

6 June 2016

## **No backroom deals, an end to monopoly**

### **The Secretary-General's ability to make senior UN appointments on merit**

#### **Article 100 Charter of the United Nations**

1. *In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.*
2. *Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.*

#### **General Assembly resolution 46/232 (1992)**

3. *(e) Ensuring ... that the recruitment of staff should be on as wide a geographical basis as possible and that, as a general rule, no national of a Member State should succeed a national of that State in a senior post and there should be no monopoly on senior posts by nationals of any State or group of States;<sup>1</sup>*

#### **Joint Inspection Unit Report 2011/2**

81. *The Inspectors were told .... that the Secretary-General recognizes the political realities that he must reflect in the Organization, but that no position is reserved for any Member State..... The information presented ... however, shows that historically, certain positions are reserved for certain Member States and that no Secretary-General has been immune to political pressure in this regard.<sup>2</sup>*

#### The need for a strong UN leadership team appointed solely on merit

In April 2016, the full membership of the General Assembly held their first dialogue - webcast to the world - with nine candidates for the position of UN Secretary-General. In the course of the historic three-day session, representatives of the vast majority of member states, including the 120-member Non Aligned Movement (NAM) and the 134-member Group of 77 (G77)<sup>3</sup>, echoed the pertinent concerns by UN inspectors, expressed above, that no Secretary-General had been 'immune to

<sup>1</sup> See also General Assembly resolutions 35/210 para 3 (1980), 41/206 B paras 1 and 2 (1986), 44/185 para 3 (1989), 45/238 para 8 (1990), 51/226 B para 1 (1997), 53/221 (1999) and 55/258 X para 1 (20017).

<sup>2</sup> Joint Inspection Unit report, JIU/Rep/2011/2 para 81. See also Annex II.

<sup>3</sup> Referring to the JIU report and to Article 100 (2) of the Charter, the NAM asked 'However, the Inspectors of the JIU are convinced that historically no Secretary-General has been immune to political pressure. How will you avoid such pressure during your tenure, if elected, and its negative impact on the credibility of the System and the Secretary-General's independence?' The G77 and China referred to the '..apparent monopoly on some senior posts by nationals of certain states or groups of states and asked 'how would you ensure equal and fair distribution based on gender and geographical balance...?'

political pressure' to reserve certain positions for certain Member States. Numerous Member States asked candidates what they would do to halt the practice and instead make appointments open to all Member States and based on merit.

Many Member States lobby for nationals they support for various UN positions, and prominent Member States may expect their nationals to be among those appointed to senior UN posts. However, the veto-carrying members of the Security Council have dominated the Secretary-General selection process<sup>4</sup>, and some of them have been able to extract promises to reserve senior UN posts for their own nationals from candidates in exchange for support, thus bypassing properly competitive selection procedures and requirements. These permanent Security Council members have established a *de facto* monopoly over key UN positions. A monopoly on particular senior posts by some Member States prevents the Secretary-General from carrying out her or his duties under Article 101 of the UN Charter to make appointments ".....securing the highest standards of efficiency, competence, and integrity", paying "due regard ... to the importance of recruiting the staff on as wide a geographical basis as possible."

1 for 7 Billion opposes this practice as it contravenes the Charter and prevents the Secretary-General from making senior appointments solely on the basis of merit. It has also been condemned by the independent group of global leaders, the Elders.<sup>5</sup> The UN needs the best people for its top positions if it is to tackle successfully the multiple, complex challenges the world faces today. The next Secretary-General's ability to recruit a strong leadership team of the highest calibre, from candidates of all the world's regions, is crucial for the future of the UN.

#### Senior appointments routinely secured for the most powerful members

Right from the start in 1947, the General Assembly emphasized the importance of the UN making the highest quality appointments of Secretariat staff on as wide a geographical basis as possible<sup>6</sup>. Yet the first Secretary-General, Trygve Lie, already found that the permanent five members of the Security Council expected that senior UN posts would be distributed among their nationals; he made appointments accordingly (the USSR - Security Council Affairs, the USA - Administration and Finance, China - Trusteeship, the UK - Economic Affairs and France - Social Affairs). Such pressures continued; for example, before U Thant's selection one permanent member insisted on knowing the names of senior appointees before giving its vote to his candidacy<sup>7</sup>.

Since then, permanent members of the Security Council have routinely dominated the most senior positions in the UN. After Boutros-Boutros Ghali (appointed in 1991) had established the departmental structure in the Secretariat which largely continues today, a practice emerged in which certain permanent members laid claim to nominating successive holders of specific senior UN positions. Although some of the postholders are recognised as having performed well, the practice prevents other potentially more qualified candidates from other countries and regions from being considered.

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<sup>4</sup> Article 97 of the Charter provides that the Secretary-General shall be appointed by the General Assembly on the recommendation of the Security Council and Article 27 requires that decisions on all non-procedural matters '... shall be made by an affirmative vote of nine members including the concurring votes of the permanent members...'

<sup>5</sup> STRENGTHENING THE UNITED NATIONS Statement by The Elders, 7 February 2015

<sup>6</sup> General Assembly resolution 153 (II).

<sup>7</sup> The next Secretary-General, Secretariat Reform and the vexed question of Senior Appointments, Thant Myint-U, NYU Center on International Cooperation, April 2006, pages 7 - 10.

As Costa Rica pointed out in a note verbale, permanent members have sometimes traded off one senior post for another senior post.<sup>8</sup>

### Examples since 1991

For example, since 1997, the Department of Peacekeeping Operations (DPKO) has been headed by four successive nationals of France; this began when Kofi Annan was elected Secretary-General, and France dropped its repeated veto after being promised the post.<sup>9</sup> Since 1993, the Department of Political Affairs (DPA) has been led by nationals of the UK (in two successive terms) and since 2007 of the USA (also in two successive terms), with a brief interval when a Nigerian held the position.<sup>10</sup> Before Americans led DPA, five US nationals successively led the Department of Management between 1992 and 2007.

After being displaced from leading DPA in 2007, the UK's nominee for DPA was allocated the Office for the Coordination of Humanitarian Affairs (OCHA) where three of its nationals have since successively led the Office.<sup>11</sup> The last appointment proved controversial in 2015 when the UK proposed a candidate whose credentials for the post were questioned in the UK media<sup>12</sup>, leading the UN Secretary-General to call for nominations from the entire UN membership, but then appointing another UK national from a list submitted of three sitting members of parliament of the governing party.

Chinese nationals have repeatedly occupied leading positions in the Department of Economic and Social Affairs and have led the department, in two successive terms, since 2007.<sup>13</sup> Russia headed the UN Office in Geneva in two consecutive terms for nearly two decades, but since 2010 heads the UN Office in Vienna.<sup>14</sup>

*Those appointed to posts monopolised by the permanent five members of the Council have been overwhelmingly male, the only exceptions in more than two decades being Valerie Amos (UK - OCHA 2010-2015) and Melissa Wells (US - Department of Management 1993-1994).*

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<sup>8</sup> "Permanent Members have customarily had one or more nationals serving in the most senior positions within the United Nations.... [Such members] displace all other Member States from seats and posts that should, respectively, be open to democratic election by Member States or appointment by the Secretary-General.... Moreover at times several nationals from a single Permanent Member have monopolized the most senior positions within a particular department, and at times a Permanent Member has traded off one department for another.." A/59/856, Annex to note verbale, 24 June 2005, from Costa Rica to the UN Secretary-General on Security Council enlargement and the Cascade effect.

<sup>9</sup> See Kofi Annan: A Man of Peace in a World of War, Stanley Meisler, John Wiley & Sons, 2007, page 143. The UK's Marrack Goulding held the position from 1992-1993, Kofi Annan from Ghana from 1993 – 1996, after which DPKO was continuously led by France: Bernard Miyet (1997 – 2000), Jean-Marie Guehenno (2000-2008), Alain Le Roy (2008-2011) and Herve Ladsous (2011 – present).

<sup>10</sup> Preceded by the Russian Federation (1992-1993), nationals from the UK headed Political Affairs in two successive terms from 1993 (Marrack Goulding 1993- 1996 and Kieran Prendergast 1997-2005). After a brief interval of 2005-2007 when the post was held by Ibrahim Gambari from Nigeria, USA nationals took over the running of the department in two successive terms from 2007 (B Lynn Pascoe 2007 – 2012 and Jeffrey Feltman 2012 – present).

<sup>11</sup> John Holmes (2007 – 2010), Valerie Amos (2010-2015) and Stephen O'Brien (2015 – present).

<sup>12</sup> <http://www.channel4.com/news/andrew-lansley-united-nations-humanitarian-job-david-cameron> See: also <http://www.1for7billion.org/news/2014/12/3/top-un-appointments-should-be-based-on-merit-not-power-politics>

<sup>13</sup> Sha Zukang from 2007 – 2012 and Wu Hongbo from 2012 – present.

<sup>14</sup> UN Office in Geneva: Vladimir Petrovsky (1993 – 2002) Sergei Ordzhonikidze (2002 – 2011), UN Office in Vienna: Yury Fedotov (2010 – present).

## Merit-based appointments of senior posts linked to single non-renewable term of office

*"There was a sense of a prevailing view, among the membership and the Secretariat, that the Organization is run by the Secretary-General and five permanent members of the Security Council, more through collusion than cooperation. The current system gives the Secretary-General a strong incentive to comply with their wishes and fill key senior posts with their nationals, in exchange for a second term."<sup>15</sup>*

The Secretary-General's ability to appoint a top senior team of the highest qualified people to advise her or him on managing and preventing crises, carrying through complex agendas and fostering rejuvenation at the UN is directly linked to the Secretary-General's independence. Current practice is to appoint a Secretary-General to a five-year term, once renewable. She or he must be protected from undue pressures by the Council's permanent members claiming key positions for their nationals in exchange for allowing a candidate's appointment and a second term of office.

Some of the most senior former UN officials have recognized that appointing the Secretary-General to a single, non-renewable term of office would help guard against such abuses.<sup>16</sup> This is one more reason why *1 for 7 Billion* campaigns for the Secretary-General to be appointed to a single, non-renewable term of office of sufficient length to carry out a complex mandate, as it would strengthen the Secretary-General's independence.<sup>17</sup>

### **Reserving specific senior UN posts for the UN's most powerful members contravenes the UN Charter and must end.**

#### **1 for 7 Billion calls on all Member States:**

- to commit to ensure that all senior UN appointments are made solely on merit regardless of nationality;
- to make every effort to identify highly qualified women and men from all regions for senior UN positions;
- to ensure that the provisions of General Assembly resolution 46/232 para 3 (e) - requiring that there should be no monopoly on senior posts by nationals of any State or group of States - are included in the resolution being drafted by the Ad Hoc Working Group on Revitalization of the General Assembly and in any future code of conduct on the selection of the UN Secretary-General that the Assembly may consider;
- to support the proposal that the Secretary-General be appointed to a single, non renewable, longer term of office

#### **1 for 7 Billion calls on permanent members of the Security Council:**

- to commit to observing Article 100 of the Charter and to undertake not to seek promises from candidates on appointments to senior posts

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<sup>15</sup> The UN in the 21<sup>st</sup> century: The role and selection of the Secretary-General of the United Nations, Delphi Symposium in honour of Javier Perez de Cuellar, Athens Development and Governance Institute, 2010, page 7.

'There have been instances of a government supporting a candidate in return for promises of a high-level post being 'assigned' to that power.... Clearly the scope for abuse will be drastically reduced by the single action of instituting non-renewable terms of office throughout the system' Brian Urquhart and Erskine Childers, *A World in Need of Leadership: Tomorrow's United Nations*, Dag Hammarskjold Foundation, Sweden, 1996. Page 54.

<sup>16</sup> 'There have been instances of a government supporting a candidate in return for promises of a high-level post being 'assigned' to that power.... Clearly the scope for abuse will be drastically reduced by the single action of instituting non-renewable terms of office throughout the system' Brian Urquhart and Erskine Childers, *A World in Need of Leadership:tomorrow's United Nations*, Dag Hammarskjold Foundation, Sweden, 1996. Page 54.

<sup>17</sup> Appointment of the Secretary-General for a longer single term, 1 for 7 Billion. 16 March 2016, <http://static1.squarespace.com/static/5399cc0ae4b0705199b37aa3/t/56e9657937013bcf507930c0/1458136443055/1+for+7+Billion+Single+Term+Paper.pdf>

**1 for 7 Billion calls on all candidates:**

- to declare that they have not made and will not make any promises on senior posts in exchange for support<sup>18</sup>

**1 for 7 Billion calls on the Secretary-General:**

- to consider establishing a search process for highly qualified women and men from all regions for appointment to senior positions;
- to ensure that all vacancies, selection criteria and job descriptions for senior posts are publicly announced, sent to all Member States, and made available to civil society.

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<sup>18</sup> Such a declaration would be in line with the Oath of Office of the Secretary-General: "I solemnly declare to exercise in all loyalty, discretion and conscience the functions entrusted to me as Secretary-General of the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other authority external to the Organization".