

## COMMITTEE ON THE UNITED NATIONS

January 27, 2017

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**United Nations** 

Mr. Peter Thomson

Mr. Olof Skoog

Permanent Mission of Sweden to the United Nations

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Volodymyr Yelchenko

Permanent Mission of Ukraine to the United Nations

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Dear President of the United Nations General Assembly, Mr. Peter Thomson, President of the United Nations Security Council, Mr. Olof Skoog, and Incoming President of the United Nations Security Council, Mr. Volodymyr Yelchenko:

The New York City Bar Association ("the Association"), its Committee on the United Nations ("the UN Committee"), and the Task Force on Good Governance in the Secretary-General Selection ("the UNSG Task Force") applaud the United Nations ("UN") on the selection and appointment of António Guterres as the next UN Secretary-General, and look forward to working with him on critical issues of common concern, such as the rule of law, access to justice, human rights, and good governance. We welcome the unprecedented effort by the UN General Assembly to increase transparency and inclusiveness in the UN Secretary-General selection process, and note the potential for improved governance in the UN Security Council decision-making process.

The Association is an independent, non-governmental organization of over 24,000 legal professionals from the United States and more than 50 other countries. The UN Committee is a dedicated supporter of human rights and keenly monitors developments in international law, global norms, and legal issues. The UNSG Task Force is a team of lawyers, including members of the Association, who are committed to promoting the principles of good governance, transparency, and accountability in the UN Secretary-General selection process. In the lead-up to the Secretary-General selection, the UNSG Task force established an online platform, http://sgselection2016.org/, to detail the selection process, and held an event in August 2016 to

publicly discuss the progress being made to increase transparency in the 2016 Secretary-General selection, which it co-hosted with the Center for United Nations and Global Governance Studies at Seton Hall University and the Leitner Center for International Law and Justice at Fordham University School of Law. A full recording of the event is available at http://bit.ly/2ifVmiY.

The 2016 Secretary-General selection process was characterized by an unparalleled level of engagement, transparency, and accountability, in keeping with the UN General Assembly's commitment to transparency and inclusiveness set out in Resolution 69/321. Candidates for the post engaged broadly with UN Member States, civil society, and the public. For the first time, a diverse array of candidates of different genders, nationalities, and regions was nominated, and the General Assembly conducted "informal dialogues" with the vast majority of candidates, during which Member States, civil society organizations, and the average citizen (through Twitter and other social media) had the opportunity to pose questions. Candidates' vision statements, curriculum vitae, and biographical information were published on the President of the UN General Assembly's website. Many of the candidates also attended public debates and other speaking engagements in several cities as part of their respective "campaigns."

Despite this progress towards a more transparent and participatory selection process, the UN Security Council's decision-making regarding the next Secretary-General was not as open and inclusive as the process that led up to it. Indeed, the Security Council deliberated in the manner it has now for some time—through secret straw polls using anonymous ballots, entirely behind closed doors. Member States not part of the Security Council, civil society organizations, and the public were not privy to the Security Council's deliberations, nor to the positions that may have been taken by the Permanent Five members of the Security Council ("P5") or their peers in the Council's rotating seats. We recognize that this unequal power among Member States over the process to select the Secretary-General, essentially affording the Security Council's P5 ultimate control over the outcome, is embedded in Article 97 of the UN Charter. Still, the opacity of the Security Council's process, regardless of the outcome, diminishes the laudable efforts towards good governance and transparency that had shaped the early stages of the 2016 UN Secretary-General selection process.

In the months ahead, the Association, through its UNSG Task Force, intends to prepare a report assessing the effectiveness and impact of the UN's efforts to enhance the governance of the Secretary-General selection process, and to make recommendations regarding additional areas of reform. The report will seek to identify practical initiatives, which can be readily implemented in a manner that honors the UN Charter drafters' efforts to balance democratic principles with political realities.

As members of the legal profession dedicated to the principles of open and participatory governance and committed to ensuring the most representative and effective UN system possible, we urge UN Member States to continue to advance transparency and accountability in the UN Secretary-General selection process. It is crucial to document and memorialize the gains made in the 2016 Secretary-General selection and build upon them for future selections. UN Member States should critically consider the efforts made to improve governance in the 2016 selection process in order to determine successful initiatives that merit future support. Further, Member States should continue to monitor the terms of Resolution 69/321, promote

revitalization of the work of the UN General Assembly, and explore ways that transparency, inclusiveness, and participation can be advanced through governance reforms in the next UN Secretary-General selection. Only through continuing efforts towards good governance will we eventually have the fairest, most inclusive, participatory, and transparent Secretary-General selection process that international law, as set forth in the UN Charter, and international political realities will afford.

We are heartened by the progress made to date towards transparency and accountability in the 2016 UN Secretary-General selection process. However, there is further work to be done. The Association's UNSG Task Force and United Nations Committee remain good friends to UN governance initiatives and intend to host a panel event regarding the 2016 UN Secretary-General selection process in March 2017. We look forward to working with the UN on these important issues of good governance, transparency, and accountability.

Respectfully submitted,

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**UNSG Task Force** 

Ulysses Smith, Chair\*

United Nations Committee Michael D. Cooper, Chair

Former President of the United Nations General Assembly, Mr. Mogens Lykketoft cc: Former President of the United Nations Security Council, Russian Federation **United Nations Security Council Members** 

<sup>\*</sup>In order to support principles of good governance, transparency and accountability in the 2016 selection process, the New York City Bar Association has established a Task Force on Good Governance in the Secretary-General Selection.