



Discussion Note

A Renewed Process for Selecting and Appointing the UN Secretary-General

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The views expressed in this publication represent those of the author and not necessarily those of the International Peace Institute (IPI). IPI welcomes consideration of a wide range of perspectives in the pursuit of a well-informed debate on critical policies and issues in international affairs.

Introduction

As the UN General Assembly embarked on its seventieth session in the fall of 2015, it was clear that one issue would be of the utmost significance for that session and the year to come—the process of selecting and appointing the next UN secretary-general, a position its first occupant described as “the most impossible job in the world.” For the first time in history, the General Assembly was prepared to assert its role vis-à-vis the Security Council, in line with Article 97 of the UN Charter, and to pave the way for a more transparent and inclusive process.

This discussion note seeks to explain some of the thoughts, deliberations, and struggles that took place, partly behind the scenes, while designing and implementing the reform of the archaic, seventy-year-old process of selecting and appointing the UN secretary-general. It also explains some of the rationale behind the gains achieved and the shortcomings and illustrates how the relationship between two of the UN’s main organs—the General Assembly and the Security Council—was rebalanced through a continual insistence on greater transparency and inclusivity.

Laying the Groundwork for a Renewed Process

The dire state of the world today made the choice of who should lead the UN even more important than usual. With over 65 million people displaced by war and conflict, human rights increasingly under threat, and millions struggling to escape extreme poverty, it was clear that this choice would be critical. The world was looking for a leader who could address today’s threats to global peace and security, mobilize implementation of the new Sustainable Development Goals and the Paris Agreement on climate change, and, not least, reform and strengthen the UN to meet these challenges by making it more relevant and improving its efficiency and organizational culture. The selection of the next secretary-general was important for the future of the UN and the future of our world.

The foundations for a renewed process were laid during the negotiations on General Assembly Resolution 69/321 on the revitalization of the work of the General Assembly, which took place over the spring and summer of 2015. These negotiations secured a strong mandate for the General Assembly’s involvement in the secretary-general selection process thanks to timely groundwork by civil society groups such as the 1 for 7 Billion campaign, the Elders, and groups of member states such

as the Accountability, Coherence and Transparency group (ACT) and the Non-Aligned Movement (NAM), among others.

Today, it is hard to believe that for seventy years the process of selecting and appointing the UN secretary-general had been conducted behind closed doors. The world's chief diplomat had been recruited with no job announcement or terms of reference for the position, no official information about who the candidates were or their qualifications, no "interviews" or formal opportunity for UN member states or the global public to evaluate the candidates,¹ and no timeline for the start or conclusion of the process. It had been a decision and process widely understood to be steered by the permanent five members of the Security Council (P5) alone, with the remaining members of the Security Council and the General Assembly playing only a symbolic role at the end. Most of this changed during the selection process of 2015–2016.

Looking back at the most recent selection process, it is easy to forget the many gains that were made; some may even claim that today's secretary-general, António Guterres, would have emerged as the front-runner and final candidate regardless of the process leading to his appointment. However, it is worth remembering that only last summer, before the Security Council started considering the candidates, a number of critics and champions of the process genuinely feared that the Security Council would undo the groundwork of the General Assembly. It could have done so by choosing a weak candidate who was unlikely to challenge the P5 or by recommending a compromise candidate who would not have to go through the public process of the General Assembly.

Shaping the Process: Joint Letter from Presidents of General Assembly and Security Council

The first milestone in shaping the process was the unprecedented joint letter from the president of the General Assembly (PGA) and the president of the Security Council (PSC), a rare occasion of joint activity between the two major UN organs. This letter was needed to trigger and shape the nomination process ahead, officially beginning the process of soliciting candidates for the position and providing a description of the process.

The PGA was eager to start the negotiations on the text of the letter in early fall 2015 (despite some Security Council members' determination to wait until January 2016 at the earliest). As such, the Office of the PGA began the work of drafting and negotiating the letter with the monthly presidents of the Security Council in October 2015 (during the Spanish presidency), offering a first draft of what it believed it was essential that the letter contain. The negotiations continued through November under the auspices of the UK presidency (the designated "penholder" for the negotiations on behalf of the Security Council) and were finalized with the issuing of the letter on December 15, 2015, during the US presidency of the Security Council.

The final letter clearly noted that the process should be guided by the principles of transparency and inclusivity and included a list of qualifications for the position,² as listed in Resolution 69/321 (efforts to expand these criteria and formulate the content more as "terms of reference" did not succeed). It

¹ In previous years candidates had often met with the regional groups of the UN, but on a much less formal basis.

² The letter said: "The position of Secretary-General is one of great importance that requires the highest standards of efficiency, competence and integrity, and a firm commitment to the purposes and principles of the Charter of the United Nations. We invite candidates to be presented with proven leadership and managerial abilities, extensive experience in international relations, and strong diplomatic, communication and multilingual skills."

also referenced the “need to guarantee equal opportunities for women and men in gaining access to senior decision-making positions” and encouraged member states to present women candidates.³ Regional rotation was one of the main issues that required discussion to reach consensus on the content of the letter, as certain countries wanted this reflected in a more prominent way, while others continued to point out that this was not an established principle for the position. In the end, the letter simply made reference to regional diversity in previous selection processes without qualifying it.

Another issue concerned the informal dialogues with candidates, which had been mandated by Resolution 69/321, and how best to communicate that the Security Council could also offer such interactions with the candidates. From the perspective of the Office of the PGA, it was most important to maintain the resolution’s broad mandate without restricting or prescribing the format of the dialogues in the joint letter.

A last sticking point in finalizing the letter was the wish to include a timeline for the process. The Office of the PGA had originally hoped to include some sort of deadline for submissions of candidacies in the joint letter. This resulted in a less firm description of the process, but deadlines proved impossible.⁴ In the end, candidates were also presented after the Security Council had started its deliberations, making it important for the Office of the PGA to ensure that all candidates were offered (and participated in) the General Assembly’s informal dialogues.

General Assembly Informal Dialogues with Candidates: A Game Changer

Some predicted that the General Assembly informal dialogues—or so-called “hearings”—with the candidates would prove irrelevant, either because candidates would not participate or because the hearings would be tedious and not gain attention. In hindsight, however, these hearings seem to have been a game changer for the entire process.

At the time, there was a lot of speculation about “latecomers” being able to circumvent the General Assembly dialogues and jump directly into consideration in the Security Council straw polls. However, this scenario never became a reality. By the time the Security Council started its first straw polls in July, the process had created a clear expectation that all candidates, regardless of when they were presented, should participate in the General Assembly hearings as a first step prior to being considered by the Security Council in its straw polls. In fact, by the summer of 2016 it seemed unrealistic that any candidate would be considered seriously without taking part in the same General Assembly hearings as the others. The process also seemed to prove that “latecomers” did not have any particular advantage.

These informal dialogues created a sense of openness and transparency surrounding the candidates, which made it difficult for the Security Council, and the P5 in particular, to choose candidates perceived as “weak” or to overlook any candidate that emerged as outstanding. They also put pressure on the Security Council to continue on the transparent path that had been set in motion by the General

³ The phrasing in the letter ended up being “women, as well as men.” This was one of the last discussion points while negotiating the letter, as there were efforts to include clearer language calling for women candidates.

⁴ In the end, the letter stated that the Security Council would begin its selection process “by the end of July 2016” (leaving an opening to begin earlier) and that the informal dialogues both could take place before that and continue throughout the process. The letter did stress that “early presentation of candidates will help the Council’s deliberations,” but this did not preclude candidates from being presented throughout the process. Also, the original wish for the letter to articulate more clearly that the process should be finalized three months before the next secretary-general assumed office ended up as a mere note that the recommendation from the Security Council to the General Assembly was planned to be made “in a timely manner so that the appointment by the General Assembly allows the newly appointed Secretary-General sufficient time to prepare for the job.”

Assembly hearings. Some also believe that the informal dialogues fundamentally shaped the opinions of member states regarding the candidates and could have changed the calculations upon which the Security Council based its recommendation to the General Assembly. This stood in stark contrast to past processes, where UN member states had no opportunity to build such perceptions of the candidates on an equal footing, and where the General Assembly's (or global public's) opinion of the candidates was rather insignificant to the P5.

Designing the modalities and format for the informal dialogues with candidates proved to be a comprehensive task. There were many expectations from member states as well as from civil society and the wider global public. At the same time, there was a strong need to design a format that treated the candidates fairly and equally and that was easy to replicate for new candidates put forward at later stages in the process. It was agreed that the hearing could not drag on for hours (it was not known how many candidates there would be at the end) and should be a decent experience for the candidates, but also that it be kept as interactive as possible. At the same time, member states and groups expected to be able to speak and ask any and every question they wished. Therefore, finding a format that could meet the expectations of all stakeholders was not easy.

The resulting format provided for one two-hour segment per candidate and required candidates to submit written "vision statements" in which they outlined their vision of the challenges and opportunities facing the UN and the next secretary-general. This was circulated in advance of the hearing to minimize the amount of time allocated to the delivery of prepared statements by candidates and allow more time for interaction with member states. It also gave member states the opportunity to prepare more targeted questions for the candidates. There was a strict time limit for posing questions. However, looking back at the thirteen informal dialogues that took place, it is evident that there is scope to enhance the interactivity of the hearings and to ask member states to diversify and target their questions for future candidates.

An important element of the hearings was the participation of civil society and the wider global public. An open and inclusive process was launched online, and thousands of questions were submitted through social media from all over the world. A dedicated civil society committee reviewed all submissions and identified a short list of questions that proved to become an integral part of the informal dialogues. The General Assembly hearings also inspired several similar public forums with candidates outside of the UN, including a series of events at the International Peace Institute.⁵ The process had global resonance.

The establishment of a website that provided information on the candidates (including presentation of candidatures, biographies, vision statements, withdrawal letters, etc.) and the live-streaming of the dialogues further contributed to the transparency and public reach of the process. Distinct from the mandated informal dialogues, and in partnership with Al Jazeera Media Network, the PGA also organized a Global Town Hall Meeting in July 2016. This provided the first-ever live-broadcast debate from the General Assembly hall, which opened up the process to a broader global public and, at the same time, allowed for more interaction with all candidates.

The questions posed during the informal dialogues provided a clear message on what UN member states were seeking from the next secretary-general. The PGA summarized that the membership had expressed "a clear desire to see a strong, independent and courageous UN Secretary General who will make full use of the powers provided for in the UN Charter,... who is committed to ensuring that the

⁵ See www.ipinst.org/2016/04/un-secretary-general-candidates .

UN both promotes and embodies gender equality at all levels,” and who is equipped “with the skills to transform the UN’s tools, capacities and culture in order to respond to today’s major challenges.”⁶

Security Council Straw Polls

Ten years ago, the role of the General Assembly and the PGA in the selection and appointment process was minimal, and one of the PGA’s few significant tasks was informing the General Assembly about when the Security Council would start its straw polls. This time, through the monthly meetings between the PGA and PSC and communications from those meetings to member states, the PGA repeatedly asked about the Security Council plans for commencing and conducting the straw polls. The PGA also continued to nudge the Security Council to share the results of the informal straw polls with member states.

The fact that the results were leaked shortly after each straw poll highlighted a lack of transparency in the Security Council–led portion of the selection process that did not correspond to the new, established standard of transparency that the General Assembly had initiated. The argument from some permanent members that secrecy surrounding the results was needed to preserve the “dignity of the candidates” was also weakened by the fact that, at times, erroneous results were leaked to the media.

The role of the ten elected members of the Security Council, which in their contacts with the Office of the PGA stressed that they viewed themselves as representatives of the General Assembly in the Security Council, was important in keeping the pressure on the Security Council during its internal proceedings.

Regional Rotation and Gender

When the process started, regional rotation and gender were two issues that seemed to dominate the discussion of possible candidates. It is therefore interesting that neither issue had a decisive impact on the outcome. However, one consequence of opening up the process was that it exposed the merits, strengths, and weaknesses of all candidates. As a result, selecting the “best possible candidate” seemed to become the single most important issue in determining the front-runner. That said, many have pointed out that the principles of regional representation and gender equality did affect the actual policies the candidates presented.

Lessons Learned and Questions for Future Processes

Several lessons can be drawn from this experience for the process of selecting and appointing future UN secretaries-general. Future processes should address the following issues.

Multiple candidates and a single term: Two of the key issues during discussions on the secretary-general selection process were the idea of the Security Council recommending multiple candidates to the General Assembly and the next secretary-general serving a single, longer, non-renewable term. Both issues were discussed at length, but mixed views were expressed during negotiations.⁷ Both are outstanding issues that deserve more discussion in future selection processes.

⁶ PGA, Letter to President of the Security Council, September 13, 2016.

⁷ For the first of these issues, some questioned the significance of appointment by consensus or acclamation, while others were concerned that considering multiple candidates would expose a divided General Assembly. For the second issue, some argued that a single term would make the secretary-general more independent, while others warned that the UN could get stuck with a “weak” secretary-general for a longer term or be prevented from reappointing a strong secretary-general for a second term.

Other key questions to consider for the next selection process include whether the current secretary-general will seek a second term, and if so, whether he will stand unchallenged. If there are challengers, there will be questions of how to achieve a level playing field against an incumbent and whether an incumbent secretary-general should be spending time campaigning.

Senior appointments: Another sticking point throughout the process was the demand from many member states in the General Assembly that there should be no monopoly on senior posts in the UN system by nationals of any state or group of states. This relates to the independence of the secretary-general in making these appointments. These member states agreed on language with the P5 in Resolution 69/321 and, more significantly, Resolution 70/305. Nonetheless, this was a key point of contention during discussions and during the drafting of the appointment resolution (see below), and it remains relevant today.

Timeline: Whether it would be beneficial to have a more defined timeline and possibly a deadline for nominations in the process was also a point of discussion. This would have consequences for all steps in the established process. Some members voiced that they would prefer the possibility of reopening the field for new nominations if none of the declared candidates were successful.

Link between the General Assembly and Security Council: Some members identified a “missing link” between consideration of the candidates by the General Assembly and by the Security Council, particularly given that after the hearings there was no mechanism to measure the temperature of the General Assembly on the candidates. Some members also suggested that the General Assembly should itself conduct informal straw polls of the candidates to inform the Security Council before its considerations. No such mandate existed at the time, and such an exercise would probably have been seen as an overreach of the PGA’s mandate in the process, but the idea remains something to consider next time.

Straw poll results: The lack of transparency from the Security Council in communicating the results of straw polls is an obvious area in need of improvement.

Withdrawal of candidates: The fact that there was no established procedure for withdrawing candidates created some complications, exemplified when a second candidate was presented by the same country. The question of whether withdrawal was triggered by the member state presenting a candidature or the candidate him or herself was not clearly addressed in the joint letter or Resolution 69/321. The final reading seemed to be that a personal withdrawal from a candidate was necessary, even though there was a requirement for a member state to present the candidature.

Who can nominate: During last year’s process, the strict reading of the joint letter of the PGA and PSC soliciting candidates (which, after all, was addressed to member states), was that candidates could only be nominated by a government (although some ambiguity was left in both the joint letter and Resolution 69/321). There was agreement that there was no requirement for candidates to be nominated by own government and that there was no limit as to how many candidates could be presented by the same member state.

If candidates had been put forward by other stakeholders, such as civil society organizations or politicians, it would have been difficult to include them as official candidates in the joint circulation from the PGA and PSC. This, of course, would not preclude civil society or others getting together to find candidates and lobbying governments to put them forward.

Oath of office: There was some discussion regarding the actual oath of office that the new secretary-general would take when sworn in. Especially in light of the calls for the independence of the secretary-

general, there have been suggestions to include a reference to the UN Charter (which as of now does not exist.) Further discussion on the oath of office of the secretary-general seems merited.

Search committee: Early on, there were suggestions of establishing some kind of “search committee” to ensure highly qualified and relevant candidates for the position. This remains an open question for future processes.

Appointment resolution and General Assembly vote: There was a call for intergovernmental negotiations led by appointed co-facilitators on the General Assembly resolution appointing the next secretary-general. The point being made was that it is the prerogative of the General Assembly to draft its final resolution for the appointment, and that this should be a substantive exercise rather than a mere “rubber stamping” of the recommendation made by the Security Council. Most felt that the General Assembly should do this early on, in order to discuss the substance of the resolution well ahead of the recommendation by the Security Council to the General Assembly, to ensure that the process was not linked to any individual candidate.

The call was also based on the position adopted by many member states in the General Assembly on rebalancing power between the General Assembly and the Security Council. This is laid out in Article 97 of the UN Charter, as well as in Rule 141 of the General Assembly Rules of Procedure, which stipulates that the General Assembly shall consider the recommendation from the Security Council and “vote upon it by secret ballot in a private meeting.”

Other member states stressed the need for a consensus-based appointment process and the advantage of past practice, whereby secretaries-general have been appointed by acclamation since the appointment of Kurt Waldheim. The appointment resolution has normally only contained the name of the next secretary-general and the term (specifying the end date but including no mention of renewability).

By the time a broad call for such text negotiations materialized, there was a risk that such intergovernmental negotiations would drag out, preventing the next secretary-general from receiving the adequate time for preparation that had been called for. The seventy-first PGA decided to put forward a presidential text (drafted by the PGA after consultations with member states) for the appointment resolution. This secured a consensual text, adopted swiftly (one week) after the recommendation from the Security Council.

More importantly, this secured a substantial resolution drafted by the General Assembly, which both reaffirmed its role and welcomed the historic new selection process. The appointment resolution now contains specific references to Chapter XV of the UN Charter (which contains important articles on the role, powers, and independence of the secretary-general, including language on recruitment of staff). It also welcomes that the process had been guided by the principles of transparency and inclusivity and includes a specific reference to the informal dialogues with candidates and the timely conclusion of the process. In many ways, the significance of the reformed process was thus carried through until the very conclusion of the secretary-general selection process.

Conclusion

The renewed selection and appointment process of 2015–2016 brought unprecedented transparency and inclusivity to an archaic process. There are still lessons to be learned and shortcomings to be addressed to improve future processes. But the fact remains that after seventy years of decision-making behind the closed doors of the P5, demand from the global public and the general UN membership helped to bring about fundamental change to the process, which ultimately also

influenced the final outcome. That evolution of the process has been a leap forward for the United Nations.

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