

APPENDIX: SELECTED DOCUMENTS ON THE SECRETARY-GENERAL

1 Charter of the United Nations, 26 June 1945

. . CHAPTER III – ORGANS

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.
2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

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CHAPTER XV – THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

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.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.
2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.
3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

2 Report of the Preparatory Commission of the United Nations, 23 December 1945¹

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8. The principal functions assigned to the Secretary-General, explicitly or by inference, by the Charter, may be grouped under six headings: general administrative and executive functions, technical functions, financial functions, the organization and administration of the International Secretariat, political functions and representational functions.

9. Many of the Secretary-General's duties will naturally be delegated, in greater or lesser degree, to members of his staff and particularly to his higher officials. But the execution of these duties must be subject to his supervision and control; the ultimate responsibility remains his alone.

10. The Secretary-General is the "chief administrative officer of the Organization" (Article 97) and Secretary-General of the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council (Article 93). Certain specific duties of a more narrowly administrative character derived from these provisions are indicated in the Charter (for example, in Articles 12 and 20, and in Article 98, the last sentence of which requires the Secretary-General to present an annual report to the General Assembly on the work of the Organization) and in the Statute of the International Court of Justice (Articles 5 and 15).

11. Further specific duties falling under this head, many of which will no doubt be defined in the Rules of Procedure of the various principal organs concerned and their subsidiary bodies, relate to the preparation of the agenda and the convocation of sessions, the provision of the necessary staff, and the preparation of the minutes and other documents.

¹ Report of the Preparatory Commission of the United Nations (23 December 1945), Chapter VIII, section 2, paras. 8–17.

12. The Secretary-General also has administrative and executive duties of a wider character. He is the channel of all communication with the United Nations or any of its organs. He must endeavour, within the scope of his functions, to integrate the activity of the whole complex of United Nations organs and see that the machine runs smoothly and efficiently. He is responsible, moreover, for the preparation of the work of the various organs and for the execution of their decisions, in cooperation with the Members.

13. The last-mentioned functions of the Secretary-General have technical as well as administrative aspects. More particularly as regards the work of the Economic and Social Council and the Trusteeship Council, the expert technical assistance which the Secretary-General is able to provide, and which he himself must control, will clearly affect the degree in which these organs can achieve their purposes.

14. Under the Charter, the Secretary-General has wide responsibilities in connexion with the financial administration of the United Nations; and it may be assumed that, under the financial regulations which will be established by the General Assembly, he will be made primarily responsible for preparing the budget, for allocating funds, for controlling expenditure, for administering such financial and budgetary arrangements as the General Assembly may enter into with specialized agencies, for collecting contributions from Members and for the custodianship of all funds.

15. The Secretary-General is the head of the Secretariat. He appoints all staff under regulations established by the General Assembly (Article 101, paragraphs 1 and 5), and assigns appropriate staff to the various organs of the United Nations (Article 101, paragraph 2). He alone is responsible to the other principal organs for the Secretariat's work; his choice of staff – more particularly of higher staff – and his leadership will largely determine the character and the efficiency of the Secretariat as a whole. It is on him that will mainly fall the duty of creating and maintaining a team spirit in a body of officials recruited from many countries. His moral authority within the Secretariat will depend at once upon the example he gives of the qualities prescribed in Article 100, and upon the confidence shown in him by the Members of the United Nations.

16. The Secretary-General may have an important role to play as a mediator and as an informal adviser of many governments, and will undoubtedly be called upon from time to time, in the exercise of his administrative duties, to take decisions which may justly be called political. Under Article

99 of the Charter, moreover, he has been given a quite special right which goes beyond any power previously accorded to the head of an international organization, viz: to bring to the attention of the Security Council any matter (not merely any dispute or situation) which, in his opinion, may threaten the maintenance of international peace and security. It is impossible to foresee how this Article will be applied; but the responsibility it confers upon the Secretary-General will require the exercise of the highest qualities of political judgement, tact and integrity.

17. The United Nations cannot prosper, nor can its aims be realized, without the active and steadfast support of the peoples of the world. The aims and activities of the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council will, no doubt, be represented before the public primarily by the Chairmen of these organs. But the Secretary-General, more than anyone else, will stand for the United Nations as a whole. In the eyes of the world, no less than in the eyes of his own staff, he must embody the principles and ideals of the Charter to which the Organization seeks to give effect.

3 General Assembly Resolution 11(I), 24 January 1946

Terms of Appointment of the Secretary-General

The General Assembly resolves that, in view of the heavy responsibilities which rest upon the Secretary-General in fulfilling his obligations under the Charter:

1. The terms of the appointment of the Secretary-General shall be such as to enable a man of eminence and high attainment to accept and maintain the position.
2. The Secretary-General shall receive a salary of an amount sufficient to bring him in a net sum of \$20,000 (US), together with representation allowance of \$20,000 (US), per annum. In addition, he shall be provided with a furnished residence, the repairs and maintenance of which, excluding provision of household staff, shall be borne by the Organization.
3. The first Secretary-General shall be appointed for five years, the appointment being open at the end of that period for a further five-year term.
4. The following observations contained in paragraphs 18–21 of section 2, chapter VIII of the Preparatory Commission's Report be noted and approved:
 - (a) There being no stipulation on the subject in the Charter, the General Assembly and the Security Council are free to modify the term of office of future Secretaries-General in the light of experience.
 - (b) Because a Secretary-General is a confidant of many governments, it is desirable that no Member should offer him, at any rate immediately on retirement, any governmental position in which his confidential information might be a source of embarrassment to other Members, and on his part a Secretary-General should refrain from accepting any such position.

(c) From the provisions of Articles 18 and 27 of the Charter, it is clear that, for the nomination of the Secretary-General by the Security Council, an affirmative vote of [nine]¹ members, including the concurring votes of the permanent Members, is required; and that for his appointment by the General Assembly, a simple majority of the members of that body present and voting is sufficient, unless the General Assembly itself decides that a two-thirds majority is called for. The same rules apply to a renewal of appointment as to an original appointment; this should be made clear when the original appointment is made.

(d) It would be desirable for the Security Council to proffer one candidate only for the consideration of the General Assembly, and for debate on the nomination in the General Assembly to be avoided. Both nomination and appointment should be discussed at private meetings, and a vote in either the Security Council or the General Assembly, if taken, should be by secret ballot.

Seventeenth plenary meeting, 24 January 1946

¹ Prior to expansion of the Security Council in 1965, decisions of the Council adopted under Article 27 required seven votes.

4 The “Wisnumurti Guidelines” for Selecting a Candidate for Secretary-General, 12 November 1996

Letter from F. Paolo Fulci, Ambassador and Permanent Representative of Italy, President of the Security Council, New York, 31 December 1996.

At the luncheon of Members of the Security Council, hosted on 14 October 1996 by the President for that month, the Permanent Representative of Honduras, H.E. Ambassador Gerardo Martinez Blanco, it was decided to begin the consultations for the Council’s recommendation on the appointment of the Secretary-General (Article 97 of the United Nations’ Charter) in the following month.

Therefore the question was taken up by the President for November, the Permanent Representative of Indonesia, H.E. Ambassador Nugroho Wisnumurti. At the beginning of his term of office, he submitted to the members of the Security Council a set of guidelines to facilitate the process of selecting a candidate. After slight amendments, the guidelines were adopted at the luncheon he hosted on 12 November, when it was also decided to begin the decision-making process on 18 November. A first vote, on 19 November, was inconclusive.

Italy became the President of the Security Council on 1 December. The “Wisnumurti Guidelines” as they came to be known proved to be instrumental to reaching a decision by acclamation on Mr. Kofi Annan as the candidate recommended to the General Assembly on 13 December. On the same day, the Members of the Council decided that the Guidelines should be printed as a reference document for future occasions when the Council is called on to recommend the appointment of a Secretary-General. Therefore I have prepared and circulated 100 copies of the “Wisnumurti Guidelines,” and sent them to, among others, the President of the General Assembly, the Secretary-General elect, the Secretariat of the Security Council, and the library of the United Nations.

On behalf of all the Members of the Security Council, I wish to express to H.E. Ambassador Nugroho Wisnumurti and his delegation our

warmest thanks and appreciation for their commitment and most useful contribution.

Signed, F. Paolo Fulci

The "Wisnumurti Guidelines"

1. General principles

(a) The selection of a candidate for a Secretary-General shall proceed in an atmosphere of harmony among the Members of the Security Council. This will ensure not only the smooth functioning of the Council but also the effectiveness of the Secretary-General.

(b) Throughout the selection process, Members of the Council shall respect and honour the dignity of the candidate or candidates.

(c) While the decision of the Security Council to select a candidate for Secretary-General shall be taken by vote, efforts should none-the-less be exerted toward the reaching of a consensus. However, these efforts shall not unduly delay the decision-making process.

(d) The deliberations to reach agreement on a candidate for Secretary-General may be conducted in consultations of the whole of the Security Council in the absence of the representatives of the Secretary-General and members of the Secretariat.

(e) To facilitate the selection process, the consultations of the whole should only be attended by Heads of Delegation accompanied by one or two of their respective officers, or only by Heads of Delegation as appropriate.

2. Legal basis

(a) Article 97 of the Charter (see Annex);

(b) Rule 48 of the Provisional Rules of Procedure of the Security Council (see Annex);

(c) Rule 141 of the Rules of Procedure of the General Assembly (see Annex).

3. Submission of candidate(s)

(a) Any Member of the Security Council or any other Member of the United Nations may submit a candidate or candidates to the President of the Security Council.

(b) Member States may submit a candidate or candidates other than its own national.

(c) Members of the Security Council may submit the name(s) of candidate or candidates formally or informally as appropriate.

(d) Members States submitting a candidate or candidates may provide a brief curriculum vitae of the candidate or candidates.

4. List of candidate(s)

(a) The President of the Security Council shall draw up a list of the name(s) of the candidate or candidates on the basis of the submission of Member States.

(b) The list may be up-dated as and when necessary.

5. Decision-making process

(a) The list of name(s) of the candidate or candidates drawn up by the President of the Security Council in accordance with paragraph 3 shall immediately be distributed to the members of the Security Council.

(b) Unless it is decided otherwise by the Members of the Security Council, the process for selecting a candidate for Secretary-General may commence within 48 hours after the distribution of the list of name(s) of candidate or candidates.

(c) The viability of each candidate may be assessed by means of a "straw poll(s)" to be conducted in accordance with the following procedure:

- Two types of papers will be distributed to the members of the Security Council. White papers for non-permanent members and red papers for permanent members. Each paper will contain a column listing the name of candidate or candidates, and the two columns, the first marked "encouraged" and the second "discouraged."
- Each member of the Security Council may indicate on the appropriate paper the candidate or candidates who it wants to appropriate paper the candidate or candidates who it wants to encourage or discourage.

(d) The Security Council may hold informal consultations on the

result of the straw poll. The purpose of these informal consultations is to review the situation and to determine the next step in the process.

(e) Following the consultations, the Security Council may enter into further round(s) of "straw poll(s)" on the basis of the existing list or an up-dated list which will be drawn by the President of the Council which may include new names of candidates submitted by Members States.

(f) Process (a) to (c) may be repeated as needed in order to arrive at a consensus decision. However, these efforts should not unduly delay the decision-making process.

6. Decision of the Security Council

Agreement reached by members of the Security Council at the consultations of the whole on a candidate for Secretary-General to be recommended to the General Assembly shall be formalized at a private meeting of the Council.

7. Consultation with the President of the General Assembly

The President of the Security Council may, as and when necessary inform and consult with the President of the General Assembly.

Annex

Article 97 of the Charter

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Rule 48 of the Provisional Rules of Procedure of the Security Council

Unless it decides otherwise, the Security Council shall meet in public. Any recommendation to the General Assembly regarding the appointment of the Secretary-General shall be discussed and decided at a private meeting.

Rule 141 of the Rules of Procedure of the General Assembly

When the Security Council has submitted its recommendation on the appointment of the Secretary-General, the General Assembly shall consider the recommendation and vote upon by secret ballot in private meeting.

5 General Assembly Resolution 51/241, 22 August 1997

Strengthening of the United Nations System

Annex

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XIX. THE SECRETARY-GENERAL

56. The process of selection of the Secretary-General shall be made more transparent.

57. The General Assembly shall make full use of the power of appointment enshrined in the Charter in the process of the appointment of the Secretary-General and the agenda item entitled "Appointment of the Secretary-General of the United Nations."

58. The duration of the term or terms of appointment, including the option of a single term, shall be considered before the appointment of the next Secretary-General.

59. In the course of the identification and appointment of the best candidate for the post of Secretary-General, due regard shall continue to be given to regional rotation and shall also be given to gender equality.

60. Without prejudice to the prerogatives of the Security Council, the President of the General Assembly may consult with Member States to identify potential candidates endorsed by a Member State and, upon informing all Member States of the results, may forward those results to the Security Council.

61. In order to ensure a smooth and efficient transition, the Secretary-General should be appointed as early as possible, preferably no later than one month before the date on which the term of the incumbent expires.

6 Canadian Non-Paper on the Process for the Selection of the Next Secretary-General, 15 February 2006¹

Introduction

The existing selection process for the post of Secretary-General of the United Nations has produced several distinguished Secretaries-General. But the lack of transparency and inclusiveness of the exercise has become increasingly noticeable, and the UN process compares poorly with the practices of some other international organizations.

The Charter of the United Nations (art. 97) specifies that “the Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council.” In practice, the Security Council nominates a single candidate who is then endorsed by the General Assembly. No list of qualifications is agreed, no formal screening takes place, and the GA membership is asked to declare itself on the nominated candidate without the benefit of relevant information or even informal consultations. The candidate’s vision for the UN’s future and programme of action for the UN Secretariat remain unexamined, and there is no established way for the member states to develop a sense of the candidate’s skills in key areas like communication and political leadership.

At a time when member states are discussing the reform and renewal of so many aspects of the UN, it seems entirely appropriate that we should critically examine the way in which we choose the person who will serve as the organization’s leader. This non-paper offers preliminary suggestions for a more transparent and open selection process aimed at ensuring that individuals with the right temperament, talents and judgement are identified and submitted to the General Assembly for consideration.

Efforts to propose a more open and rigorous approach to the selection

¹ This paper was circulated informally by the Canadian Mission to the United Nations in February 2006. It was also posted on the Foreign Affairs Canada website: www.international.gc.ca/canada_un/ottawa/pdf/Canada_non-paper_SG_selection.pdf.

of the Secretary-General can draw inspiration from similarly evolving processes within the OECD and the WTO. Both organizations have established selection mechanisms that are consultative, transparent and merit-based – aimed at ensuring that the most qualified and suitable person is selected for the job. In both cases, the position is advertised, a series of consultations with member states is held, the results are made public and are then used to narrow the field of candidates.

Given the acute political sensitivities that exist within the UN, it is clear that the changes to the selection process envisioned in this non-paper would need to be phased-in over time. Only modest steps are proposed for the coming months, for the process of selecting Kofi Annan's successor. The hope would be that such experiences could then be consolidated and broadened, in advance of the next selection process in 5–10 years' time.

Principles and Objectives

The UN has, in recent years, experienced a period of challenge and of change. The time has come to build on its strengths, address its shortcomings and follow through on the reform agenda to achieve a more effective UN in the interests of its member states. Obviously, the Secretary-General must play a central role in achieving this goal. And so the process of selecting that person must be rigorous, methodical and transparent.

The objective of this proposal is not to reduce the authority of the Security Council, nor to challenge the informal practice of rotating the post among the regional groups, but rather to complement the existing mechanism in such a way that the legitimacy of the process is itself enhanced, and that the successful candidate is assured of the broadest possible support from the membership. Such support is more important than ever, given the increased scope of the Secretary-General's responsibilities and the prevailing political climate within the principal organs of the United Nations.

Matters of Process

A transparent, inclusive and open consultation process should be at the heart of the selection of the Secretary-General. Member states are called upon to support the Secretary-General not only at the time of the election, but daily throughout the term of office. The selection process

should therefore provide member states with an opportunity to assess the candidates' experience, competence and leadership ability.

At the outset, a search committee should be asked to identify potential candidates through the broadest possible inquiries. Promising prospects should then be encouraged to come forward. Candidates could be invited to apply – or could be nominated – through the Office of the President of the General Assembly and the President of the Security Council, and asked to elaborate their vision for the post.

This could then be followed by an opportunity for all member states to meet the candidates and ask questions, perhaps in an informal session of the General Assembly, or in meetings of regional groups. Such a process would provide a mechanism for building the broadest possible support for the successful candidate, giving the new Secretary-General the added credibility needed in order to lead this unique organization.

Qualifications and Criteria

The selection of the Secretary-General should be anchored in agreed criteria/qualifications. Such criteria should be the subject of further discussion among the member states, but at a minimum, would include (i) extensive experience in the conduct of international relations; (ii) demonstrated commitment over time to the objectives and purposes of the United Nations; (iii) proven leadership ability and managerial skill, including experience of modern management methods and a commitment to transparency and ethics; and (iv) strong communications skills.

The Role of the Security Council and the General Assembly

Each of these bodies has a role to play in the selection of the Secretary-General. As noted above, [article] 97 of the UN Charter provides that “the Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council.” It is crucial that the person who is chosen be someone with whom the members of the Security Council – and especially the [five permanent members] – feel that they can work effectively. For that reason, Security Council approval must continue to be an essential and eliminatory step in the selection process.

The appointment by the General Assembly is a second and separate step in that process, and should not be regarded as an automatic or merely mechanical event. The General Assembly must surely exercise its judgement in concluding that the person recommended by the Security Council

merits appointment. The current practice does not provide for any means – formal or informal – by which the General Assembly can develop knowledge about the candidate(s) sufficient to allow it to exercise that judgement in an informed and responsible way. One of the key objectives of the changes we propose is to enable the General Assembly to make a decision based on relevant and reliable information.

Next Steps

1. We propose that member states should begin a critical examination of the selection process for the Secretary-General. Discussion should focus on
 - a) qualifications we seek in candidates;
 - b) methods by which the broadest field of qualified candidates might be encouraged to come forward;
 - c) ways in which member states could develop a sense of the relative merits of the candidates, their approach to the office and their vision of the UN;
 - d) the role that regional rotation should play in the selection process; and
 - e) ways to ensure that both the Security Council and the General Assembly fulfill their vital but separate roles in the process of selection, in a complementary and appropriate fashion.
2. The broader issues raised in this non-paper will take some time to explore and resolve. It is unrealistic to expect major changes in the process by which the successor to the current Secretary-General, Kofi Annan, will be chosen. But we suggest that it would be desirable [*sic*] to take some steps in the coming months to open the process and enable member states to meet and learn more about possible candidates.
3. Recently, some of the candidates participated in an event at the World Economic Forum [WEF] in Davos, Switzerland, which enabled them to speak publicly in front of the WEF audience about their perspectives and approaches. It would be regrettable if the WEF could organize such an event but we found ourselves unable to do the same here at the UN for the benefit of the very people who will make the selection.
4. We therefore propose that roundtables or public briefings be orga-

nized to provide a setting in which current and emerging candidates might introduce themselves to the UN community, discuss their experience and their achievements and explain their viewpoints and vision concerning the office of Secretary-General and the role of the UN in the years ahead.

5. Such informal events might be convened under the joint auspices of the President of the General Assembly and the President of the Security Council, under circumstances that will encourage an informative but respectful exploration of the perspectives and positions of the candidates.

Annex A: Selection of the UNSG – Charter Provisions and Practice in the Security Council and General Assembly

The Charter provides very little detail on the procedure for appointing the Secretary-General (UNSG) simply indicating in Article 97 that “the Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council.” However, some further detail is provided by a brief General Assembly (GA) resolution of 1946 (Resolution 11(I)) and by relevant provisions of the rules of procedure of the General Assembly and the Security Council (SC), as well as by practice of these organs.

The appointment of the UNSG has, in practice, been a two-stage procedure, under which the Security Council first votes to recommend one candidate,² who is then recommended to the General Assembly for consideration. The GA votes on the recommendation. If a majority of GA members vote in favour of the SC’s nominated candidate, the candidate is appointed as UNSG.

The vote in the Security Council to recommend a candidate, and the vote in the General Assembly to appoint the candidate are secret ballots. However, the recommendation in the SC is subject to veto by any of the five Permanent Members (P5) of the Council. The practice has thus been for the P5 hold private consultations before recommendations are brought before the Security Council for decision, in order to reduce the possibility of a veto being exercised.

GA Resolution 11(I) provides that meetings of both the Security

² Although some delegations in San Francisco had proposed that the Security Council provide a list of three candidates to the General Assembly for its approval, this was not accepted, and Resolution 11(I) provides that “it would be desirable for the Security Council to proffer one candidate only for the consideration of the General Assembly.”

Council and General Assembly to discuss the nomination and appointment of the Secretary-General should be held in private.³ It also provides that debate on the nomination in the General Assembly should be avoided.⁴ These concerns are reflected in the rules of procedure of the Security Council and the General Assembly.

Rule 48 of the Security Council's provisional rules of procedure provides that "any recommendation to the General Assembly regarding the appointment of the Secretary-General shall be discussed and decided at a private meeting." Practice has been for a communiqué to be issued at the close of each private meeting, in accordance with Rule 55, that identifies the names of the candidates, which SC members proposed them, and the results of the voting.

Rule 141 of the General Assembly's rules of procedure provides that "when the Security Council has submitted its recommendation on the appointment of the Secretary-General, the General Assembly shall consider the recommendation and vote upon it by secret ballot in private meeting." Notwithstanding Rule 141, practice has been for the GA to vote upon the recommendation in a public meeting. In addition, in recent practice (beginning with the appointment of Kurt Waldheim), the GA has accepted the Council's recommendations by acclamation. The Security Council's decision to recommend Kofi Annan to the General Assembly for appointment was also reached by acclamation.

³ "Both nomination and appointment should be discussed at private meetings, and a vote in either the Security Council or the General Assembly, if taken, should be by secret ballot."

⁴ "It would be desirable . . . for debate on the nomination in the General Assembly to be avoided."