

# The Missing Third Leg of UN Accountability

By Michael Kagan | June 23, 2005

As the debate over reforming the United Nations rages, reformers talk about accountability when they're worried about money. But no one is talking about how to make UN agencies accountable to the actual people they are supposed to serve. That's why the moment has come for human rights advocates to join the campaign for UN reform.

UN reform has long generated mixed feelings among human rights advocates. There is the justified suspicion that many of advocates of UN reform, especially from the right wing of American politics, are not really interested in strengthening international governance. When they find a flaw in the UN, their goal is not to fix it, but to use it as ammunition to dismantle the whole system.

Perhaps the most refreshing aspects of the recent Gingrich-Mitchell Task Force report on UN reform is that it clarifies some of the complexity of the UN, which should make the reform effort more specific and constructive. Their report states clearly that most failures of the Security Council to, say, stop genocide in Darfur are the fault of member states that lack political will. The Security Council and the General Assembly are essentially legislative bodies that are only as strong as their members. The Human Rights Commission is similarly a political body where resolutions increasingly look more like an index of political alliances than a genuine effort to protect people.

But the UN also includes an array of executive agencies devoted to peacekeeping, refugees, food, development, health, and so on. These agencies are generally much more effective on their ground because they have a clear focus and the autonomy to act. They also often wield tremendous power at a local level. And with that power comes the possibility of abuse.

The distinction between the different types of UN institutions has helped focus reform discussions. Both the U.S. congressionally-mandated Gingrich-Mitchell report and Kofi Annan's proposals have recommended two types for reform. The first are essentially constitutional changes to the General Assembly, Security Council and Human Rights Commission intended to

better harness whatever political will exists on the part of member states. The second are improvements in oversight and management of the executive agencies, aimed mainly at improving personnel and preventing financial scandals.

These are two legs of what should be a three-legged stool. The missing leg — absent from both the UN and American proposals — are mechanisms of accountability that would be accessible to the people who depend on UN agencies the most. While these proposals talk about transparency and accountability, they are focusing on really one thing: Ensuring that money from rich donor states is not wasted due to incompetence or corruption. But that narrow view ignores the corresponding need for the intended beneficiaries to themselves hold UN agencies accountable to their own mandates, and to the human rights principles which the UN has admirably helped establish.

Take some examples of UN agency policies toward women refugees. As a recent book by Barbara Harrell-Bond and Guglielmo Verdirame shows, in East Africa the UN refugee agency (UNHCR) has empowered dispute resolution systems in refugee camps that have imprisoned women for adultery and allowed genital mutilation. This has happened in areas that are de facto ruled by UN agencies, not by any government.

Another example concerns the UN agency for Palestinian refugees in the Middle East (UNRWA), which since the 1950s forced women to receive assistance through either their father or their husband; they cannot be registered as Palestinian refugees in their own right, and cannot pass on the status to their children. This is a direct violation of major human rights conventions, but it continues nonetheless.

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The types of oversight recommended by the current proposals won't address such problems. Bottom line: Violating human rights doesn't show up on a financial audit.

Here we see clearly the invisible accountability gap at the UN, a gap that human rights advocates must step in to fill. When there are serious violations of women's rights by UN agencies, what can the women do? There's no UN judiciary to turn to. UN agencies often do essential and heroic work in terrible circumstances, but they are not directly accountable to their own beneficiaries. There's little assurance that the UN will practice what it preaches on human rights.

Establishing a system of administrative justice at the UN is the remaining link in the movement for UN reform, and specifically in the effort to strengthen international human rights protection. Reform the Human Rights Commission — that's increasingly needed. Preventing financial abuse — that's long overdue. But allow a vulnerable woman to challenge a UN refusal to provide a doctor for her children — that's still missing.

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