectly democratic, that axiom is bound to fail. The second such premise is the assumption that domestic electorates, even in more perfect democracies, actually care. They may take the view that the operation of international organisations is so remote from their day-to-day lives that they are simply not prepared to exercise their voting preferences based upon such concerns.

Yet there is another way of disciplining the inefficiencies inherent in all public organisations, namely institutions of internal accountability. As Secretary General-elect Guterres has personally

emphasised, he must maintain unwavering commitment to transparency, accountability and oversight, standing firmly for the reputation of the United Nations and its dedicated staff and imposing the highest ethical standards upon all UN employees.

Legal accountability is the most effective way of disciplining any organisation, by reference to a series of standards set out in legal rules and an independent judiciary responsible for enforcing those rules through a series of orders of compensation, restitution and other penalties in the event of clear wrongdoing. The UN Dispute Tribunal undertakes admirable work in this regard, holding staff and managers alike to the standards the Secretary General-elect personally expects of all United Nations officials. Yet there is always more that can be done. The manifest gaps in gender equality and regional diversity within the UN structure show that the legal mechanisms in place are not incentivising apportionments in accordance with the equities inherent in the 1945 Charter to the requisite degree. Hence they must be strengthened.

I would like to give just three anecdotal examples of instances where lacunae remain, and might easily be resolved, just by simple modifications to the United Nations' current internal legal structure. Person A served as a Senior Director to the Executive Head of a major United Nations agency. Concerned about ethical conduct on the part of the agency in question, she was effectively sidelined and forced to resign, thereby being moved to another specialist agency albeit on a temporary contract that was subsequently not renewed. She was penalised for being a whistleblower. No contemporary corporate structure countenances retaliation for revelation of wrongdoing. The United Nations must have a system in which all stakeholders may raise concerns: not just UN staff, the Chief Executive Board and the Senior Management Group, but also civil society. Where those concerns are raised and are of a legitimate nature, then then an environment must exist where they may be conveyed without fear of retaliation and confident of a fair process for investigation and resolution of grievances and disputes that enables all parties to address their concerns, and for those grievances to be resolved, in a proper way.

Let me mention a second example. Person B was a senior manager who observed financial irregularities in a United Nations specialist agency. The organisation sought to buy her off when she raised the issue, transferring her into a sinecure until she complained so loudly that the decision was reversed. There is no sense in which this can be regarded as an efficient use of UN member state resources. The more efficient expenditure of oversight and investigation resources, through bolstering the resources of the United Nations Office for Internal Oversight Services, should be pursued to ensure that allegations of this nature are investigated. This creates the harmonious incentives for mutual cooperation to achieve common goals across the UN system.

My final example, Person C, was a field operative in an unsafe environment. She was so disheartened by the attitudes of some of her colleagues in failing to give requisite priorities and emphasis to the needs of the people, with a focus upon delivery and results rather than mere operation in silos and pretences in just bridging a traditional gap between difference UN agencies, that she eventually departed the organisation for private practice, disheartened by the experience and excoriating in her criticisms of the individuals who lacked the focus and imagination to emphasise delivery. Capable people must never be lost from the United Nations Organisation in this way. It is a tragedy if the common humanity expressed by the United Nations is not expressed in its outputs. I am determined to see that happen.

It is, incidentally, no coincidence that the three anecdotal instances I have provided of mixed response to internal critique and complaint in the context of administrative operations of the United Nations all relate to instances where the victims of inadequate administrative oversight were female. That is why I am proud of the Secretary General-elect when he says:

The UN must be at the forefront of the global movement towards gender equality, an inalienable and indivisible feature of all human rights and fundamental freedoms: progressively moving from perceiving women and girls as a subject of protection to promoting their empowerment; from an isolated focus on women to gender mainstreaming.

I am absolutely committed to a system of legal and institutional accountability across the United Nations system. That is why the UN Office of Internal Oversight Services, the UN Dispute Tribunal and the specific responsibilities and mandates of inspectors-general of individual UN agencies must work together to create a culture of prevention so that the United Nations can be guaranteed to live up to its charter obligations. In this way, member states and other international partners can be confident that the funds they may be called upon to contribute to the United Nations Organisation will be effectively and efficiently spent in mitigating crisis.

The key to institutional effectiveness is an incentive mechanism for all international civil servants to work with clear goals and under a system of transparency and accountability. This way, uncontrolled administrative growth may be eliminated. Instead there can be a concentration of resources in sectors where the UN's multilateral mandate is uniquely valuable. The United Nations Development System, by common consensus, stands in need of reform by virtue of having itself developed in an unwieldy fashion. By institutional and structural revisions, the fine staff of the Development System can be reinvigorated to focus upon the UN Charter's objectives. And only with economic development, and the requisite efficient financial assistance from all due corners of the international community, can the political solutions requisite to peacekeeping and peace building be sustained. In this context I particularly admire the dedicated work and relentless focus of the US Congress in promoting accountability and transparency in the operation of the United Nations and its specialist agencies.

That is why I am in favour of a new and streamlined structure for legal and institutional accountability across the United Nations and its specialised agencies. There is much work to be done. None of these problems are easy to solve. But solutions can be achieved. Legal and administrative review is undertaken effectively and efficiently in a variety of domestic and transnational environments. None of us have anything to fear from being held accountable, for the staff of the United Nations radiate with their own brilliance when they are permitted to stand as jewels in the night. The internal in-fighting of the United Nations will stop. Whistleblowers and those with legitimate grievances will be heard. The rare transgressors will be held accountable. The politics of the United Nations is due for fundamental change, and we have the tools at hand. We can and will apply them.

+++

Matthew Parish is a former UN peacekeeper in the Balkans and formerly served as Legal Counsel at the International Bank for Reconstruction and Development in Washington, DC. He is the Managing Partner of the Gentium Law Group in Geneva, and formerly served as Chief Political Advisor to Vuk Jeremic in the selection process to become the next UN Secretary General in 2016. Mr Jeremic came second. Matthew is now a key political supporter of the Secretary General-elect, Antonio Guterres. www.gentiumlaw.com www.matthewparish.com