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31 March 2010

All Permanent Representatives
and Permanent Observers
to the United Nations

Excellency,

As the consultations phase in clusters 1, 3 and 4 as proposed in the work plan of System-wide Coherence has been concluded we are hereby sending you the draft elements on governance and composite gender entity to be considered in view of the future resolution. Please also find attached to this letter the summary of the informal consultations of Working Group 1 and 2 on governance. The attached elements constitute a basis for further negotiations.

We are also referring to the co-facilitators' letter of 24 March 2010 containing draft elements on Delivering as One and on the modalities for adoption of Common Country Programmes. The latter is also available on the website of the President of the General Assembly - <http://www.un.org/ga/president/64/issues/swc.shtml>.

We will convene an informal-interactive meeting on 16 April 2010, at 3 p.m. in order to start the negotiating phase on all elements produced in above-mentioned clusters, with the addition of the elements from the funding working group, which is expected to conclude its work on 12 April.

Please accept, Excellency, the assurances of our highest consideration.

Ghazi Jomaa
Permanent Representative of Tunisia
To the United Nations

Tiina Intelmann
Permanent Representative of Estonia
To the United Nations

Enclosed: Draft elements on governance on 2 pages
Draft elements on new entity for gender equality and the empowerment of women on 6 pages
Summary of the informal consultations of Working Group 1 and 2 on governance on 4 pages

Governance elements for resolution

I. Strengthen functional coherence between the General Assembly, the Economic and Social Council and the Executive Boards of the funds and programmes, as well as the governing bodies of the specialized agencies

1. *Requests* the Secretary General to make available a compilation of all relevant legislation on the roles and responsibilities of the General Assembly, ECOSOC, Executive Boards of Funds and Programmes and governing bodies of specialized agencies in the governance of the UN operational activities for development;
2. *Requests* the Secretary General to review the functional coherence of calendars, including for agenda setting and programmes of work, of the governing bodies of UN operational activities for development;
3. *Requests* the President of ECOSOC to convene periodic meetings of Presidents of bureaus to discuss coherence in agenda-setting, calendars and work-planning, as well as progress in the implementation of system-wide policies with a view to improving coherence and coordination in the work of the General Assembly, ECOSOC and Executive Boards of Funds and Programmes on UN operational activities for development, and that the reports of such coordination meetings be circulated to Member States.
4. *Reaffirms* the need of enhancing the transparency of the activities of the United Nations System Chief Executives Board for Coordination, and *requests* that its regular briefings to the General Assembly and its regular reports and interaction with the Economic and Social Council and relevant intergovernmental bodies, which should include its three pillars, are undertaken in a timeframe that allows such opportunities to be fully utilized by Member States to undertake effective exchanges with the CEB concerning its activities, including the planning and implementation of System wide policies, including through specific sessions following the CEB 's Strategic Meetings;

II. Ensure effective participation in governing bodies

1. *Invites* Member States to consider appropriate ways to enhance their coordination for and coherence in their respective dealings with the UN development system at all levels;
2. *Requests* the Secretary General, in consultation with the secretariats of governing bodies and in cooperation with UNITAR, as appropriate, to provide orientation and training to delegates of Permanent Missions of Member States on the governance of UN operational activities for development;
3. *Requests* ECOSOC and the Executive Boards of Funds and Programmes and governing bodies of specialized agencies, to consider ways to facilitate the effective participation of national policy-makers based in capitals of

Member States in relevant meetings of ECOSOC, Executive Boards of Funds and Programmes and governing bodies of specialized agencies, which could include the establishment of new Trust Funds, the use of existing mechanisms or of core budgets, as appropriate, taking into account the financial situation and arrangements of each Organization, and bearing in mind the need to maximize resources for development programmes;

III. Improve substantive preparations for meetings of governing bodies

1. *Requests* the governing bodies of the Funds and Programmes to undertake a comprehensive review of their working methods, in order to improve the preparations for and discussions during meetings of the Executive Boards, fully taking into account the relevant views expressed by Member States (footnote referring to the discussion held in the context of WG1 & WG2), and in this regard, to include their findings and adopted measures in their regular reports to the Economic and Social Council;

IV. Enhance impact of intergovernmental decisions

1. *Takes note of* the progress in the creation of a central repository of information on operational activities for development and *requests* that an update on the advances in the establishment of this mechanism is presented at the ECOSOC substantive session of 2011;
2. *Encourages* governing bodies of Funds, Programmes and Agencies of the UN system, in coordination with ECOSOC, to include in their strategic plans specific provisions for the full implementation of policy guidance provided in the quadrennial comprehensive policy review (QCPR) of the General Assembly, and to reflect in their annual work plans, relevant elements of the management process on the implementation of the QCPR;
3. *Requests* the Secretary General, under the auspices of ECOSOC and in cooperation with UN Resident Coordinators, to prepare and put in place a periodic survey directed to Governments, relevant partners and stakeholders at programme countries, on the effectiveness, efficiency and relevance of the support of the UN system, in order to identify the strengths and main challenges encountered in their interactions with the UN development system, with a view to enabling intergovernmental bodies to address those, and *also requests* that the results of such surveys are published and made available to Member States;

***V. Common Country Programme Approval** –Proposals submitted in Working Groups to be carried forward to Governance Section- Cluster on Delivering as One.

Co-facilitators' elements for resolution

New Entity for Gender Equality and the Empowerment of Women

The General Assembly,

Recalling its resolution 63/311 of 14 September 2009 on System-wide coherence,

Recalling the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Declaration and Platform for Action, the outcome of the 23rd special session of the General Assembly, and relevant resolutions of General Assembly on gender equality and the empowerment of women;

Having considered the report of the Secretary-General A/64/588, entitled “Comprehensive proposal for the composite entity for gender equality and the empowerment of women”,

[other preambles to be included],

Establishment of the New Entity

1. *Decides* to establish a composite entity, to be known as _____ [*for the purpose of this draft, the entity will be referred to hereinafter as the “Entity”*], by consolidating the Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI), the Division for the Advancement of Women (DAW), the United Nations Development Fund for Women (UNIFEM) and the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW);

2. *Decides* to abolish and liquidate UNIFEM;

3. *Requests* the ECOSOC to abolish INSTRAW;

4. *Decides* to transfer the existing mandates, functions and assets of OSAGI, DAW, UNIFEM and INSTRAW to the Entity.

General Principles

5. *Decides* that:

(a) the Beijing Declaration and Platform for Action, the outcome of the 23rd special session of General Assembly and relevant resolutions of the General Assembly will provide a framework for the work of the Entity;

(b) the Entity will provide guidance to all Member States, across all levels of development, and in all regions, at their request concerning gender equality and the empowerment of women, similar to other UN entities that combine normative and operational mandates;

(c) the Entity will operate on the basis of principles agreed to through the process of the Quadrennial Comprehensive Policy Review (QCPR), including responding to the needs of and priorities determined by Member States, and on their request;

6. *Emphasizes* that the establishment of the Entity and the conduct of its work should lead to enhanced coordination, coherence, accountability and capacity of the United Nations system to respond to the needs of Member States, and thus, greater efficiency and effectiveness of the UN's efforts with respect to both gender equality and women's empowerment.

Governance

7. *Decides* that the General Assembly and the ECOSOC, together with the Commission on the Status of Women (CSW) and an Executive Board, will constitute the multi-tiered intergovernmental governance structure for the Entity in order to reflect the combination of normative support functions and operational activities to be performed by the Entity.

8. *Decides* that the General Assembly will establish the mandate and primary functions of the Entity; that the ECOSOC will provide continuing guidance on the mandate and primary functions of the Entity; and that any new mandates will be subject to approval by intergovernmental process;

9. *Decides* that, in addition to the General Assembly and the ECOSOC, the CSW will provide normative framework and policy guidance to the Entity;

10. *Decides* to establish an Executive Board to govern and oversee the operational activities of the Entity; and further decides that the Board will be established as: option 1: an autonomous segment of the UNDP/UNFPA Executive Board, [NOTE: taking into account that UNIFEM, which will be consolidated into the Entity, is currently subject to the UNDP Executive Board]; option 2: a new Executive Board, independent of the existing Executive Boards;

11. *Decides* that the Executive Board will perform functions in line with other Executive Boards carrying out similar functions, as set out in paragraph 22 of Annex I to General Assembly resolution 48/162;

12. *Decides* that the Board will report to the ECOSOC, which in turn will report to the General Assembly, in accordance with the established practice of other Executive Boards carrying out similar functions;

13. *Requests* the ECOSOC to establish formal linkages between the CSW and the Executive Board, which both report to the ECOSOC, to ensure close coordination and regular

exchange of information between them with a view to enhancing coherence, including through a joint session between CSW and Executive Board;

14. *Requests* the USG/Head of the Entity, in order to ensure accountability, to submit an annual report on the work of the Entity, to both the CSW and the Executive Board;

15. *Decides* that, when the relevant items are before the Second and Third Committees of the General Assembly, the USG/Head would interact with them to contribute to the dialogue or deliberations;

Leadership, structure and functions

16. *Decides* that the Entity shall have its own staff and shall be headed by an Under-Secretary-General. The USG shall be appointed by the Secretary-General, in consultation with Member States, on the basis of equitable geographical representation and gender balance, consistent with the relevant provisions of Article 101 of the UN Charter, and to be funded by the regular budget resources in accordance with paragraph 24 below. The USG/Head will report to the Secretary-General; and will be a full member of the Chief Executives Board for Coordination (CEB), the Policy Committee, the Senior Management Group and other relevant internal UN decision making mechanisms;

17. *Decides* that the USG/Head will administer the staff of the Entity in accordance with the United Nations Staff Regulations and Rules, and requests the Secretary-General to delegate broad authority to the USG/Head in the administrative matters of the entity including personnel matters, and the application and implementation of the UN Staff Regulations and Rules;

18. *Decides* that the Entity will combine the functions traditionally performed by the Secretariat of providing policy and normative support to inter-governmental process, with the functions traditionally performed by UN Funds and Programmes of carrying out country-level operational and technical support responsibilities;

19. *Decides* that the functions of the Entity will consist of the existing functions of OSAGI, DAW, UNIFEM and INSTRAW, as outlined in Annex 1 in present resolution,

20. *Decides* that the Entity will have an additional role of leading, coordinating, and facilitating the accountability of the UN system in its work on gender equality and women's empowerment;

21. *Requests* the Secretary-General to prepare a detailed organizational chart of the Entity:

(a) based on the agreed mandates and functions set forth in this resolution,

- (b) taking into account that the number of staff in each functional area and each level shall be the minimum required to perform the agreed functions as determined by a functional analysis, and
- (c) indicating that Headquarters and regional offices of the Entity will include capacity to provide technical guidance to all Member States, upon their request;

22. *Requests* the Secretary-General to submit the organizational chart through the ACABQ to the Fifth Committee for approval of elements to be funded by the regular budget resources, and to the Executive Board for elements to be funded by voluntary funding;

Financial architecture

23. *Decides* that normative support functions of the Entity will be funded by the regular budget, and support to operational activities of the Entity will be funded by voluntary funding;

24. *Decides* that the financial resources from the regular budget will require the approval of the ACABQ and the Fifth Committee, and once approved by the General Assembly, will be assigned as a grant to the Entity to be used for the posts and purposes approved by the Fifth Committee and administered and disbursed in accordance with the Entity's Financial Regulations and Rules;

25. *Decides* that the financial resources from voluntary funding will require the approval of the Executive Board;

26. *Stresses* the need to ensure sufficient funding for the Entity, and *urges* Member States to provide multi-year, predictable, stable and sustainable voluntary contributions to the Entity, with as much 'core' as possible, and *decides* that reporting on funding should be transparent, and easily accessible to Member States;

27. *Decides* that the Entity shall have Financial Regulations and Rules consistent with the Financial Regulations and Rules of the Funds and Programmes; the USG/Head shall propose the Entity's Financial Regulations for adoption by the Executive Board and shall promulgate the Financial Rules ;

28. *Decides* that the Entity should, to the extent possible, use the existing capacities in the United Nations, in order to keep overhead costs to a minimum, including central services, such as treasury, audit and procurement;

29. *Decides* that any expansion of the capacity of the Entity should be gradual, taking into account requests by Member States for assistance; other relevant capacity available in the UN Country Teams; availability of funds; and approval for the use of such funds by the General Assembly for regular budget resources, and by the Executive Board of the Entity for voluntary funding;

Review of implementation

30. *Requests* the Secretary-General to report to the General Assembly on the implementation of this resolution at its 67th session; and

31. *Decides* to review the implementation of the present resolution in three years, at its 67th session.

Annex to the draft resolution

Functions of the Entity

The Entity will have the following functions:

(1) Provide substantive support to United Nations intergovernmental bodies, (including the Commission on the Status of Women, the Economic and Social Council, and the General Assembly), in which commitments, norms and policy recommendations on gender equality and gender mainstreaming are discussed and agreed upon;

(2) Support national efforts to promote and enhance gender equality and women's empowerment through innovative and catalytic country-driven programming, working with the entire United Nations country team, including on gender mainstreaming, capacity development and the provision of targeted technical cooperation, in line with national priorities;

(3) Undertake global, regional and national advocacy efforts on issues critical to gender equality and women's empowerment to ensure that under-recognized and under-resourced issues receive national, regional and global attention;

(4) Support Member States, at their request, in their effort to implement and monitor the gender equality and the empowerment of women aspects of relevant resolutions, processes and outcomes, including the 12 critical areas of the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly;

(5) Undertake new, and consolidate existing, research and analytical work to support overall objectives, and act as a hub/centre of knowledge and experience on gender equality and women's empowerment from all parts of the United Nations system;

(6) Strengthen the accountability of the United Nations system, including through oversight, monitoring and reporting on system-wide performance on gender equality;

(7) Monitor and report on system-wide compliance with intergovernmental mandates on gender balance, including at the senior and decision-making levels; and

(8) Lead and coordinate United Nations system strategies, policies and actions on gender equality and women's empowerment to promote effective system-wide gender mainstreaming, drawing fully on the comparative advantage of United Nations actors¹.

¹ Pursuant to operational paragraph 20 of present resolution

**Elements of the discussion on
Strengthening governance of operational activities for development of the United
Nations system for enhanced system-wide coherence**

March, 2010

Main topics and elements raised by delegations during informal consultations of Working Group 1 (effective participation and decision-making in governing bodies) and Working Group 2 (functional coherence in governance and Secretariat support services).

1. Strengthening of Bureaus:

a) Enhancing the participation of bureaus in the substantive preparations for meetings of governing bodies

The current legislative framework on the roles and responsibilities of the General Assembly (GA), ECOSOC, Executive Boards (EBs) of funds and programmes and governing bodies of specialized agencies in governance of operational activities for development is generally felt to be sound. However, there is need to enhance coherence between the three tiers of the governance system, e.g. through greater interaction between Bureaus of governing bodies; revitalization of the joint meeting of boards; and improvements in the working methods of Bureaus.

Taking into account the particular characteristics of each organization, the Bureaus of governing bodies could particularly consider improvements in the following areas:

- a. Monitoring of agenda-setting, bearing in mind the need to achieve balance between managerial and technical responsibilities, the need to provide strategic and policy guidance, and the accountability EBs for the implementation of system-wide policies. The development of annual work plans, including organization of intersessional meetings of Bureaus, as appropriate, could be encouraged.
- b. Reviewing the quality of documentation with particular emphasis on the clarity of analysis and rationale of proposed decision(s).
- c. Strengthening the information sharing role of Regional Groups. Members of the Bureau could be invited to ensure that relevant information is distributed to their constituency. Information meetings before and during sessions of the EB's could be encouraged, as appropriate. Regional Groups could also be encouraged to share good practices in this area.
- d. Encouraging Bureaus, with the support of the Secretariat of ECOSOC, to develop "terms of reference" for Bureau members.
- e. Inviting Bureaus to report on progress in improving their functioning in the respective annual report.

2. Improving preparation for meetings of governing bodies:

- a) Strengthening Secretariat support services: Bureaus** could be invited to undertake/commission a functional review of Secretariat support services as means to improve the functioning of governing bodies. Secretariats could also be encouraged to

identify focal points for responding to requests/queries of Member States for information. The strengthening of Secretariat support services, however, should not divert resources from operational activities for development in programme countries.

- b) **Quality of documentation:** Guidance notes on meetings should be developed for Board Members, observers, chairpersons and the Secretariat. Board documents should follow a prescribed format, including brief description of the main issues to be considered. Policy statements could be reproduced in a compendium.
- c) **Draft decisions:** Documentation for meetings of EBs could include, in an annex, the required draft decision(s), including an explanatory note on the rationale for the proposed course of action. Notwithstanding the right of Member States to present draft decision(s) at any point in time, including during sessions of the EBs, the general principle could be to circulate such draft decisions well ahead of board meetings (e.g. two weeks). The Bureaus could also assess on a case-by-case basis, the need for undertaking informal consultations prior to the sessions of the EBs.

3. Strengthening participation of Member States:

- a) **Coordination at the national level:** Member States could be invited to consider ways to enhance policy coordination at the national level on issues relating to UN operational activities for development, which could include establishing cross-sectoral teams with the participation of officials representing Member States in the EBs.
- b) **Capacity building for participating Member States: The Secretariats of ECOSOC and Executive Boards of funds and programmes in cooperation with the Secretariats of governing bodies of relevant specialized agencies, if possible with the support of UNITAR, could be requested to prepare “advanced training courses” or workshops on UN operational activities for development in support of the participation of Member States in governing bodies. In depth analysis of the dynamics, functions and responsibilities of EBs, ECOSOC and other governing bodies should be provided to participants in such training courses.**
- c) **Financing of experts based in capitals:** To enhance the participation of national policy-makers from programme countries in ECOSOC and EBs of funds and programmes, funds should be provided to cover travel and per diem costs, including for pre-EB and pre-ECOSOC sessions, as appropriate (i.e. intersession bureaus’ meetings). In this regard, EBs could be requested to consider the following options:
 - a. Funding:
 - i. Establishment of a specific Trust Fund or use of existing Trust Funds.
 - ii. Financing through the regular budgets of the respective organization.
 - b. Prioritization: Depending on the availability of resources, each entity could explore mechanisms for prioritizing the participation of experts based in capitals, such as:
 - i. General use for all programme countries.
 - ii. Prioritizing a specific category of countries.
 - iii. Other mechanisms, such as ensuring equal regional participation.

A review of existing and past practices (e.g. ECOSOC Functional Commissions, or financing by country-based agencies and other organizations) could be undertaken.

Other ways of involving experts based in capitals in policy deliberations in governing bodies, such as video conferences, could also be explored, as an alternative to financing travel costs.

A time bound decision could be taken in this regard (e.g. 2 years), with continuity subject to assessment of results and impact.

Several delegations expressed concerns regarding the overall financial implications of these proposals, as well as of other elements discussed during the consultations.

4. Information for decision-making:

- a) **Compilation of legislative mandates of the three tiers of governance of the UN development system:** The UN Secretariat could be requested to undertake a compilation of all relevant legislative mandates pertaining to governance of the UN development system with a view to facilitating coherent decision-making in the three tiers of the governance system.
- b) **Comparative analysis of calendars, agendas, program of work of government bodies of the UN System for development:** the Secretary General could be requested to review the functional coherence of calendars, including for agenda setting and programmes of work, of the governing bodies of UN operational activities for development, in order to avoid colliding meetings and enhance coherence and coordination.
- c) **Field visits of members of EBs to programme countries.** EBs could consider ways to increase opportunities for board members to participate in field visits to programme countries, without diverting resources from development programmes at the country-level.
- d) **Creation of a central repository of information on United Nations operational activities for development:** Take note of the progress in the creation of a central repository of information on operational activities for development (A/RES/63/311, OP 16); expected to be launched in 2012. Member States could request that an update on the advances in the establishment of this mechanism be presented at the substantive session of ECOSOC in 2011.
- e) **Modalities for submission and approval of common country programmes on a voluntary basis:** Funds, programmes and agencies should support programme country governments which voluntarily decide to adopt common country programming as means for operationalizing the support of the UN system to national development effort. The four options proposed and the 'additional scenarios' outlined in paragraphs 30 and 31 in the Secretary-General's report as well as others¹ tabled by Member States during the

¹ Option 5- With a view to establishing modalities for the submission and approval of Common Country Programmes on a voluntary basis, the Joint Meeting of the Executive Boards convenes a single session to allow for the consideration of CCP's to be followed by the posting of a revised CCP on the websites of the four agencies for approval of the agency-specific portion of the revised CCP by the relevant governing bodies on a non-objection basis;

Option 6- With a view to establishing modalities for the submission and approval of Common Country Programmes on a voluntary basis, the Operational Segment of ECOSOC convenes a single session to allow for the consideration of CCP's following which a Chair's summary of the discussion will be submitted to the relevant governing bodies as input prior to their approval of the agency-specific portion of the CCP;

meetings of the two working groups, for reviewing and approving common country programmes, submitted on a voluntary basis, will be further examined in the consultations in Cluster 4 on “delivering-as-one”.

- f) **Survey on the problematic at the country level:** Funds and programmes could be requested to conduct periodically “customer satisfaction surveys” for country programmes in order to identify key challenges faced by programme country governments and other national partners in dealing with the UN development system, with a view to informing policy-making by governing bodies. The results of such surveys should be published and made available to Member States and other constituents.
 - g) **Regular briefings to Member States and other constituents:** Funds, programmes and specialized agencies could be requested to conduct regular briefings to Member States and other constituents on progress in implementing strategic priorities of the respective entities, with particular focus on issues of concern to programme countries, including the implementation of system-wide policies.
 - h) **Strengthening substantive dialogue with CEB:** The CEB could be requested to regularly brief Member States on current and planned work priorities so as to allow for enhanced substantive dialogue on important system-wide strategies including through holding interactive sessions following their strategic meetings. Some delegations expressed their interest in having exchanges that go beyond briefing Member States *ex post* on decisions taken by the CEB, while others emphasised that the CEB Members have their own Governance structures, and that additional mechanisms of exchange shouldn't be overly cumbersome. There seems to be a general understanding that no additional intergovernmental decision making mechanisms are needed.
 - i) **Strategic notes of Executive Directors:** Executive Directors of funds, programmes and specialized agencies could be requested to include in their respective annual report information on measures undertaken to implement system-wide policies as well as other strategic priorities of the respective organization.
-