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Appointment and mandate of the United Nations Secretary-General: Background note for the IPU Committee on UN Affairs

Tuesday, 22 March 2016
2.30 – 6.30 p.m.

The United Nations Secretary-General (SG) is a leading figure in international relations alongside heads of States and of Governments. The modalities of the appointment of the UNSG help define to a large extent the role and mandate of this important international figure.

This note traces the process for the appointment of the United Nations Secretary-General (UNSG) since inception to our days. It provides an overview of recent reforms meant to make the appointment of the UNSG more transparent and inclusive. It concludes with a set of questions for parliamentarians to gauge the possibility for further democratization of the process going forward.

The appointment process

The UN Charter (Art. 97) is rather unspecific on the actual appointment process of the SG. It only disposes that the SG “*shall be appointed by the General Assembly upon the recommendation of the Security Council.*” This article did not give a clear lead to either the General Assembly (GA) or the Security Council (SC). It left it to member States to define the practice of the selection process.

Over time, this practice has evolved from a process that was entirely controlled by the SC to one where the GA is able to play a more meaningful though not decisive role. Much of the debate today resides in whether, as many claim, the GA is more representative, with its 193 members, and should therefore have a greater say than the 15-member SC, which they consider less representative.

An important question left open in the original Article 97 of the Charter has to do with the number of individuals that may be recommended to the GA for consideration. What the Article clearly states is simply that the GA has no power to consider the appointment of a person not recommended by the SC. That the SC should recommend only one person for appointment by the GA is largely a matter of interpretation.¹

¹ The first and most important interpretation of Article 97 in this regard was that of the UN Preparatory Commission which was entrusted to make the provisional arrangements for the establishment of the UN. A report of this commission stated that “it would be desirable for the SC to proffer one candidate only for the consideration of the GA.” This clearly does not preclude the possibility of the SC recommending more than one candidate to the GA. Some members today have expressed reservation against this practice on the grounds that it would undermine the authority of the SG that is eventually appointed if he/she was to gain office with a mere majority vote as opposed to a consensus resolution, as it is the practice today.

The first session of the GA, in 1946, provided the basic outline of the SG selection process through a formal resolution. It put the SC in the lead and with the authority to recommend, by majority vote, a *single candidate* to the GA. The GA would then proceed with the adoption of the recommendation, again by a majority vote. The debates in both SC and GA were to be conducted in private.

The actual practice for much of the past seventy years was for interested member States to make potential candidates known to the SC first. The SC would often deliberate on these names outside official meetings to prevent leaks until agreement was reached. The recommendation of the SC was then sent to the GA for formal approval through a resolution. With only one exception, the GA has never rejected the recommendation of the SC.² Departing from the rule set in the 1946 resolution, all GA meetings for the appointment of the SG have been in open sessions.

The five permanent members of the SC (P5) have greater authority in this process owing to their veto power. This power has been used on occasion but only in one known instance did it prove decisive.³ The other ten non-permanent members could still influence the outcome particularly at the early stages when more than one candidate was being considered.

A first step toward opening up the selection process to greater scrutiny by the GA was made with resolution 51/241 of 1997. This resolution called for the GA to make “full use of the power of appointment” of the SG according to the Charter. It further invited the President of the GA to consult with member states to identify potential candidates endorsed by member states and to forward the results of those consultations to the SC. Another article of this resolution called for more transparency in the overall selection process.

Term of office and timing of the appointment

Article 97 of the Charter does not specify the term of office for the SG.

The 1946 resolution established a five-year term renewable once, but also and explicitly left it to the GA and the SC to modify the term of office of future SGs “in the light of experience.” While a renewable five-year term has become customary, there have been a few exceptions.⁴

It is commonly understood among member States that the renewable five-year term can be revisited. A Working Group in 1996 considered the possibility of reducing the maximum term in office to seven years, possibly as a single non-renewable term.⁵

According to some member States as well as many outside observers, the SG’s expectation to be reappointed to a second five-year term weakens his/her independence from the permanent members of the SC and to this body in general. A single term of office of whatever length might enhance the independence and hence the authority of the SG vis-à-vis the broad membership of the organization.

As for the timing of the appointment of a new SG, this has tended to be very close (a few days or weeks) to the expiration of the term in office of the outgoing SG, on 31 December. In an attempt to shed more light on the appointment process, and also allow for a smooth transition at the top, the 1997 resolution recommended that the SG “should be appointed as early as possible, preferably no later than one month before the date on which the term of the incumbent expires.”

Selection criteria and qualifications

The official “job description” of the SG has hardly changed since it was first defined in a 1945 report by the UN Preparatory Commission (the body entrusted with the actual set up of the Organization after the signing of the Charter). It provides for a wide ranging political and representational role for the SG well beyond those of a mere administrator.

² The exception was the appointment of Trygve Lie of Norway in 1950, when the GA went ahead and made the appointment in the face of a deadlocked SC.

³ The USA vetoed the reappointment of Boutros-Boutros Ghali in 1997.

⁴ Mr. Lie was reappointed in 1950 for just three years; Mr. U Thant in 1962 for only four years, and Mr. Ghali in 1997 was denied a reappointment altogether.

⁵ The same Working Group recommended the establishment of a Deputy Secretary General. This proposal became effective with a decision of the GA in December 1997 which established the post of the Deputy Secretary General as a staff position to be filled by appointment of the Secretary-General following consultations with member states.

As defined in 1945, the requirements for the SG post include:

1. Administrative and executive qualities to run the entire UN system
2. Leadership qualities to determine the character and efficiency of the Secretariat
3. Skills to lead a multinational team within the Secretariat
4. Moral authority to uphold the independence of the SG and the Secretariat staff (per Article 100 of the Charter)⁶
5. Ability to play a role as a mediator
6. Capacity to act as an informal adviser and confidant to heads of government
7. Political judgment, tact and integrity to advise the Security Council on any matter that may threaten international peace and security
8. Communication and representation skills to represent the UN to the public at large and “secure the active and steadfast support of the peoples of the world” without which “the UN cannot prosper nor its aims be realized.”
9. Qualities demonstrating that the SG embodies the principles and ideals of the UN Charter.

While the UNSG’s job description has not changed substantially over time, member States are divided on the degree of personal freedom and authority that the SG is actually vested in by virtue of this job description. Some members, particularly the P5, want the SG to be more a *Secretary* than a *General*, i.e., someone who would faithfully execute the will of the membership; other members and many outside observers tend to emphasize the *General* function of the job, i.e., a more visionary political role vesting the SG with the authority to take the initiative and to speak truth to power.

Regional rotation and gender equality

Article 97 of the Charter provides no guidance regarding rotation of the SG by geographic region. Since inception, six terms have been held by a Western European, three terms by an African, four terms by an Asian, and two terms by a Latin American. All SGs have been male and no Eastern European has ever been appointed to the position.

The idea of a regional rotation of the SG post, and of gender balance, has grown in practice over time, but there remains some disagreement among member States about its weight in the selection process. The 1997 resolution provided only some clarification by stating for the first time: “in the course of the identification and appointment of the *best candidate for the post* of SG, due regard shall continue to be given to regional rotation and shall also be given to gender equality” (emphasis added).

It is not clear from this wording whether the merit principle (best candidate) should trump all other considerations (regional rotation and gender) or whether region and gender should weigh equally. Furthermore, this language does not clarify how gender and regional rotation ought to be pursued *in practice*.

Further steps toward reform

As part of a growing trend around the world to further democratize the UN as a principal organ of global governance, a number of member States have worked in a steadfast manner over the past two decades to make the appointment of the SG more transparent and inclusive. Since the 1997 resolution of the GA, further debates have taken place and many reform proposals put forward.

⁶ Article 100 of the UN Charter: 1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization. 2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

A most notable step toward reform came with a paper circulated by the Canadian delegation in February 2006 raising the question of a possible role for the wider membership of the GA, including some actual participation in the selection process prior to receiving the SC recommendation.⁷ Further to this proposal, India and other members of the Non-Aligned Movement (NAM) proposed that the SC should recommend three candidates for the SG post and leave it to the GA to make a final decision. This proposal remains very much opposed by the five permanent members of the SC.

In 2006, a new resolution of the GA (60/286), clarified the qualifications for candidates to the SG post “possessing and displaying, inter alia, commitment to the purposes and principles of the Charter of the United Nations, extensive leadership and administrative and diplomatic experience.”

Further discussions within an Ad Hoc Working Group on the Revitalization of the work of the General Assembly in spring 2015 culminated with the adoption of resolution 69/321 in September. This resolution for the first time outlined a process for the appointment of the SG through the following key steps:

1. The Presidents of the GA and SC should solicit candidates for the position of SG through a joint letter addressed to all member States, informing them of the entire process and inviting candidates to be presented in a timely manner;
2. The Presidents of the GA and SC must inform member States of candidatures received and circulate all curricula vitae and any other accompanying document for each candidate;
3. Fair distribution based on gender and geographical balance, inviting member states “to consider presenting women as candidates”, while stressing “the need to ensure the appointment of the best possible candidate for the position of SG.”
4. The GA should conduct hearings with candidates running for the position.

In compliance with this resolution, the Presidents of the GA and of the SC invited candidatures for the positions of UNSG through a formal letter on 15 December 2015. In February 2016, the two Presidents announced that the GA will hold public hearings with those candidates who wish to come forward (i.e. on a voluntary basis) from 12 to 14 April. More hearings may be held later in the year for any candidature received after April.

At the time of this writing (2 March), seven candidatures, including three women, have been received as follows:

- Ms. Irina BOKOVA (Bulgaria)
- Ms. Natalia GHERMAN (Moldova)
- Mr. Antonio GUTERRES (Portugal)
- Mr. Srgjan KERIM (Macedonia)
- Mr. Igor LUKSIC (Montenegro)
- Ms. Vesna PUSIC (Croatia)
- Mr. Danilo TURK (Slovenia)

All information about the appointment process and all candidatures received are publicly available through the web Site of the President of the General Assembly at <http://www.un.org/pga/70/sg/> .

The expectation is that the SC will deliberate on all candidatures received some time in July of this year, and a recommendation submitted for approval by the GA in the fall.

⁷ In particular, the Canadian paper proposed that: the selection should follow agreed criteria; a search committee should be struck to identify potential candidates; candidates should have an opportunity to meet with all members of the GA; the Presidents of the GA and the SC should organize informal events to permit an “exploration of the perspectives and positions of the candidates”.

Questions for parliamentarians

While making the SG appointment process more transparent as ever, and with more GA involvement, the new process leaves certain questions unresolved. Most notably, it does not: impose a rigid timeline for candidatures to be received and an appointment made, invite more than one candidature to be referred from the SC to the GA for a decision, deliberate on the renewability and length of the term of office, and settle how gender and geographical balance are to be achieved over time.

Resolution 69/321 left the door open for further discussions of the SG appointment process during the current 70th session of the GA that expires in September 2016. The input of the parliamentary community may provide impetus for further reforms. In particular, through the IPU Committee on UN Affairs parliamentarians may consider the following questions:

1. What should be the qualifications for the SG post? Should his/her mandate be defined differently?
2. Should the SG's appointment be non-renewable? Should a single term of office be longer than the current five years?
3. After a first vetting of all candidatures received, should the SC forward at least three candidatures to the GA for a final vote, which would empower this more representative body with more authority in this critical choice?
4. What would be the best way to guarantee that women candidates are as likely as male ones to secure the position? Does "gender balance" in the appointment apply to the outcome (i.e., alternating one male SG to a female one) or only to the process itself (i.e., making sure that at least half of the candidatures received are from women)?
5. Should the principle of regional rotation apply strictly and candidatures considered only from the region that might be next in the rotation?
6. Should there be a clear timeline for the selection process to avoid last minute candidatures to be put forward or and to provide all candidates with the same level of consideration?

References:

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