The Process for Selecting the Secretary-General of the United Nations

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Previously, he spent a decade in the Office of the Legal Adviser at the US Department of State, where he focused on a wide range of legal issues involving the Antarctic, Arctic, oceans, outer space, and the environment, among others. He also litigated cases against Iran at the Iran-US Claims Tribunal. Earlier in his career, he worked as a litigator in both private and government practice in Boston, Massachusetts, and clerked for judges on the US District Court and the Supreme Judicial Court of Massachusetts. He has also taught as an adjunct professor at Vanderbilt and Cardozo Law Schools. He holds a law degree from Harvard Law School and a bachelor's degree from Yale College. Mr. Simonoff is a Senior Fellow at the American Society of International Law and a Life Member of the Council on Foreign Relations.

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Introduction

In 2026, the United Nations Security Council (UNSC) and the United Nations General Assembly (UNGA) will engage in a process to select the next Secretary-General of the United Nations (UN). The current Secretary-General, António Guterres, will complete his second fiveyear term at the end of 2026. This paper provides an overview of the process for the selection of the UN Secretary-General (SG).

In short, the process has evolved from a nontransparent closed-door exercise almost exclusively dominated by the Security Council to a more transparent, inclusive process involving more active and engaged participation of the General Assembly.

UN Charter: Article 97

The UN Charter provides only a brief provision on the process to select the Secretary-General. Article 97 States in its entirety: "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." (Emphasis added.)

Accordingly, in order for the Secretary-General to be appointed, the Security Council must first make a recommendation. The General Assembly may not appoint the Secretary-General without a Security Council recommendation. The International Court of Justice (ICJ) issued an advisory opinion in 1950 on similar language in Article 4 of the Charter regarding the admission of a State to Membership in the United Nations. According to the ICJ, the Security Council recommendation "is the condition precedent to the decision of the Assembly by which the admission is effected."¹

Pre-2015: A Non-Transparent Security Council Process

For most of the existence of the United Nations, the process to select the Secretary-General of the United Nations took place almost entirely behind the closed doors of the UN Security Council. **There was no formal solicitation of candidates, there was no formal nomination process, there were no public interactive dialogues with the candidates and there was otherwise no public vetting of the candidates**. Rather, the Security Council Members discussed the candidates informally, amongst themselves. In the early years of the United Nations, this discussion was primarily among the Permanent Five Members and Permanent Five Members frequently proposed candidates.

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." Prior to 1981, the Council would conduct numerous private ballots in accordance with this rule.² Because the balloting was formal, the negative votes of Security Council Members sometimes resulted in the blocking of candidates. For example, the Soviet Union vetoed Max Jakobson of Finland in 1971, and China vetoed Kurt Waldheim of Austria in 1971 and 1976 before ultimately abstaining.

In 1981, Secretary-General Kurt Waldheim sought a third term in a race against Salim Ahmed Salim of Tanzania. China exercised its veto against Waldheim, while Salim was also subject to vetoes. The Council was deadlocked after 16 rounds of voting. The Council's President at the time, Ambassador Alora Otunnu of Uganda, requested the two candidates to step aside and devised an informal method of determining whether Council Members would "discourage" or "encourage" candidates. The result was the election of Javier Perez de Cuellar of Peru as Secretary-General.

This informal method of assessing Security Council Members' inclinations has evolved into the use of informal "straw polls" in Council elections for Secretary-General.³ In these closed-door straw polls, Council Members provide informal indications of how they would vote on candidatures prior to the consideration of a formal Security Council resolution. Because a formal recommendation by the Security Council was and remains subject to the veto of a Permanent Member of the Security Council, it was essential in order for a candidate to be recommended that there not be an indication of an objection or "discouragement" from a Permanent Member. After the use of straw polls, there was only one year in which a formal veto was exercised during a Secretary-General election. In 1996, the United States vetoed the recommendation to appoint Secretary-General Boutros Boutros-Ghali to a second term.⁴

Pre-2015, the General Assembly did not play a role in the selection process, other than to adopt the resolution appointing the Secretary-General after the Security Council had completed its closed-door process. The General Assembly has never rejected a Security Council Secretary-General recommendation.

Transparency Reforms in 2015

The process for selecting the Secretary-General was substantially reformed in 2015. The General Assembly, after extensive negotiations in its Informal Working Group on the Revitalization of the General Assembly, adopted resolution A/RES/69/321 (2015), which set forth a much more transparent process that would govern the 2016 selection of the Secretary-General. This process entailed much more involvement of the General Assembly, and therefore of all UN Member States, in the process to select the Secretary-General.

That process, as set forth in that resolution, included the following:

- 1. A description of the criteria for the Secretary-General position: The best possible candidate would embody "the highest standards of efficiency, competence and integrity and would demonstrate "a firm commitment to the purposes and principles of the United Nations" and "proven leadership and managerial abilities, extensive experience in international relations and strong diplomatic, communication and multilingual skills." (Paragraph 39)
- The President of the General Assembly and the President of the Security Council would start the process of soliciting candidates through a joint letter to all Member States, containing a description of the entire process and inviting candidates to be presented in a timely manner. (Paragraph 35)
- 3. The President of the General Assembly and the President of the Security Council would **jointly circulate the names of individuals who have been submitted for consideration as candidates**, together with accompanying documents, including curricula vitae to all Member States on an ongoing basis. (*Paragraph 36*)

4. The General Assembly would **conduct informal dialogues or meetings with the candidates**. (*Paragraph 42*)

Implementation of the Reforms in 2016

On December 15, 2015, the President of the General Assembly, H.E. Mr. Mogens Lykketoft and the President of the Security Council, Ambassador Samantha Power, sent a joint letter to all of the UN Member States soliciting nominations of Secretary-General candidates. **See** <u>A/70/623-S/2015/988</u>.

The President of the General Assembly and the President of the Security Council circulated the names of all of the candidates who had been nominated to all UN Member States. The President of the General Assembly also invited each candidate to submit a vision Statement.

There was no formal deadline imposed for the nomination of candidates, and nominations were mostly submitted over the course of the first half or so of 2016. A total of **thirteen candidates** were nominated.

Following are all of the candidates, in the order of their nominations (with references to their nomination letters):

- Prof. Dr. sc. Vesna Pusić , Croatia, <u>A/70/687-S/2016/40</u>, January 8, 2016.
- **Dr. Srgjan Kerim**, Former Yugoslav Republic of Macedonia, <u>A/70/672-</u> <u>S/2015/1054</u>, January 8, 2016
- Dr. Igor Lukšić, Montenegro, <u>A/70/906-S/2016/43</u>, January 14, 2016.
- Dr. Danilo Türk, Slovenia, <u>A/70/731-S/2016/128</u>, February 8, 2016.
- Ms. Irina Bokova, Bulgaria, <u>A/70/732-S/2016/139</u>, February 9, 2016.
- Ms. Natalia Gherman, Republic of Moldova, <u>A/70/752-S/2016/166</u>, February 18, 2016.
- Mr. António Guterres, Portugal, <u>A/70/768-S/2016/206</u>, February 29, 2016.
- Ms. Helen Clark, New Zealand, <u>A/70/813-S/2016/314</u>, April 4, 2016.
- Mr. Vuk Jeremić, Serbia, <u>A/70/827-S/2016/340</u>, April 12, 2016.
- Ms. Susana Malcorra, Argentina, <u>A/70/906-S/2016/473</u>, May 20, 2016.
- Mr. Miroslav Lajčák, Slovakia, <u>A/70/908-S/2016/492</u>, May 25, 2016.

- Ms. Christiana Figueres, Costa Rica, <u>A/70/979-S/2016/597</u>, July 7, 2016.
- Ms. Kristalina Georgieva, Bulgaria, <u>A/71/420-S/2016/829</u>, September 28, 2016.

The President of the General Assembly held informal dialogues, or hearings with all of the candidates. Most were held in April, but some were held afterwards, after additional candidates were nominated.⁵

During the informal dialogues, the candidates each had two hours, which began with ten minutes for the candidates to make a presentation, followed by questions from Member States and regional groups. To enhance transparency, the dialogues were web cast.

These informal dialogues gave candidates an opportunity to provide detailed answers to specific substantive questions in a public setting, and gave Member States and the public at large an opportunity to observe and evaluate the candidates as they spoke extemporaneously.

In addition, civil society organizations were able to participate in the process. As noted in a research report of Security Council Report, the UN Non-Governmental Liaison Service (NGLS) solicited questions from civil society. Civil society organizations submitted over 1500 questions from over 70 countries through an online process. A "Civil Society Committee" worked with NGLS and the Office of the President of the General Assembly to select 28 questions, which were presented through a pre-recorded video during the hearings.⁶ . Two to three of these civil society questions were presented to each candidate through these pre-recorded videos.⁷

In addition to the General Assembly-mandated informal dialogues, there were other candidate fora. In July 2016, *Al Jazeera* broadcasted a widely-viewed town hall meeting with almost all of the candidates. In addition, the FUNDS project of the Ralph Bunche Institute for International Studies, United Nations Association – UK (UNA-UK), and Global Citizen held an event with several candidates at The Graduate Center of the City University of New York, which provided a more informal conversational format for the candidates.

The Security Council also organized informal dialogues with all of the candidates. These informal dialogues were all behind closed doors and were not web cast or otherwise available to non-Council Members. These Security Council informal dialogues took place in parallel with the General Assembly informal dialogues. There was no formal report produced by either the Security Council or the General Assembly regarding these informal dialogues. Throughout the process, the President of the General Assembly and the rotating Presidents of the Security Council held monthly coordination meetings, and frequent informal contacts, to keep each other informed of the activities of each body.⁸

It is noteworthy, as shown above, that one candidate, Kristalina Georgieva, of Bulgaria, was nominated relatively late in the process—in late September of 2016. She nonetheless was able to participate in an informal dialogue both in the General Assembly and in the Security Council. As there is a proposal, as noted below, to establish a timeline for the entire Secretary-General selection process, the possibility of a late candidate may need to be kept in mind, particularly if it is determined that an alternative candidate is needed to break a deadlock late in the process. Accordingly, some flexibility may need to be retained. It is also noteworthy that Bulgaria nominated two candidates, having previously nominated Irina Bokova.

Candidates also met bilaterally with UN Member States, and in particular with Security Council Members with a focus on the Permanent Members. Such bilateral meetings are customary during election campaigns. Some of these bilateral meetings took place in the capitals of Member States.

In 2016, the Security Council continued its practice of holding informal straw polls prior to considering a formal resolution that included a recommended candidate. During the straw polls, Council Members could indicate in a secret ballot to "encourage," "discourage," or express "no opinion" about the candidates under consideration. As noted above, these straw polls are entirely informal, but are understood to provide an indication of whether a Council Member would vote "yes" or "no" or "abstain" in the event of a formal Security Council resolution recommending a Secretary-General candidature.

The Council held a series of straw polls, beginning on July 21. Three candidates withdrew during the course of these straw polls. In initial rounds, the Council used ballots that were all the same color. In a later round, at the discretion of Council Members, the Council used color-coded ballots where the Permanent Members' ballots were a different color. This indicated whether a Permanent Member had indicated "discouragement" of a candidate, which would have signaled a likely veto if there were a formal vote. The Council held its sixth and final straw poll on October 5, 2016. No Permanent Member indicated a "discouragement." António Guterres was the consistent leader in the straw polls throughout the process. While the Council imposed a confidentiality requirement on itself, and strictly limited the

number of staff permitted in the consultations chamber where the stroll polls occurred, the results of each straw poll leaked to social media within minutes of each round of straw polls.

On October 6, 2016, the Security Council formally adopted resolution 2311 (2016), recommending the appointment of António Guterres to be Secretary-General for a five-year term. This was the formal stage of the Security Council process.

The Security Council formally transmitted this recommendation to the President of the General Assembly, which was communicated in a letter from the President of the Security Council addressed to the President of the General Assembly.

On October 13, 2016, the General Assembly formally adopted resolution 71/4 (2016), appointing António Guterres to be Secretary-General for a five-year term. This was the formal stage of the General Assembly process.

While these formal steps were undertaken pursuant to Article 97 of the UN Charter, the informal process resulting from the 2015 reforms and implemented in 2016 led to a markedly transparent process, and larger buy-in from the broader community of nations and civil society.

In advance of the 2016 selection process, the common wisdom was that it was finally time for there to be a female Secretary-General, and finally time for there to be a Secretary-General from Eastern Europe. This is in part why there were so many female candidates and so many candidates from Eastern Europe. Yet the process resulted in a male Secretary-General from Portugal. If not for the open, transparent process in 2016, there might have been a hue and cry about such a result. But the reforms of the 2016 process enhanced the legitimacy of the result and the buy-in and acceptance by Member States and the international community at large.

In sum, by and large, the 2016 process to select the Secretary-General proceeded smoothly and was widely viewed as a resounding success.

The Reappointment Process of 2021 and the General Assembly Resolution in 2021

In 2021, Secretary-General Guterres decided to run for re-election. Portugal formally nominated him and the President of the General Assembly, and the President of the Security Council circulated his nomination to all Member States. See A/75/789 S/2021/180.⁹

Meanwhile, a staff Member at the UN Development Programme (UNDP), Arora Akanksha, decided to put forward her own candidature for Secretary-General. Ms. Akanksha was a native of India and a citizen of Canada. No UN Member State nominated Ms. Akanksha. After some confusion, the Security Council decided that Ms. Akanksha was not eligible to be a candidate for Secretary-General. It was considered that "self-nomination" was not a legitimate basis to be a candidate for Secretary-General, and they had to be nominated by a UN Member State. Her nomination accordingly was not jointly circulated to the Members of the General Assembly.

Ms. Akanksha's nomination highlighted an issue that had been glossed over in 2015. Under Article 97 of the UN Charter, there is no requirement that a UN Member State nominate a candidate for Secretary-General. Indeed, in the early days of the UN, as noted above, there was no formal nomination process, so Member States did not have to nominate a candidate. In GA resolution 69/321 (2015), the General Assembly did not expressly include a requirement that a Member State nominate a candidate. In 2016, no individuals attempted to nominate themselves, and all candidates were nominated by a Member State.

After Ms. Akanksha's self-nomination, the General Assembly decided to clarify the situation. In its resolution on Revitalization of the Work of the General Assembly, A/RES/75/325 (2021), the General Assembly expressly stated that "nominations must be submitted by at least one Member State, in accordance with the ongoing practice." *See Paragraph 56*.

The requirement of a Member State nomination does add an element that does not appear in Article 97 of the UN Charter. While it is unlikely that a viable candidate could proceed without the support of a Member State, the Member State nomination requirement precludes a situation where, for example, a prominent potential candidate is not favored by the government of that candidate's home country, whether because that candidate is associated with an opposition party or for some other reason, unless that person is nominated by another Member State, which is a relatively unlikely scenario.

In any event, Secretary-General Guterres was the only Member State-nominated candidate in 2021. On June 8, 2021, the Security Council adopted by acclamation resolution 2580 (2021), recommending Secretary-General Guterres for a second five-year term. On June 18, 2021, the General Assembly adopted resolution 57/286 (2021) appointing him Secretary-General for a second five-year term.¹⁰

The 2026 Process

In 2026, the General Assembly and the Security Council will go through the process of selecting a new Secretary-General.

This year, the Informal Working Group on Revitalization of the General Assembly is negotiating its biannual resolution. The Informal Working Group is considering several possible additional reforms of the process to select the Secretary-General.

Proposed reforms include:

- 1. Changing the term of the Secretary-General to one non-renewable sevenyear term. One justification for this proposal is that the Secretary-General would not be side-tracked by focusing on possible re-election dynamics during their term.
- 2. **Conducting a straw poll in the General Assembly** (and not just in the Security Council). The idea behind this would be to give the General Assembly an enhanced role in the process and allow all Member States to express their view as to who should be Secretary-General.
- 3. Candidates holding positions in the UN system suspending their UN activity to avoid a conflict of interest.
- 4. A request that the Security Council recommend multiple candidates to the General Assembly. This would give the General Assembly a greater say and choice regarding who should be Secretary-General.
- 5. **Establishment of a timeline**. This would provide a clear roadmap for every step of the process.
- 6. Avoidance of the leaking of results of the Security Council straw poll, in order to maintain the proper channels of communication and to avoid potential embarrassment of candidates.

7. Provision of a process for withdrawal of candidates, in order to provide clarity on this aspect of the process.¹¹

In addition, and since 2015, the General Assembly has highlighted the fact that there has never been a female Secretary-General and has invited Member States to consider presenting women as candidates for the position of Secretary-General.¹²

Finally, while there has been some discussion of regional rotation, **there is no formal requirement of regional rotation for the position of Secretary-General**. Indeed, while there has never been a Secretary-General from the Eastern European Group, there has been more than one Secretary-General from most of the other regional groups. Specifically, following is a list of all past Secretary-Generals and their regional groups:

- Trygve Lie: Norway, Western European and Others Group, 1946–1952.
- Dag Hammarskjold: Sweden, Western European and Others Group, 1953–1961.
- **U Thant**: Myanmar, Asia-Pacific Group, 1961–1971.
- Kurt Waldheim: Austria, Western European and Others Group, 1972–1981.
- Javier Perez de Cuellar: Peru, Group of Latin American and Caribbean States, 1982–1991.
- Boutros Boutros-Ghali: Egypt, Group of African States, 1992–1996.
- Kofi Annan: Ghana, Group of African States, 1997–2006.
- Ban Ki-moon, Republic of Korea, Asia-Pacific Group, 2007–2016.
- António Guterres, Portugal, Western European and Others Group, 2017– present.

If the General Assembly does not make any changes to the Secretary-General selection process, it is presumed that the process that was undertaken in 2016 will govern the 2026 selection process. If the General Assembly makes further changes to the Secretary-General selection process, this paper will be updated to reflect these changes.

Endnotes

³ See "Appointing the UN Secretary-General: The Challenge for the Security Council," *Security Council Report*, June 2016, p. 8, <u>https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-</u> <u>CF6E4FF96FF9%7D/appointing_unsg_2016.pdf</u>.

⁴ For additional detail on past Council practice, see Issues emerging with respect to the 2026 appointment of the next Secretary-General," Sievers, "Update Website of The Procedure of the UN Security Council."

⁵ Informal dialogues were held on April 12, 1,3 and 14. Additional informal dialogues were held on June 7, June 8, July 14, and October 3. For more information see Webpage, "Selection and Appointment of António Guterres," *United Nations*, n.d, <u>https://www.un.org/sg/en/content/selection-and-appointment-of-ant%C3%B3nio-guterres</u>. ⁶ Security Council Report, "Appointing the UN Secretary-General."

⁷ Volker Lehmann, "Historic civil society participation in General Assembly hearings with UN Secretary-General candidates," *UNA-UK*, February 2022, <u>https://una.org.uk/11-historic-civil-society-participation-general-assembly-hearings-un-Secretary-General-candidates</u>.

⁸ See "Letter dated September 13, 2016, from the President of the General Assembly addressed to the President of the Security Council," S/2016/784, (2016) <u>https://docs.un.org/en/S/2016/784</u>.

⁹ "Revitalization of the work of the General Assembly," A/75/789, 76th session (2021),

https://digitallibrary.un.org/record/3952647?In=en&v=pdf.

¹⁰ For more details, see: "Selection and Appointment of the Secretary-General of the United Nations," *UNGA*, n.d., <u>https://www.un.org/pga/78/sg-selection</u>.

¹¹ For a discussion of these and other issues related to the 2026 selection process, see "Issues emerging with respect to the 2026 appointment of the next Secretary-General," Sievers, "Update Website of The Procedure of the UN Security Council."

¹² See A/RES/69/321 (2015), paragraph 38 and A/RES/75/325 (2021), paragraph 68.

¹ Advisory Opinion on the Competence of the General Assembly for the Admission of a State to the United Nations, (March 3, 1950), p. 8.

² See Loraine Sievers, "The Procedure of the Security Council, Issues emerging with respect to the 2026 appointment of the next Secretary-General," *SC Procedure blog post*, June 25, 2025, <u>https://www.scprocedure.org/chapter-7-section-5p</u>.