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The challenges of the UN Secretary-General's appointment process for the relationship with the UN Security Council

One World Trust background briefs for the 1 for 7 billion campaign

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As argued in the edited volume *The UN Secretary-General and the Security Council: A Dynamic Relationship*,¹ the Secretary-General's freedom of operation and success in realizing the purposes and principles of the UN Charter have been affected considerably by the nature of his relationship with the UN Security Council. A successful interaction between the two can contribute significantly to the maintenance of international peace and security, as the UN Secretary-General and Security Council rely on each other for important activities such as peacekeeping, international mediation and the formulation and application of normative standards. The foundation of this critical relationship is laid when the candidate for the Secretary-Generalship is being considered for nomination by the Security Council. This policy brief therefore examines the effects of the appointment process on the relationship between the Secretary-General and the Security Council. In particular, it looks at the possible consequences of an open campaign for a particular candidate for the post, either by a single Member State or by the candidate him- or herself.

Short background: The role of the Secretary-General

Simon Chesterman famously conceptualized the Secretary-General's role in the world as falling somewhere between a 'Secretary' (who is mostly subservient to Member States and focuses on the role of 'chief administrative officer') and a 'General' (who emphasizes the independence of the post and sees him- or herself as a custodian of the higher principles of the Organization).² Although it is perfectly possible for a Secretary-General to have a satisfactory performance within the boundaries of a role as a 'Secretary', to be more successful in defending the purposes and principles of the United Nations, and to contribute to the maintenance of international peace and security, (s)he will have to move beyond his or her administrative role and take an independent position transcending world politics.³ Perceptions are also important here, as the reputation of bias towards one Member State can result in reduced cooperation from other Member States. Therefore, one could argue that, in his/her relationship with the Council, the Secretary-General's independence is perhaps his/her most important good. Due to

1. Manuel Fröhlich and Abi Williams (eds.), *The UN Secretary-General and the Security Council: A Dynamic Relationship* (Oxford: Oxford University Press, forthcoming). The book features contributions from several seasoned UN scholars and practitioners.
2. Simon Chesterman, ed., *Secretary or General?: The UN Secretary-General in World Politics* (Oxford: Cambridge University Press, 2008).
3. It is notable that those Secretaries-General who are deemed to be the most 'successful' (Dag Hammarskjöld and Kofi Annan) are usually categorized as a 'General' rather than a 'Secretary'.

the strong influence of five permanent members of the Security Council (the P5), which typically prefer a 'Secretary' rather than a 'General', Secretaries-General have often been selected for their perceived willingness to acquiesce to the wishes of the P5. The P5 have regularly used their veto to influence the selection of the next Secretary-General in this direction. According to former New Zealand Permanent Representative Colin Keating, "[i]n only two cases – U Thant's appointment and Boutros-Ghali's first appointment – was the veto not a significant factor."⁴

There is a marked difference in how various Secretaries-General have assumed the position. For example, while Kurt Waldheim and Ban Ki-moon actively campaigned to become the UN's top official, Javier Pérez de Cuéllar never actively sought to be appointed. Trygve Lie and Kofi Annan were both strongly favored by a particular member of the P5, whereas Dag Hammarskjöld was a compromise candidate. In this policy brief, I argue that the way in which the Secretary-General has assumed the position has had an impact on (perceptions of) his independence after he assumed his position. I further argue that the appointment process for the past Secretaries-General has usually resulted in a reduction of their (perceived) independence. To some extent, this will persist even with the changes that have been implemented in 2016, as well as in a process that would be amended according to the 1 for 7 Billion campaign's recommendations.

The brief will focus on two particularly important factors in the appointment process that have influenced the independence of the Secretary-General in the past. The first section will explore the effects of situations in which candidates have campaigned for appointment (which is now becoming the new norm). The second section looks at the impact of the P5's influence over the process, taking into account two situations in particular: (1) there is a strong preference from one of the P5 for the prospective Secretary-General; (2) the Secretary-General is a compromise candidate. The brief will conclude with a number of policy recommendations that seek to mitigate some of the negative impacts of the appointment process.

Campaigning for appointment

Most Secretaries-General did not actively campaign to be appointed to the post. Some have even suggested that such a process would be a risk to the independence of the office. Javier Pérez de Cuéllar was especially firm in this opinion, arguing that any individual seeking (re-) appointment will inevitably have to make promises that will restrict his independence while in office.⁵ A prospective Secretary-General will indeed have strong incentives to make promises to the Council's membership, particularly the P5, to sway them in his or her favor. In general, because the P5 will prefer a less activist candidate, a prospective Secretary-General will have good reasons to promise to be a Secretary rather than a General. In addition, the Secretary-General has incentives to convince particular governments with promises to (not) push for action on sensitive issues or to make senior appointments favourable to that government.

The one who is perhaps best known for campaigning for the position is Kurt Waldheim, who persistently lobbied Member States to support his candidacy after losing his bid for the post of President of Austria. Not entirely coincidentally, he is also generally regarded as the Secretary-General most subservient to the interests of the P5. It is of no surprise that his cautious approach which prioritized the interests of the P5 was almost rewarded with a unique third term in office, had it not been for sixteen vetoes by the Chinese who insisted on a candidate from the developing world.⁶ Ban Ki-moon also actively campaigned for the post while he was Foreign Minister of South Korea. In his first years, he avoided most controversial issues and see-

4. Colin Keating, "Selecting the World's Diplomat," in *Secretary or General?: The UN Secretary-General in World Politics*, ed. Simon Chesterman (Cambridge: Cambridge University Press, 2008), 52.

5. Javier Pérez de Cuéllar, "The Role of the Secretary-General" (Cyril Foster Lecture, Oxford, 1986).

6. Although more recent research has argued that these actions were guided more by aggravation over the American policy with regards to Taiwan. Joel Wuthnow, "Chinese Diplomacy and the UN Security Council: Beyond the Veto" (New York: Routledge, 2013).

med to mostly acquiesce to the P5's interests (although, as Ban's confidence increased and time passed, he did become more outspoken on a number of issues like Syria and climate change).⁷

Waldheim and Ban are the exceptions to the norm however, as most Secretaries-General did not actively campaign for the job. Arguably, this has made them more independent vis-à-vis the Member States: in this situation, the prospective Secretary-General has fewer incentives to make promises to the Council members. Dag Hammarskjöld, one of the most independent Secretaries-General ever to fill the position, reportedly stated that he did not think he would be nominated and that he would be unlikely to accept the position if it were offered to him. However, after the Security Council emphasized to him how the interests of world peace would be served by his acceptance, he was persuaded to take up the role.⁸ At least as notable are a number of examples of Secretaries-General not seeking reappointment. U Thant, for example, even announced at a press conference that he would not attempt to extend his term, frustrated with his experiences in the post, which he compared to that of a "glorified clerk".⁹ He only accepted his reappointment when the Council promised to formally accept the Secretary-General's role in peacekeeping.

Despite these challenges, it is of course important to recognize that this process need not necessarily result in a Secretary-General who is completely beholden to the Member States who supported them during their appointment. As shown by Ban Ki-moon's tenure, a Secretary-General can grow in his/her job and more actively assert his/her independence. In addition, one could argue that positive relationships between the Secretary-General and the P5 are important for an effective tenure. (S)he will need the support of all the P5 to do his/her work effectively. Therefore, such campaigning could possibly create understanding and rapport, especially on the personal level, which would be of great value once the Secretary-General is appointed.

Candidate favoured by a particular Member State or compromise candidate

Observers have suggested that the appointment process, at least up to the one leading to Ban Ki-moon's appointment, was most likely to result in a candidate who was not selected for his skills and qualifications, but rather selected because he would offend the fewest Permanent Members (and thus least likely to garner a veto).¹⁰ Especially in the Cold War period, it was vital that the proposed Secretary-General did not come from a country strongly aligned with either block, or had a history of offending either of the superpowers. In most cases, this process, with secret deals and backroom politics, resulted in a compromise candidate, for whom a reputation of assertiveness or independence was usually a reason to be eliminated in the shortlisting process. Famously, the Soviet Union denied the possibility of a truly 'independent' individual, instead proposing the troika in which there would be a representative of each political block in the UN.¹¹ While one would not expect this process of finding compromise candidates to result in a particularly independent Secretary-General, the outcomes sometimes surprised the Council members. Dag Hammarskjöld stands out as a candidate who was mostly selected for his administrative skills and who was not expected to be a particularly forceful candidate. His tenure, which today stands out as one of the most successful in the history of the post, nevertheless

7. See the forthcoming chapter by Richard Gowan in: "The UN Secretary-General and the Security Council: A Dynamic Relationship."

8. Remarks made by Manuel Fröhlich during the panel "The Appointment of the UN Secretary-General: Looking Back to Look Ahead," organized by ACUNS and The Hague Institute for Global Justice, 12 June 2015, The Hague.

9. Andrew W. Cordier and Max Harrelson, eds., "Public Papers of the Secretaries-General of the United Nations", Vol. VII: U Thant, 1965-1968 (New York: Columbia University Press, 1976).

10. See: Anda Scarlat, "The Appointment of the UN Secretary-General: Looking Back to Look Ahead," The Hague Institute for Global Justice, 17 June 2015, <http://www.thehagueinstituteforglobaljustice.org/latest-insights/latest-insights/news-brief/the-appointment-of-the-un-secretary-general-looking-back-to-look-ahead/> (accessed 26 July 2016).

11. K. Skjelsbaek, "The UN Secretary-General and the mediation of international disputes," *Journal of Peace Research* 28, vol. 1 (1991).

was among the most controversial at the time, leading to the above mentioned troika proposals by the Soviet Union.

One exception in the Cold War period was the appointment of Trygve Lie in 1946, who was perceived in Western circles as “Moscow’s man” because he was nominated by the Soviets in the election for the first General Assembly President which took place earlier that year.¹² Trygve Lie often had to deal with this claim whenever he took a position that was not in line with Washington’s thinking. This perception that the Secretary-General was beholden to a particular Member State has also often led to unfavourable opinions among other Member States. In the period of American hegemony shortly after the end of the Cold War, the US pushed Kofi Annan forward as ‘their man’, after a dramatic fourteen-to-one veto of Boutros Boutros-Ghali’s reappointment. This meant that Annan had to fight an uphill perception battle on two fronts: he both had to convince the other Member States that he was sufficiently independent of the US and he had to convince the US that their backing during the appointment process did not translate into his unconditional support for their policies.¹³ The perception of being a particular Member State’s candidate thus has a negative effect on the perceived independence of the Secretary-General (which can result in reduced cooperation from other Member States). At the same time, it can also lead to more forceful assertions of independence than would be expected from a compromise candidate.

Conclusion and recommendations

This brief has argued that the appointment process of the Secretary-General influences his/her (perceived) independence during his/her tenure. In particular, it examined the impact of two factors: whether or not the Secretary-General had campaigned for his appointment and whether or not the future Secretary-General was a compromise candidate. The 1 for 7 billion campaign aims to improve the transparency and accountability of the selection process, which is a laudable step in the right direction. Some reforms, like a single seven-year term, would certainly benefit the independence of the Secretary-General, as it would relieve some of the pressures of reappointment and take away some incentives to make promises to the P5. The publication of a list of selection criteria further improves the chances of finding a candidate who is not simply the candidate with the fewest objections. At the same time, the open campaigning for the post, despite improving transparency, runs the risk of creating incentives to make promises to the P5, as well as possible positioning to be the least controversial candidate (to be more a ‘Secretary’ than a ‘General’). The first-time-ever hearings of prospective candidates in the General Assembly, which started in April 2016, as well as the release of each candidate’s vision statements before that, suggested that most candidates want to be as uncontroversial as possible, at least for now. While caution is therefore of the essence, history also shows us that this process is not entirely predictable: Council members have often gained more than they bargained for, and Secretaries-General have sometimes blossomed while on the job, showing themselves to be more capable than could have been reasonably expected when they were selected.

12. Trygve Lie, *“In the Cause of Peace: Seven Years with the United Nations”* (New York: Macmillan, 1954).

13. Kofi Annan, *“Interventions: A Life in War and Peace”* (London: Allen Lane, 2012).

The One World Trust promotes education, training and research into the changes required within global organisations in order to make them answerable to the people they affect and ensure that international laws are strengthened and applied equally to all. Its guiding vision is a world where all peoples live in peace and security and have equal access to opportunity and participation.

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