



one world trust

The Institutional Context of Searches for a UN Secretary-General

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

MJ Peterson

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This series of background briefs have been written by scholars from around the world who are members of the Academic Council on the United Nations System (ACUNS). The paper reflects the view of the author, in her or his individual capacity. It has been solicited as a contribution to the 1 for 7 billion campaign to make the appointment process of the United Nations Secretary General more open and inclusive, and thereby more accountable.

The briefs are available at <http://www.1for7billion.org/resources/>
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The author MJ Peterson is professor of Political Science at the University of Massachusetts Amherst (USA). To contact the author please email mjp@polsci.umass.edu. The editor Sylvia Karlsson-Vinkhuyzen is assistant professor in the Public Administration and Policy group at Wageningen University. To contact the editor please email: sylvia.karlsson-vinkhuyzen@wur.nl

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Unit 60
Eurolink Business Centre
49 Effra road
London Sw2 1BZ
Tel: +44 (0)20 7733 9696
Email: info@oneworldtrust.org
www.oneworldtrust.org

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National and transnational civil society organizations and advocacy coalitions are currently seeking to inject greater transparency, competitiveness, and accountability into the process of selecting a new UN Secretary-General. They will not be able to determine the process on their own because of the structure of the UN organization. Civil society organizations and advocacy coalitions can claim that because they speak for the “people” affected by UN actions or inactions, they should have a say in formulating the process. However, actual determination of the process, together with selection of the next Secretary General is in the hands of the UN organization’s “principals” – the governments of the member states.¹ Though the Preamble to the UN Charter begins with “We the Peoples of the United Nations” expressing shared determinations to “save succeeding generations from the scourge of war,” “reaffirm faith in fundamental human rights,” “establish conditions under which justice and respect ... for international law can be maintained, and “promote social progress and better standards of life in larger freedom,” it ends with a hand-off to “our respective governments” which agree to the Charter and establish “an international organization to be known as the United Nations.”²

Articles 3 and 4 of the Charter make clear that the members of this organization are states, either those that were part of the anti-Axis coalition during World War II or are later judged to be sufficiently “peace-loving” and able to carry out the obligations of membership. Since the states are collective entities, the effective principals are their governments, and more specifically the executive branches of those governments. This separation of people and principals is reinforced by the UN’s lack of administrative and coercive capacity: the organization remains a place where those executive branches of member states coordinate (or do not coordinate) action as they choose.

Article 97 of the UN Charter defines the Secretariat “a Secretary-General and such staff as the organization may require.” Article 100 enjoins both the Secretary-General and the member states to maintain the international character of the staff while Article 101 suggests staff members generally should be selected on the basis of efficiency, competence, and integrity with attention paid to broad geographical recruitment. For the post of Sec-

1. The “people” – “principals” distinction is discussed in Ruth Grant and Robert O. Keohane. (2005). “Accountability and abuses of power in world politics.” *American Political Science Review* 99(1): 29-43.
2. Official text of the UN Charter available at <http://www.un.org>.

retary-General, which is held by one person at any time, broad geographical recruitment became institutionalized in a de facto rotation of appointments among the UN's major geographical regions.³ Thus a sense of which region now deserves "its turn" affects the process by defining the field of nominees for a particular selection. This was clear in 1996 when the US government, determined to bring Boutros Boutros-Ghali's service to an end after one 5-year term, moved to garner more support for its determination by indicating that it would focus on African nominees.⁴ African governments were thus assured that their expectation of having an African serving as Secretary-General for two terms, by then the usual term of service, would not be disappointed.

Article 97 specifies very plainly that the Secretary General is appointed "by the General Assembly upon the recommendation of the Security Council." Together with the practice established in General Assembly Resolution 11(I) of 1946 that the Security Council recommend one person,⁵ this effectively leaves the choice to agreement among the 15 members of the Security Council, and especially of the Permanent Five (P5).⁶ The first Secretary-General was pushed into resigning by one of the P5, and the second might have been but for a fatal air crash. As noted above, the sixth was denied a second term by another of the P5. Other candidates have been kept out of office by objections from one or more of the P5. A Security Council reform that modified or eliminated vetoes would end the P5 advantage in the nominating process, but would still leave the key stage of selection in the hands of a minority of the membership.

Yet the relation between the Security Council which chooses and the General Assembly which affirms is shifting. A long campaign involving the 27-strong Accountability, Coherence, and Transparency (ACT) Group of middle and smaller UN members led by Switzerland,⁷ the Non-Aligned,⁸ other UN members, and civil society groups,⁹ led to informal discussions of a new procedure for preliminary consideration of candidates formally adopted in General Assembly Resolution 69/321. It specified a process through which governments would name candidates publicly and circulate their CVs and other relevant documents to all member governments, and have interested candidates meet informally with members of the General Assembly and Security Council for dialogues before the Security Council began its consultations on a recommendation.¹⁰ Paragraph 39 provided a formal statement of desired qualifications, indicating that member governments are seeking a person "who embodies the highest standards of efficiency, competence and integrity and demonstrates a firm commitment to the purposes and principles of the United Nations" and inviting member states "to present candidates with proven leadership and managerial abilities, extensive experience in international relations and strong diplomatic,

3. As Sievers notes in brief no. 2 of this series, this took hold after 1991.

4. James Traub (2006), *The Best Intentions: Kofi Annan and the UN in the Era of American World Power* (New York: Farrar Straus and Giroux), p. 67.

5. Resolution 11(1), par d. Available at <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/032/62/IMG/NR003262.pdf?OpenElement>, (accessed 1 May 2016).

6. This reading of the phrase "upon the recommendation of the Security Council" is supported by the International Court of Justice in *Competence of the Assembly regarding admission to the United Nations*, Advisory Opinion: *ICJ Reports 1950*, p. 4, which interpreted the same phrase as used in Article 4 on admission of states to membership.

7. See its statement on selection of the Secretary-General at http://www.unelections.org/files/FACT%20SHEET%20ACT%20June%202015_0.pdf, (accessed 1 May 2016).

8. The 30-strong Global Governance Group (3G) of smaller UN members coordinated by Singapore has not been active and has issued no statements so far. See the compilation of G3 statements maintained by the Government of Singapore at http://www.mfa.gov.sg/content/mfa/overseasmission/newyork/nyemb_statements/global_governance_group.html, (accessed 1 May 2016).

9. E.g., the 1 for 7 Billion campaign, see statement at <http://www.1for7billion.org/why/>, (accessed 1 May 2016), and The Elders (a group of former national leaders founded by Nelson Mandela), see Proposal on a UN Fit for Purpose (2015) at <http://theelders.org/un-fit-purpose>, (accessed 1 May 2016).

10. GA Resolution 69/321, paras. 32-44, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/321, (accessed 1 May 2016).

communication and multilingual skills.” The resolution also noted the desire to have women nominated.¹¹ The President of the General Assembly, Mogens Lykketoft of Denmark, added other elements by posting nominees’ names and CVs on the UN website¹² and inviting interested candidates to provide a 2000-word vision statement before the informal consultations, and live-streaming the sessions on the internet.¹³

The new process provides more information about candidates, and gives other member governments – as well as civil society groups – more opportunities to express views about candidates but does not alter the formal division of roles in the appointment process. It might be argued that the P5 would find it very difficult to ignore a candidate enjoying support from the rest of the UN membership. Yet it is not clear this early in the process (informal meetings with candidates began in mid-April 2016) that the rest will all rally to a single candidate. When it meets in late July the Security Council will follow the practice allowed by Rule 48 of its Rules of Procedure and meet in private session to develop its recommendation.¹⁴ This means the P5 can still coordinate among themselves, and that coordination is easier today than it was at the height of the Cold War, even if the individual P5 governments remain divided between adherents of liberal and of guided democracy.¹⁵ At the same time, the P5 do interact with a considerable set of organized caucuses. Besides the UN regional groups, the Non-Aligned, the ACT group, and the 3G, the other 15 members of the G20 now form a significant reference group for the P5 on many issues.

The effective control over selecting the UN Secretary General now exercised by national executive branches of government will not change without a fundamental centralization of world politics at the global level. However, interest in who serves and desires to somehow make the UN as an organization more accountable to ‘people’ as well as to its ‘principals’ is spreading. How far the ideas of those claiming to speak for people affect the principals’ thinking about the process will depend for this selection on what the ‘principals’ decide to do. Those decisions are shaped by their own attitudes towards the UN organization, towards international secretariats in general, and their definitions of the sort of leadership they want at the UN.

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.

ACUNS is a global professional association of educational and research institutions, individual scholars, and practitioners active in the work and study of the United Nations, multilateral relations, global governance, and international cooperation. We promote teaching on these topics, as well as dialogue and mutual understanding across and between academics, practitioners, civil society and students.

11. This was also reaffirmed in the Joint Letter from the Presidents of the General Assembly and Security Council in December 2015 outlining the process to be followed. Letter available at http://www.un.org/pga/70/wp-content/uploads/sites/10/2015/08/15-Dec-2015_Appointment-of-Secretary-General-15-December-2015.pdf, (accessed 1 May 2016).

12. Specifically to a “SG Selection” subpage on the General Assembly President’s website at <http://www.un.org/pga/70/sg/>, (accessed 1 May 2016).

13. Specifically to a “SG Selection” subpage on the General Assembly President’s website at <http://www.un.org/pga/70/sg/>, (accessed 1 May 2016).

14. Security Council Provisional Rules of Procedure, UN Doc. S/96/Rev.7 (1982) and practice summarized in http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/507, (accessed 1 May 2016), par. 36.

15. Chapter I, Article 1 of the 1982 Chinese Constitution specifies that China is “a socialist state under the people’s democratic dictatorship.”