Fixed Selection or Democratic Election: Reforming the Appointment Process for the World’s Top Job

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Briefing paper number 101, May 2006

Executive Summary

A new Secretary-General of the United Nations (UN) is to be appointed later this year. As the UN is undergoing a process of reform and renewal, the selection process for the post of a UN Secretary-General (UNSG) has sparked public outcries for reforms of the selection process. The existing process lacks clarity and transparency and is subject to veto by the permanent five members of the Security Council (SC). Reforms of the selection process would strengthen the General Assembly and benefit the UN system as a whole.
Formal selection process

UNSG Kofi Annan is due to step down on the 31\textsuperscript{st} December, 2006 after a second five-year term. The selection of his successor will be one of the most important decisions the organisation will take this year. The next Secretary-General will preside over the UN at a critical time as the organisation strives to implement reforms, ensure its relevance in a fast-changing world, and recover from corruption allegations.

The official selection and appointment procedure of the UNSG is found in Article 97 of the UN Charter and two subsequent resolutions; Resolution 11 from 1946 and more recently Resolution 51/241 from 1997. Article 97 of the UN Charter stipulates that the election of the UNSG is ratified by a majority of the General Assembly on the recommendation of the 15-member SC. Formally, the SC acts as a sub-committee of appointment for the General Assembly; however, in practice the SC holds the authority as the successful candidate must secure a majority vote in the SC and avoid a veto by any of the five permanent members states (P5); namely, Russia, China, the USA, Britain and France.

Resolution 11, passed in 1946, clarified the process slightly and established that it would be desirable for the SC to offer one candidate only for the consideration of the General Assembly, and “for debate on the nomination in the General Assembly to be avoided”. It notes that “both nomination and appointment should be discussed at private meetings”. Resolution 11 further stipulates that the first UNSG should serve a five year renewable term but specifically mentions that the term can be modified by the General Assembly and SC in accordance with experience.

The process has been characterized by long-followed traditions such as having a regional rotation of UNSG and a general understanding that the chosen candidate should not be a national of any of the P5.

The selection process has never been seriously reformed, even Resolution 51/241, passed in 1997 after Kofi Annan began his term of office, noted that “the process of selection of the Secretary-General shall be made more transparent”; and emphasized the need to strike a balance between three important criteria: identifying the best candidate; due regard to regional rotation; and gender equality.\footnote{UN Resolution 11, 24 January 1946 ‘Terms of Appointment of the Secretary-General’.}

Current state of play

Under the current system of regional rotation, it is generally agreed that it is Asia’s turn to fill the post of UNSG since it has not done so since 1971 when U Thant completed his second term. Half way through Kofi Annan’s last year, three official candidates have so far been nominated by their governments: Surakiart Sathirathai (Thailand’s Deputy Prime Minister); Jayantha Dhanapala of Sri Lanka (former UN Under-Secretary General for disarmament); and Ban Ko Moon (South Korean Foreign Minister). Other names have also been suggested, including: Prince Zeid al-Hussein of Jordan; Louise Arbour of Canada (High Commissioner for Human Rights); and Vaira Vike-Freiberga (President of Latvia).

The tradition of the rotation of UNSG’s among regions has exposed the extent of differing viewpoints in the current selection of Kofi Annan’s successor (and more broadly on reforming the system as a whole). The US position on regional rotation is that it is outdated and should be dropped as a criterion. However if region is to be a criteria in the selection of the UNSG, then the US favours the inclusion of Eastern Europe as a separate area of consideration. In response to this US proposal, Russia and China have strongly objected; Russia since it is naturally suspicious of the current (and westward leaning) governments of Eastern Europe\footnote{UN Resolution 51/241, 22 August 1997 ‘Strengthening the United Nations System’}.
from which a candidate would likely emerge, and China, since it favours an Asian candidate, the selection of which it would likely have a strong influence. Among the other two P5 members; Britain supports candidate selection on merit alone, and the French position appears to support a regional rotation but not as the sole criterion for selection.

Criticism has also been raised by civil society organisations. A coalition of civil society groups led by the World Federalist Movement is campaigning for a more democratic selection of the UNSG. In an open letter to the President of the Security Council dated 17 April 2006 the coalition called for the adoption of four measures; namely, formal candidate qualifications, the establishment of official timetable and systematic reporting, assessment of candidates, and gender and geographic diversity considerations. In addition, women’s rights organisations such as Equality Now are calling for a woman to be appointed to the post of UNSG since no woman has ever served in the role.

Key challenges to the current selection process

The current selection process of a UN SG lacks transparency, openness and accountability. Four criticisms that are often noted are:

1. The UN Charter provides little information regarding the selection process. As such, there are no established qualifications for the post against which a candidate can be judged, no formal search or screening committees, and no forums where candidates are required to present their ideas.

2. The decision-making power resides with the P5. This is reflective of the broader problems with the current state of the Security Council and highlights the need for overall Security Council reforms. The exercise of the veto has been proved decisive as it has been used in almost every UNSG selection, except in U Thant’s and Boutros Boutros-Ghali’s first appointment. Diplomats have suggested that the process guarantees that candidates with strong personalities unafraid of voicing criticism of the P5 do not succeed. Not surprisingly, successful candidates tend to come from smaller countries that are not in conflict with the big powers.

3. There is no clear timeline for the selection and appointment process. As a result, the final decision has usually been left to the last minute; and in 1996 Kofi Annan was officially selected only two weeks before he took the post. Candidates often only emerge at the eleventh hour as they deem it risky to announce their candidacy too early and rather spend their time lobbying behind closed doors. The last minute nature of this process does not give the Security Council and the General Assembly much time to gather information and exchange views about a candidate. Furthermore, it also leaves very little time for a smooth transition of responsibilities and duties.

4. The process is veiled in secrecy and there are no public records of consultations or votes.

The current reforms, a step forward?

As part of the comprehensive reform of the UN system, a 2005 report by Kofi Annan entitled “Measures to strengthen accountability at the United Nations” was published. The report introduced new procedures for the transparent selection of executive heads of UN Funds and Programmes: clear job descriptions; systematic reference checking; a review by the Senior Appointment Group (SAG); and an interview panel with at least four members of the Group (constituted by the Chef de Cabinet). These procedures have since been employed in the selection of several high-level appointments: UNDP Administrator Programme, Kemal Dervis;

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4 http://www.unsgselection.org/content/a-new-and-more-democratic-selection-process/
Under-Secretary-General for Internal Oversight Services, Inga Britt Ahlenius; and the new UN High Commissioner for Refugees, António Guterres.

While these reforms present an important step forward, they fail to address the selection and appointment procedure of the UNSG post itself. In recent months calls for reforms have been led by the Canadian government, high-level officials as well as civil society groups. Driving the discussion, the Canadian Mission to the UN has released a set of proposals calling for more transparency and greater involvement of the General Assembly in selecting the next UNSG. The three proposed changes are:

1. the need to establish a search committee to identify candidates;
2. holding informal sessions where UN member states can pose questions to the candidates; and
3. defining a list of qualification or a “job description” of the post.

Responses to reform proposals among member states have varied. While the US Ambassador John Bolton supports early appointment and adoption of a “job description”, he has also indicated that any debate on the selection procedure should take place within the Security Council. China and Russia have similarly indicated that in accordance with the current UN Charter, the Security Council should be playing the key role in the selection process.

It is encouraging that informal General Assembly and Security Council consultations are taking place early, and that formal discussions are expected to start in June or July with the aim of selecting a successor by September or October.

The broader debate

The current debate over reforming the selection procedure of heads of international organisations is not restricted to the UN. According to an informal agreement reached at the founding of the Bretton Woods Institutions, the post of the IMF Managing Director is reserved for a European whereas the post of the World Bank President is chosen by the US. In 2004, the appointment of the former Spanish Finance Minister Rodrigo Rato to be the IMF Managing Director generated public criticism that the selection process lacks transparency and fails to give a voice to developing countries. In 2005, a heated debate emerged in response to the appointment of Paul Wolfowitz to head the World Bank. This process has been heavily criticised by politicians and civil society both as unaccountable and hypocritical for an institution which aims to support good governance.

Setting a better example on this matter, the World Trade Organisation has adopted new “Procedures for the Appointment of Directors-General” in 2002. These procedures include a formal time-frame for the selection and appointment process, clear selection criteria, presentations by the candidates at the General Council meeting and full disclosure of all relevant information at each stage to the membership.

Recommendations

While it is very unlikely that all the proposed changes will be implemented in time for the upcoming selection and appointment of a new UNSG, it is crucial to make a start and exploit the momentum by taking a few immediate steps. There are some measures that can be applied in the short term and, if applied, will strengthen the General Assembly, increase the

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8 Rock, Allan, Statement by Canadian Ambassador to the UN, 19 April 2006
9 Lederer, Edith, ‘UN to Begin Talks on Annan’s Successor’ www.globalpolicy.org
10 www.50years.org ‘IMF Critics Denounce Selection of Rato as New Chief’ May 4 2004
legitimacy of the UNSG as well as ensure greater transparency and participation within the
UN.

• Job specification and any selection procedures followed this time should be drafted and
made accessible to the public.
• Candidates should be required to present a platform to the General Assembly which would
outline their aims and vision for an effective UN. This would open up the process and
encourage fair discussion and assessment of candidates\textsuperscript{12}.
• Until Security Council reforms are achieved, the P5 members of the Security Council
should announce that they will accept the majority vote within the Security Council and not
exercise their veto right. This act would create broader support and legitimacy for the
chosen candidate among the member states\textsuperscript{13}.
• The shortlist of final candidates and their biographies should be made accessible to the
public.

In the longer term, the United Nations should set as its goal the most transparent and open
appointment process possible, defined on a set timetable and strict objectives. Some of these
measures should be:

• Broader SC reforms must be tackled if any meaningful changes are to take place in the
selection procedures of a UNSG.
• The successful candidate should be elected by majority vote at the General Assembly.
This will ensure that the SC takes into account the views of member states and works to
create a consensus around those candidates whom they choose to nominate.
• A selection committee made up of several members of the reformed SC should be set-up.
The committee will be responsible for defining and leading the selection process, and of
nominating several candidates to the GA.
• The problem of having UNSGs selected by region alone can be addressed by considering
merit as the primary principle, and considering regional and gender factors thereafter.
• The SG should be appointed to a pre-determined fixed term of office thus ruling out any
intimation that the UNSG conduct was prejudiced by the prospect of re-appointment.
• A clear timeframe should be determined and deadlines established for nomination of
candidates, applications submission, election and appointment. Appointing a new UNSG a
few months prior to the handover of office will benefit the organisation by allowing for a
longer transitional period.

Further information & resources can be found at:
• The UNSG site tracks new stories and reports on the selection of the next
UNSG: www.UNSG.org
• The Global Policy Forum is an NGO which monitors policy making at the UN:
www.globalpolicy.org
• Security Council Report is an NGO, affiliated with Columbia University’s Centre
for International Organisation, which provides research and analysis on SC
issues: www.securitycouncilreport.org
• Reform the UN is a project of the World Federalist Movement- Institute for
Global Policy which tracks new stories on UN reforms: www.reformtheun.org
• The Centre for UN Reform Education is a non-profit policy research centre
which generates research and discussion on UN Reforms:
http://www.centerforunreform.org

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\textsuperscript{12} Rock, Allan, Statement by Canadian Ambassador to the UN, 19 April 2006
\textsuperscript{13} Hannay, David, ‘A better way to choose United Nations leaders’, Financial Times, March 22, 2006