

Moves by UN Secretary-General Ban Ki-moon to strip staff of labour rights will affect performance of key peacekeeping and humanitarian operations

There is widespread disquiet at the United Nations (UN) as Secretary-General Ban Ki-moon removes the right for UN staff to have representatives negotiate on their behalf.

This unacceptable move will prevent staff from tabling and negotiating proposals on how to rotate more staff to serve in humanitarian and peacekeeping operations in the field. It also means that following the deadly attacks on the UN compound in Mogadishu and ten years on from the attack on the UN in Baghdad, as well as the most recent ambush in Darfur, staff will not be able to advocate effectively for the organisation to abandon its low-cost approach to security and air transport for staff in war zones.

The lack of a genuine agreement on these matters will exacerbate the already high vacancy rates in field locations¹ and affect operational effectiveness in locations such as Darfur, Afghanistan, South Sudan, Mali and other present and future missions.

The removal of labour rights contradicts the UN's own conventions and assertions on the issue and its internal rules on due process.

The mission of the UN is to serve its members. To ensure its effectiveness, UN Staff representatives calls for Member States to urge Secretary-General Ban to overturn his recent decision and maintain key fundamental labour rights.

For almost 70 years, the UN has existed as an independent and inclusive organisation designed to prevent wars, promote dialogue and aid negotiation. Despite the inevitable problems of such a large organisation with politically diverse Member States, the UN has been steadfast in its remit to protect the vulnerable, promote justice and opportunity, provide resources and protection where needed. It also promotes state co-operation, as well as ensuring member states operate within the framework of international law. The positive role of UN staff in this has been underwritten by strong and constructive relations between management and staff.

In order to continue this work, staff must feel valued and treated with the same dignity the UN encourages other organisations to treat their staff. Without a fully motivated and engaged staff, the results on the ground will change dramatically. The workforce of the UN is dedicated to its mission. Those operating in the field risk their lives and often work in highly pressurised circumstances. When not in the field, and back working at HQ, they work tirelessly in their efforts to make the world a more just and understanding place. Everyone has the same goal.

It is understandable that change is necessary due to the recent economic situation and changing mandates. Many countries have had to make significant budget cuts. However it is important to be pragmatic and pinpoint where changes are necessary, but at the same time,

¹ Reported in internal documents to be as high as 20 percent.

it is vital to prioritise and respect what is important (that is, the UN staff which is arguably *the* most valuable resource of the UN).

The staff understands that change is essential to ensure the UN carries on its good work, so resistance to reform is not the issue. It is about how to identify what can be done on a day-to-day level and how to ensure that change is embraced by staff and that staff help drive change forward.

The key issues staff want to negotiate?

- A mobility policy to encourage more staff to serve in the field and relieve colleagues stuck for up to 10 years in hardship locations, in order to improve mission capability in humanitarian and peacekeeping operations.²
- Solutions to improve staff safety and reduce use of private military security contractors such as G4S, Dyncorp and Executive Outcomes,³ as UN staff come under increasing attack: Mogadishu (2013), Abuja (2011), Mazar-i-Sharif (2011), Kabul (2009), Algiers (2007), Baghdad (2003). Advocating secure air transport in war zones (4 dead in a helicopter crash in 2013 and 32 dead in a plane crash in 2011), and a coroner system to investigate deaths of staff.
- Better protection for whistleblowers and more robust procedures for carrying out internal investigations.
- A workable screening system to ensure war criminals and other violators of human rights can't get a job at the UN.
- Transparent rules and procedures to ensure the best staff are retained in case of downsizing and that others are assisted in finding new employment.

These are not rights to blackmail or bring an organisation to a standstill. It is simply a tool to assist in good business practice. It could be said that the UN would be operating with double standards, if they refuse to let their staff have representation of their rights, whilst both the UN and the International Labour Organisation (ILO) make very different public declarations on workers rights. It also sends completely the wrong message to its own members.

What the UN says publicly about the employee rights its denies its own staff

"Don't wait for every country to introduce laws protecting freedom of association and the right to collective bargaining. You can at least make your own employees, and

² <http://www.un.org/News/Press/docs/2013/sgsm14778.doc.htm>

³ Global Policy Forum, 2012, Dangerous Partnership - Private Military and Security Companies and the UN

those of your subcontractors, enjoy those rights"

Former Secretary General Kofi Annan speaking to the world's biggest companies at the World Economic Forum in Davos in 1999, urging them to adopt new standards for corporate and social responsibility. ⁴

"Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining"

Third of ten principles that businesses should uphold if they want to join the UN's Global Compact outreach programme.⁵ This initiative could be described as a UN blueprint, which has been largely ignored by Secretary Ban-Ki Moon.

"States parties... undertake to ensure the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests."

UN International Covenant on Economic, Social and Cultural Rights, Section 7.⁶

"The freedoms to associate and to bargain collectively are fundamental rights."

ILO Declaration on Fundamental Principles and Rights at Work.⁷

"The effective recognition of the right of collective bargaining, the cooperation of management and labour in the continuous improvement of productive efficiency..."

General Assembly Resolution 128, Section on Trade Union Rights

It seems somewhat ironic, that the UN has now removed those very employment rights from its own employees. Without making direct comparisons, it is difficult to lecture companies about workers rights - such as those responsible for the recent fire at the clothing factory in Bangladesh where 1200 people died - if the UN then cherry-pick what rights they apply to their own staff. In order to wield authority, the UN should lead by example.

In closing, it is very difficult to judge the 'success' of the UN. There will always be wars occurring, food shortages and political impasse somewhere in the world. There is no benchmark like the stockmarket which highlights a share increase or shortfall at a glance. However, it is safe to say that the world would be less secure and more unequal place if the good work of the UN is undermined.

The UN serves Member States and their input drives the UN in a meaningful direction. However without the goodwill of workers on the ground, many opportunities will be lost.

We would therefore urge the powers that be, to recommend Secretary-General Ban Ki-moon reverse this resolution at the next General Assembly.

⁴ <http://www.un.org/News/Press/docs/1999/19990201.sgsm6881.html>

⁵ www.unglobalcompact.org

⁶ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

⁷ <http://www.ilo.org/declaration/principles/freedomofassociation/lang--en/index.htm>

CHRONOLOGY OF PROPOSED UN REFORMS:

- **APRIL 2013:** The General Assembly passes a resolution on human resources issues. It reads "[The General Assembly] requests the Secretary-General to revise the Secretary-General's bulletin on the Staff-Management Committee (SMC), in line with the existing staff regulations."⁸ SMC is the organisation's current forum for negotiations between management and staff unions.
- **05 MAY 2013:** the UN Secretary-General circulates a proposal to change the terms of reference of SMC to a body that would only be able to advise him on human resources matters, removing the right of staff unions to negotiate. ***He claims that this proposal was imposed on him by the General Assembly resolution*** (adding that the resolution came as a surprise to him). However, the resolution shows no reference to removing negotiating rights. In addition, the General Assembly's request to revise the terms of reference of SMC in line with the existing staff regulations has already been acted on since the document was reviewed and cleared as such by the Secretary-General's chief legal adviser in 2011.
- **14 JUNE 2013:** The proposal to remove labour rights was formally tabled by the Secretary-General's representative at an SMC meeting, held this June. When the unions would not accept the proposals, management ended the meeting on the third of seven days leaving many other human resources issues unresolved.
- **12 July 2013:** The rules removing labour rights were promulgated.⁹ We have been assured by UN lawyers this is unconstitutional, and does not adhere to the UN legal framework. Secretary General Ban-Ki moon is obliged to seek mediation before consolidating this mandate. He has not followed due process.¹⁰

At the same time, a document has been uncovered from October 2012 in which the Secretary-General draws the attention of the General Assembly to his displeasure with the current negotiating rights held by the staff unions.¹¹ This would appear to show that instead of taking instructions from the General Assembly, the Secretary-General attempted to misuse the resolution for this reform.

"Workers need ... the right to join a union of their own choice and to participate in determining policies that affect their lives."

Nelson Mandela explaining that importance of respecting basic rights in rebuilding post-apartheid South Africa.

⁸ www.undocs.org/a/res/67/255

⁹ www.undocs.org/st/sgb/2011/6/rev.1

¹⁰ www.undocs.org/st/sgb/2011/6, art 1.3

¹¹ www.undocs.org/a/67/136/add.1