



“The most impossible job in the world”¹

Improving the appointment process for the UN Secretary-General

Introduction

Since its founding in 1945, one of the UN's achievements has been to shape what is now an undisputed norm – that of an international community expected to tackle shared global challenges and obliged to use constructive diplomacy to find compromises. As the UN's chief officer, the Secretary-General has the opportunity to become, in effect, the voice or conscience of this international community.

In *The Oxford Handbook on the United Nations*², Edward Newman writes that the Secretary-General “can be a significant force in promoting the principles and objectives of the organisation, and mediating between powerful and sometimes conflicting interests in international politics”. But while the postholder can wield “real influence”, they can only act “within the context of an organisation controlled by member states”, for whom national interests are the primary concern.

The powers and duties of the Secretary-General, set out in Articles 97-101 of the UN Charter, leave much scope for interpretation. In practice, the role has been heavily shaped not only by the personality and objectives of its incumbents, but by the support they have been accorded by influential member states, and the prevailing political landscape. The appointment process embodies these factors. Once in post, a Secretary-General's room for manoeuvre can wax or wane as a result of their interplay. But the appointment represents the first of many balancing acts that a new Secretary-General will need to undertake.

Writing in 1994, UN experts Sir Brian Urquhart and Erskine Childers, whose treatise on UN reform still forms the basis of most proposals, noted that: “the UN system's only real resources are its goals, principles and standards, and its leaders ... if governments make indifferent choices of executive heads, no amount of reform will compensate for the lack of leadership.”³

Although the second term of current UN Secretary-General Ban Ki-moon runs until December 2016, the United Nations Association – UK (UNA-UK) believes that a revised search process should begin in 2015, the year that the UN celebrates its 70th anniversary.

This briefing note focuses on the appointment process, summarising (i) legal provisions, (ii) accepted practices, and (iii) calls for reform and recent developments. It concludes with (iv) achievable proposals for improving the appointment processes.

i. Charter provisions and resolutions

The appointment of the UN Secretary-General is governed by [Article 97 of the UN Charter](#), which sets out a two-stage process: “The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council.”

To be nominated, a candidate must receive at least nine affirmative votes⁴ in the Security Council, with no permanent member (China, France, Russia, UK and US) voting against. The appointment is

¹ “Trygve Lie's seven years for peace – a bio”, Norway Mission to the UN, as sourced from: <<http://www.norway-un.org/NorwayandUN/The-Legacy-of-Trygve-Lie/Trygve-Lie-first-UN-Secretary-General/#.UopKwtJeveA>> (last visited on 18

² Weiss Thomas G. & Daws Sam, *The Oxford Handbook on the United Nations*, Oxford: Oxford University Press, 2007, at 175

³ Childers Erskine & Urquhart Brian, “Renewing the United Nations System”, 1 *Development Dialogue*, 1994, at 36, as sourced from: <http://www.dhf.uu.se/pdfiler/94_1.pdf> (last visited on 18 November 2013)

⁴ Originally, the threshold was set at seven, as the Security Council had 11 members until 1965, when membership was raised to 15 and the voting threshold raised accordingly.

therefore subject to a veto by any of the 'P5' and this factor is taken into account even if no formal veto is cast. It should be noted that given the threshold of nine affirmative votes, the non-permanent members also wield influence, as their votes are needed for candidates to progress. Since the practice of 'straw polls' was adopted (see section ii), permanent members have been known to change their positions as a result of the majority opinion.

The Charter provisions were supplemented by [General Assembly Resolution 11\(1\)](#), adopted in 1946. The resolution stated that "it would be desirable" for the Security Council to proffer one candidate only for consideration by the Assembly, and that the Assembly would make its decision through a simple majority vote. It also set the term limit for the first postholder (five years, with the option of a further five), while making clear that as the Charter did not stipulate a term limit, both it and the Security Council could modify the term in the future.

The **rules of procedure** for both the [Assembly](#) and the [Council](#) stipulate that deliberations should be held in private or closed sessions. Subsequent guidelines, such as the Security Council's 1996 '[Wisnumurti Guidelines](#)', explicitly state that any UN member state can submit, officially in writing or informally as appropriate, the names of candidates of any nationality for consideration.

Since then, there have been two further General Assembly resolutions ([A/RES/51/241](#) of 1997, and [A/RES/60/286](#) of 2006) of note on the appointment process. Both emphasise the key role of the Assembly, the need to engage all UN member states in the selection process, and the desirability of ongoing dialogue between the Presidents of the two bodies. The 1997 resolution specified the right of the President of the General Assembly to forward recommendations to the Security Council during the nomination phase. It also calls for "due regard" to be given to "regional rotation" (an informal, existing practice) and to "gender equality".

ii. Accepted and informal practices

Since 1945, there have been eight Secretaries-General (see box) and a number of accepted practices and informal rules have emerged with regard to their appointment:

- Nationals from the Security Council P5 are not nominated for the role, with candidates overwhelmingly from small or middle-ranking powers
- From Hammarskjöld onwards, there have not been two successive Secretaries-General from the same geographic region
- They are normally appointed for one five-year term, which is open to renewal for a further five years
- They are generally required to speak English and French, the two working languages of the Secretariat

None of the above practices are included within the Charter. They have evolved through non-binding resolutions, rules of procedure and debates within various UN fora, notably the General Assembly and the Security Council.

LIST OF UN SECRETARIES-GENERAL	
Name	Tenure
Ban Ki-moon <i>Republic of Korea</i>	2007-2016
Kofi A. Annan <i>Ghana</i>	1997-2006
Boutros Boutros-Ghali <i>Egypt</i>	1992-1996
Javier Perez de Cuellar <i>Peru</i>	1982-1991
Kurt Waldheim <i>Austria</i>	1972- 1981
U Thant <i>Myanmar</i>	1961-1971
Dag Hammarskjöld <i>Sweden</i>	1953-1961
Trygve Lie <i>Norway</i>	1946-1952

Source: www.un.org/sg/formersgs.shtml

In 1981, the Council began the practice of conducting 'straw polls' to assess the viability of candidates ahead of a meeting to formalise the nomination. In 1991, it began to use different colour ballots for permanent and non-permanent members. In 1996, Indonesia's Ambassador to the UN, Nugroho Wisnumurti, proposed a set of [guidelines](#) for the polls, under which each Security Council member would mark on a list of candidates those it wished to 'encourage' or 'discourage'. This process has been carried out since then.

iii. Reform proposals and recent developments

The Charter provides little detail on the modalities of the appointment process. Both the General Assembly and the Security Council could adopt new resolutions or working practices to make changes to areas such as term limits or the number of candidates put forward to the Assembly by the Council. It is therefore not surprising that calls for reform resurface prior to each appointment.

Proposals tend to focus on widening the pool of candidates, enhancing transparency and quality control, and mitigating political factors, such as the Security Council's stronghold over the pre-selection process. In their 1994 treatise, Urquhart and Childers make a number of recommendations on reforming the appointment process for senior UN officials, including the Secretary-General, in terms of improving selection criteria, involving national parliaments in the search and reducing the primacy of norms such as geographic rotation. For the most part, their proposals continue to form the basis of current recommendations.

Perhaps the most comprehensive recent effort occurred ahead of the appointment of the present incumbent. In February 2006, Canada circulated a [non-paper](#) within the General Assembly containing the following proposals:

- The selection process should be "anchored in agreed criteria / qualifications"⁵
- A "search committee" should be set up to identify candidates
- All UN member states should have the opportunity to meet with candidates, perhaps through meetings of regional groups
- The Presidents of the General Assembly and Security Council should organise informal events to explore "the perspectives and positions of the candidates"

These proposals, which build on Resolution 51/241, received support from a broad range of member states. Among the P5, China, France and the UK made public statements expressing openness to reviewing some aspects of the process. The US and Russia were more reserved. However, as discussions unfolded over the next months, differences in opinion re-emerged. The P5 focussed mostly on minor modifications to the existing process, whilst others lobbied for more profound change, most notably, the suggestion by states such as Canada and India that the Council put forward more than one candidate to the Assembly.

In part due to timing, the proposals were not implemented for the 2006 appointment and they remain in circulation with no formal decision taken.

In 2009, the UN's Joint Inspection Unit was requested to evaluate the appointment processes for the Secretary-General and other senior UN officials. It concluded that despite previous resolutions and proposals aimed at increasing transparency and member state involvement, current practice remained that only Security Council members were involved in the shortlisting and selection processes.

⁵ It should be noted that such a list was drawn up in 1945 by the UN Preparatory Commission. It includes criteria clearly not confined to pure administration, such as leadership, moral authority, communications, political judgment, and ability to serve as a mediator and advisor.

This view remains in force, with the need to implement previous resolutions discussed from time to time, in meetings of the *Ad Hoc Working Group on the Revitalization of the General Assembly*, for example.

iv. Improving the selection process – what is achievable?

UNA-UK has a long-standing set of recommendations for improving the selection process for the Secretary-General. These are grounded in the 1994 Urquhart-Childers proposals and 2006 Canadian non-paper.

For the forthcoming appointment, the Association is concentrating on the proposals it believes have the most chance of success and of having a tangible impact, given the current climate for reforms.

These are:

1. The creation in 2014-15 of a search committee consisting of UN member states (with due consideration to regional representation), serviced by a high-ranking UN official and endorsed by the General Assembly and Security Council, to:
 - a. Review the criteria set out by the 1945 UN Preparatory Commission and make recommendations on amendments needed based on the future needs of the Organisation.
 - b. Set out a timetable for a well-organised search for candidates involving all UN member states, parliaments and NGOs. This should ideally begin in 2015, to leave sufficient time for meaningful consultation.
 - c. Set out recommendations, to be discussed by the Presidents of the General Assembly and Security Council, for opportunities for all UN member states to be involved in the first stage of the selection process, for example, through meetings to explore the positions of those candidates selected for shortlisting.
2. The inclusion of women candidates in comparable numbers to men. While the search and shortlisting process should be firmly focussed on identifying the best candidates, the General Assembly and Security Council should commit to a position similar to that which the UN Secretary-General now applies when appointing senior officials, namely that lists must include a certain number of women or an explanation as to why it was not possible to do so.
3. The consideration by the Security Council and General Assembly of a single term for the next Secretary-General. While a term of five years (with the option for renewal) has become customary, it is not rooted in the Charter and could be amended. The Assembly and Council should at least discuss the pros and cons of a longer single term, which could reduce constraints related to re-election.
4. Renewed efforts within the Security Council and General Assembly to avoid the impacts of "regional pre-emption", namely the presumption, ahead of the appointment, that a particular region is 'due' to provide the next Secretary-General.