

Edited by Simon Chesterman

SECRETARY or GENERAL?

The UN Secretary-General in World Politics



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SECRETARY OR GENERAL?

The Secretary-General of the United Nations is a unique figure in world politics. At once civil servant, the world's diplomat, lackey of the UN Security Council, and commander-in-chief of up to a hundred thousand peacekeepers, he or she depends on states for both the legitimacy and resources that enable the United Nations to function. The tension between these roles – of being secretary or general – has challenged every incumbent. This book brings together the insights of senior UN staff, diplomats, and scholars to examine the normative and political factors that shape this unique office, with particular emphasis on how it has evolved in response to changing circumstances such as globalization and the onset of the “war on terror”. The difficulties experienced by each Secretary-General reflect the profound ambivalence of states towards entrusting their security, interests, or resources to an intergovernmental body.

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at New York University School of Law*

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FOREWORD

While the Charter of the United Nations describes the Secretary-General, in Article 97, as “the chief administrative officer of the Organization” it also empowers him, in Article 99, to “bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.” This article is seldom formally invoked – I myself have never found it necessary to use it – but it gives the Secretary-General a political responsibility, which makes him clearly more than a mere administrator. From its very origins, therefore, the office has had this dual character. And in more recent times the Secretary-General has come to be viewed by almost everyone as the organization’s chief diplomatic and political agent.

The editor of the present volume should therefore be excused for an omission which he acknowledges in his introduction – the absence of any chapter focusing solely on the administrative responsibilities of the office. For better or worse, the role of the Secretary-General has come to be seen as primarily political. But even within that definition, distinct types of activity are expected of today’s Secretary-General.

On the one hand there is his diplomatic role in the traditional sense, generally referred to as his “good offices”. In this role he acts as an impartial mediator, seeking to resolve disputes and prevent deadly conflict, which makes it essential that he maintain a good working relationship with all parties – and this in turn often obliges him to maintain complete discretion and avoid public comment, even when this involves resisting pressure, and perhaps his own inclination, to “take a stand”.

On the other hand there is what this book calls the “bully pulpit” – the public role, in which the Secretary-General is expected to act as spokesman for universal values and for the interests of humanity as a whole. And in this role, impartiality cannot be taken as implying neutrality. The Secretary-General must unswervingly uphold the purposes and principles of the organization, thereby at least implicitly supporting those who do likewise, and condemning those who do not. He must

speak out in favour of universal human rights and in defence of the victims of aggression or abuse. He must champion the cause of development, and the right of the poor to achieve “better standards of life in larger freedom”.

These two roles can often be in tension with each other. But they come together in the concept – as Dag Hammarskjöld put it, in the introduction to his last Annual Report – of “an international community, for which the Organization is an instrument and an expression”. Whether the Secretary-General is acting discreetly or speaking out publicly, he must always seek to advance the interests of all states, and be careful never to appear to be serving the narrow interests of any one state or group of states. His particular concern should be to protect the weak against the strong, yet he must understand that it is often only by winning and preserving the confidence of the strong that he can hope to do that.

A third role, described in this book as that of “norm entrepreneur”, falls somewhere between the first two. It is the role of making proposals to member states in their collective persona as deliberative and legislative organs of the United Nations – proposals for action to deal with issues that affect the global interest, and proposals to adapt the United Nations itself to changing times, making it more efficient and effective.

Such proposals are not always welcome. They are almost never accepted without change. Yet time and again member states look to the Secretary-General for a suggestion or a text which can form the basis of discussion. When he performs this function, the Secretary-General must be guided by the general principles he has enunciated in his “bully pulpit” mode, but also by a sense, derived largely from private soundings, of what the traffic will bear. He has to challenge member states to aim high, yet also convince them that what he is suggesting is within their reach.

It is with this in view that, on a number of occasions during my own term of office, I have appointed high-level panels, composed of men and women of great experience and international repute, representing different countries and regions, to consider specific topics and to advance the agenda. Such people often find it easier to agree when working together as individuals, in a small group, than they would in their official capacities. And once they have done so, their names lend credibility to an idea which might otherwise have appeared utopian or fanciful. The Secretary-General can then put it before member states with greater authority and confidence than if it had been simply his own. This procedure by no means guarantees success – indeed, the book mentions several instances where it has failed. But it can help.

The authors and editor of this book are in any case to be commended for the valuable insights and critical judgement they have brought to their chosen topic. I will not claim to agree with every word in every chapter. But I believe the book as a whole will give the public a better understanding of the dilemmas that any Secretary-General must confront, and a clearer idea of what he or she can reasonably be expected to achieve. It is an important contribution to public debate about an office that has evolved over the decades, and will continue to do so, reflecting both the character of the men or women who hold it and the changing circumstances to which they will have to respond.

Kofi A. Annan
Secretary-General of the United Nations (1997–2006)

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This volume is the product of ongoing research conducted by the Institute for International Justice at New York University School of Law. Special thanks are due to Benedict Kingsbury, the Faculty Director of the Institute, to Thomas M. Franck, whose Center for International Studies laid the foundations for this new enterprise, and to Dean Richard L. Revesz for supporting it at every stage. Other colleagues at the Institute who played invaluable roles include Chia Lehnardt and Angela Ebanks. Christian Leathley and Quang Trinh provided research assistance in conceptualizing and developing the project on the role of the UN Secretary-General; their work is reflected here in the bibliography and chapter 6, respectively.

Many of the key ideas developed in this book were discussed at a meeting convened at New York University School of Law in February 2006. Particular thanks are due to those who provided their time and experience without writing papers; though no chapter bears their name, the volume surely bears their influence. These individuals include Paulette A. Bethel, Elizabeth Cousens, Gareth Evans, Shepard Forman, Sir Emyr Jones Parry, Edward Mortimer, and John Sexton. Many others provided informal suggestions and advice on a confidential basis. Various chapters benefited from close readings by, among others, James Cockayne, Sebastian von Einsiedel, Chia Lehnardt, Surabhi Ranganathan, Ming Tan, and Quang Trinh.

Research such as this is not possible without support, generously provided in this case by the Law School and Carnegie Corporation of New York, as part of a grant towards the Institute's research and policy agenda. The views expressed, however, are solely those of the various authors.

Introduction: secretary or general?

SIMON CHESTERMAN

The Secretary-General of the United Nations is a unique figure in world politics. At once civil servant and the world's diplomat, lackey of the UN Security Council and commander-in-chief of up to 100,000 peacekeepers, he or she depends on states for both the legitimacy and resources that enable the United Nations to function. The tension between these roles – of being secretary or general – has challenged every incumbent. The first, the Norwegian Trygve Lie (1946–1952), memorably welcomed his successor to New York's Idlewild Airport with the words: “You are about to enter the most impossible job on this earth.”¹

The formal responsibilities of the job are few and ambiguous. The UN Charter defines the position as “chief administrative officer” of the United Nations Organization, a capacity in which he or she serves the Security Council, the General Assembly, and the Economic and Social Council, as well as performing “such other functions as are entrusted to him by these organs.”² At the same time, the Secretary-General is granted significant institutional and personal independence: the Secretariat he or she leads is itself a principal organ of the United Nations; the Secretary-General and the staff serve as international officials responsible only to the organization; and the Secretary-General is given a wide discretion to bring to the attention of the Security Council “any matter which in his opinion may threaten the maintenance of international peace and security.”³

The manner in which these responsibilities have been fulfilled over the past six decades has depended as much on politics as it has on personality. The Cold War severely constrained the ability of the United Nations to play a significant role in major issues of peace and security, yet created an opportunity for a little-known Swedish cabinet minister,

¹ See chapter 2 by Shashi Tharoor in this volume.

² UN Charter, arts. 97–98. Relevant provisions of the Charter and other documents are excerpted in the appendix to this volume (p. 241).

³ UN Charter, arts. 99–100.

Dag Hammarskjöld (1953–1961), to carve out an independent space in which the Secretary-General could conduct what he called “informal diplomatic activity”.⁴ The end of superpower rivalry created larger possibilities for the United Nations, but mismanaged expectations and Boutros Boutros-Ghali’s (1992–1996) abrasive manner led to a crisis of confidence in the organization’s political role. His successor, Kofi Annan (1997–2006), was widely respected for his diplomatic skills, but tensions with the United States over the 2003 invasion of Iraq coincided with revelations of corruption and mismanagement in the UN Oil-for-Food Programme, severely undermining his own tenure and efforts at reform.

A central question for each Secretary-General has been the extent to which he – all previous seven incumbents have been men – could pursue a path independent of the member states that appointed him. Soviet Chairman Nikita Khrushchev is said to have dismissed the very idea of a truly international civil servant: “While there are neutral countries, there are no neutral men.” Walter Lippmann, who had interviewed Khrushchev on this subject in 1961, interpreted the Soviet position as being that the “political celibacy” called for in the ideal British civil servant was, in international affairs, a fiction.⁵ Hammarskjöld, in articulating his vision of precisely such an individual, archly suggested that it was possible to be politically celibate without being politically virgin.⁶

U Thant (1961–1971), who took office after Hammarskjöld was killed in a plane crash over Congo, was more modest in his rhetoric and emphasized the harmonizing function of the office.⁷ Kurt Waldheim (1972–1981) was even more reticent in asserting himself, once described by an Israeli at a Middle East peace conference as “walking around like a head-waiter in a restaurant”.⁸ The last Cold War Secretary-General, Javier Pérez de Cuéllar (1982–1991), also espoused a minimalist view of the office – he was said to be the type of person who wouldn’t make a splash if he fell out of a boat⁹ – while at the same time quietly laying the

⁴ Dag Hammarskjöld, “The International Civil Servant in Law and in Fact (Lecture Delivered to Congregation at Oxford University, 30 May 1961)”, in Wilder Foote (ed.), *Servant of Peace: A Selection of the Speeches and Statements of Dag Hammarskjöld, Secretary-General of the United Nations 1953–1961* (New York: Harper & Row, 1962), p. 335.

⁵ Walter Lippmann, “Interview with Chairman Nikita Khrushchev”, *New York Herald Tribune*, 17 April 1961. ⁶ Hammarskjöld, “The International Civil Servant”, p. 331.

⁷ U Thant, *View from the UN* (Garden City, NY: Doubleday, 1978), p. 31.

⁸ Kenneth W. Stein, *Heroic Diplomacy: Sadat, Kissinger, Carter, Begin, and the Quest for Arab–Israeli Peace* (New York: Routledge, 1999), p. 121.

⁹ See chapter 10 by James Traub in this volume.

foundations for a more activist role through his mediation in the Iran–Iraq War.¹⁰

The limits of such activism depend, crucially, on relations with the member states that make up the United Nations. The Secretary-General is sometimes said to be a kind of secular Pope, recalling Stalin's underestimation of the pontiff for his lack of military divisions.¹¹ As Brian E. Urquhart has observed, however, if he is indeed a Pope then he is one who also frequently lacks a church.¹² Key tests have been whether the Secretary-General has been able to say “no” to the member states that direct him, and whether, in the face of international indifference to a crisis, he could sometimes cajole them into saying “yes”. Achievements in both areas have been modest, with states being most enthusiastic about the independence of the Secretary-General only when his decisions have coincided with their national interests. On occasion Annan, like some of his predecessors, was heard to joke that the abbreviation used within the United Nations for his position – “SG” – stood for “scapegoat”.¹³

Past Secretaries-General have, nonetheless, demonstrated the capacity for significant influence. The “good offices” function – an intentionally vague formulation that denotes public and private efforts to prevent disputes from arising, escalating, or spreading¹⁴ – is routinely underestimated in its importance to the prevention of conflict between and within countries, in part because successes draw so little attention. Another form of influence is in mobilizing international support for a cause that transcends national interest, such as the Millennium Development Goals (MDGs). Past Secretaries-General have also led normative changes, ranging from the development of a legal basis for peacekeeping to the embrace of a “responsibility to protect” vulnerable populations. Two have been awarded Nobel Peace Prizes: Hammarskjöld in 1961; Annan in 2001.

Surprisingly, however, the vicissitudes of the office have been the subject of little scholarly attention. Most generalist titles are many decades old, frequently being out of print as well as out of date.¹⁵ Other titles focus on

¹⁰ See chapter 4 by James Cockayne and David M. Malone in this volume.

¹¹ See Dag Hammarskjöld, *Markings*, trans. Leif Sjöberg and W.H. Auden (London: Faber & Faber, 1964), p. xviii.

¹² Brian E. Urquhart, *Hammarskjöld* (New York: Knopf, 1972), p. 51.

¹³ See chapter 2 by Shashi Tharoor in this volume.

¹⁴ See chapter 5 by Teresa Whitfield in this volume.

¹⁵ See, e.g., Stephen M. Schwebel, *The Secretary-General of the United Nations: His Political Powers and Practice* (Cambridge, MA: Harvard University Press, 1952); Leon Gordenker, *The UN Secretary-General and the Maintenance of Peace* (New York: Columbia University Press, 1967); Arthur W. Rovine, *The First Fifty Years of the Secretary-General in World*

the biographies of specific individuals, often with great insight but more relevant to understanding the personality than the institution.¹⁶ The purpose of this volume is, for the first time, to bring sustained attention to the normative and political factors that shape the role of the Secretary-General, with particular emphasis on how that role has evolved in response to changing circumstances after the end of the Cold War and the beginning of the “war on terror”. Such geopolitical transformations define the contours of the Secretary-General’s universe – a universe shaped also by the economic forces of globalization, and increasingly by tensions between the industrialized North and the developing South. Across these various influences, the difficulties experienced by each Secretary-General further reflect the profound ambivalence of states towards entrusting their security, interests, or resources to an intergovernmental body. The ambiguities in the job description are far from accidental.

The approach adopted here is necessarily selective. There is, for example, no chapter that focuses solely on the administrative responsibilities of the office.¹⁷ Such issues will be considered to the extent that they impact on the normative and political questions identified earlier. More often than not, they do. When Annan gave his first press conference as Secretary-General in 1997, he acknowledged criticisms that UN reform

Politics: 1920–1970 (Leyden: A.W. Sijthoff, 1970). For more recent works, see Thomas E. Boudreau, *Sheathing the Sword: The UN Secretary-General and the Prevention of International Conflict* (New York: Greenwood Press, 1991); Benjamin Rivlin and Leon Gordenker (eds.), *The Challenging Role of the UN Secretary-General: Making “the Most Impossible Job in the World” Possible* (Westport, CT: Praeger, 1993); Edward Newman, *The UN Secretary-General from the Cold War to the New Era: A Global Peace and Security Mandate* (New York: Palgrave Macmillan, 1998). A fuller list of relevant works is provided in the bibliography of this volume.

¹⁶ See, e.g., James Barros, *Trygve Lie and the Cold War: The UN Secretary-General Pursues Peace, 1946–1953* (DeKalb, IL: Northern Illinois University Press, 1989); Urquhart, *Hammar skjöld*; June Bingham, *U Thant: The Search for Peace* (New York: Knopf, 1966); Seymour Maxwell Finger and Arnold A. Saltzman, *Bending with the Winds: Kurt Waldheim and the United Nations* (New York: Praeger, 1990); George J. Lankevich, *The United Nations Under Javier Pérez de Cuéllar, 1982–1991* (Lanham, MD: Scarecrow Press, 2001); Boutros Boutros-Ghali, *Unvanquished: A US–UN Saga* (New York: Random House, 1999); James Traub, *The Best Intentions: Kofi Annan and the UN in the Era of American World Power* (New York: Farrar, Straus & Giroux, 2006).

¹⁷ The best critical account of this function is to be found in the report of the inquiry into the Oil-for-Food scandal: *The Management of the United Nations Oil-for-Food Programme: Volume 1 – The Report of the Committee* (Independent Inquiry into the Oil-for-Food Programme, New York, 7 September 2005), available at www.iic-offp.org/documents/Sept05/Mgmt_V1.pdf. See also Leon Gordenker, *The UN Secretary-General and Secretariat* (*Global Institutions Series*) (New York: Routledge, 2005).

had not moved fast enough in his first weeks in office. Russian Ambassador Sergey Lavrov in particular had observed that God had taken less time to create the earth – to which Annan responded that the Almighty had the great advantage of working alone, without committees and without 185 members.¹⁸ The Oil-for-Food scandal (and the image of Secretariat staff going to prison for corruption¹⁹) provided some much needed urgency to the reform process, but efforts to establish more accountability through granting more responsibility foundered when member states realized that this would reduce their own capacity to micromanage budgetary processes.²⁰ As *The Economist* concluded of the Oil-for-Food investigation, if Annan had been the chief executive officer of a company that oversaw such mismanagement and corruption he should have been sacked. In reality, however, he lacked those powers and the United Nations lacked a comparable structure: to locate the blame in his person would ignore the structural problems that discouraged effective management and facilitated corruption.²¹ Further evidence of the Secretary-General's limited administrative power was provided by an internal rebellion against efforts in 2006 to increase financial oversight, simplify hiring and firing, and outsource non-essential functions – leading to the UN Staff Union passing a “no confidence” motion in Annan and his senior managers.²²

Similarly, there is no dedicated chapter in this volume on the relationship between the Secretary-General and the General Assembly, to whom he or she must make an annual report.²³ This relationship is important but is considered here in the context of the wider relationship with the member states rather than with the Assembly as an institution. An important exception to this is the changing role of the Assembly in the appointment process, considered in chapter 3 by Colin Keating in this volume.

¹⁸ Cameron Stewart, “Annan Refuses to Rush on Reform”, *Weekend Australian*, 15 February 1997. By 2007 the United Nations had 192 members.

¹⁹ The case of Aleksandr V. Yakovlev, a UN procurement officer, was made public through the Volcker investigations but did not directly involve the Oil-for-Food Programme. In August 2005 he pleaded guilty in Federal District Court in Manhattan to charges of bribing contractors: Warren Hoge, “UN Looking at Charges of Fraud in Procurement”, *New York Times*, 24 January 2006.

²⁰ See chapter 12 by Simon Chesterman and Thomas M. Franck in this volume.

²¹ “The Oil-for-Food Fiasco”, *Economist* (London), 10 September 2005. See also Brian E. Urquhart, “The UN Oil-for-Food Program: Who Is Guilty?”, *New York Review* LIII(2), 9 February 2006.

²² “United Nations: Staff Votes ‘No Confidence’ In Annan”, *New York Times*, 10 March 2006.

²³ UN Charter, art. 98.

A final preliminary observation is that the present work spends disproportionate time discussing the first two post-Cold War Secretaries-General, Boutros-Ghali and Annan. These two men held the office in a significantly different political environment from their predecessors, but the book is not intended to be a definitive account of their tenure. Instead, the focus is intended to be forward-looking, drawing upon the experiences of the past seven incumbents, their opportunities and their crises, with a view to informing the practice and analysis of the eighth, Ban Ki-moon (2007–), and beyond.

Structure of the book

The book is organized in four parts. Part I examines the manner in which the position of Secretary-General was initially conceptualized and how that job description has changed over time. Chapter 1, by Brian E. Urquhart – who worked with or advised every Secretary-General to date – surveys the manner in which the first incumbents were selected and how each interpreted the ambiguous mandate that he enjoyed. From the inauspicious appointment of Trygve Lie, the emphasis has tended to be less on finding the best person than on avoiding a veto by one of the five permanent members. This has encouraged Potemkin campaigns and lowest-common-denominator candidates. Much has depended, therefore, on qualities of the individual that were revealed after his appointment. Indeed, Urquhart suggests that a more transparent process might have prevented Hammarskjöld, the most dynamic and influential Secretary-General the United Nations has seen, from being appointed at all.

The lack of a true job description has encouraged the tendency to vest the Secretary-General with the aspirations of an emerging international community. As Shashi Tharoor shows in chapter 2, this has frequently conflicted with the administrative responsibilities of the office as well as the extent to which it is beholden to member states. The Secretary-General, once appointed, is given both a “platform and a straitjacket”: how he or she uses that platform and responds to those constraints will determine his or her legacy. It is ironic that there has been greater attenuation of the administrative responsibilities of the Secretary-General – for which there is clear Charter authority – than of the political role located in more creative readings of that text.

Chapter 3, by Colin Keating, examines the appointment process itself. From 1946 to 2006, the General Assembly was largely quiescent, having

established that the Security Council should provide it with only one name and that the procedures for appointment should be conducted in closed meetings. With the exception of an extension of Lie's tenure, the Assembly's role merely involved voting on a single candidate proposed by the Council and it always accepted the Council's recommendation. Within the Council there was more activity: Waldheim was appointed to his first term in 1971 after fourteen vetoes (a potential third term was prevented by no less than sixteen Chinese vetoes); Boutros-Ghali was denied a customary second term by a US veto in 1996. The appointment process is now governed more by convention than by the Charter, with principles such as regional rotation and a two five-year term limit having emerged over time. Such practices are not immutable, however, and from 1997 the General Assembly has at least claimed the right to make full use of the powers given to it in the Charter. This might eventually take the form of a meaningful election – that is, choosing from more than one candidate proposed by the Security Council – or approaching its task in the manner of a confirmation hearing, with the possibility of a rejection and request for a new candidate.

As indicated earlier, one of the few explicit powers granted to the Secretary-General is that of bringing matters to the attention of the Security Council. Part II examines how this power has been exercised – though it is rarely invoked in terms – and the broader role that the office plays in the area of peace and security. Chapter 4, by James Cockayne and David M. Malone, describes how practice has put flesh on the bare bones of the Charter, shaped in part by creative interpretation of the relevant Charter provisions but also by the personal relationship different Secretaries-General have had with the Council and its members. Long-standing questions about the independence of the office have, with the end of the Cold War, been replaced largely by hand-wringing over a love-hate relationship with the United States, and increasing time spent managing North-South tensions.

Even when the Council is not engaged in a crisis, however, the Secretary-General may be able to mobilize governments through encouraging interested states to form supportive informal coalitions. Such "groups of friends" are discussed in chapter 5 by Teresa Whitfield. This innovative formulation built on the good offices function of the Secretary-General, itself the product of a liberal interpretation of the Charter. Generating such coalitions may enhance the leverage that a Secretary-General enjoys, or at least focus diplomatic efforts on conflicts to which inadequate or incoherent attention is being paid.

Another way in which the Secretary-General has engaged in issues of peace and security is through using the bully pulpit of his office. Kofi Annan was studiously reticent in giving sound-bites on contentious issues such as the Kosovo war of 1999 and the US-led invasion of Iraq in 2003. When finally drawn on the topic of Iraq, however – after being asked three times on a BBC radio interview whether it was “illegal”, and finally agreeing that indeed it was – that word became a focus for conservative criticism of the man and the institution. Chapter 6, by Quang Trinh, describes the inconstant practice of using this pulpit on such matters of peace and security. It is most effective, he concludes, in a normative vacuum or when the interests of lead states are not engaged. With respect to specific issues of peace and security, silence may be more wise and, on some occasions, more effective.

Part III of the book turns to more general normative and political dilemmas arising from the public functions of the office. Sir Eric Drummond, Secretary-General of the League of Nations from 1919 to 1933, famously refused to speak to the press at all. Such prudence might have been considered appropriate for the United Nations during the Cold War, but today the office-holder is expected to issue statements and have views on virtually every event of international significance. The power that accompanies this prominence is sufficiently novel for there to be no real consensus on how it should be used. Though many of a Secretary-General's pronouncements may be evanescent, it is increasingly clear that the position plays a role in creating and shaping norms. Chapter 7, by Ian Johnstone, develops a framework for understanding and operationalizing this role of “norm entrepreneur”. He argues that the Secretary-General will be most effective when he or she builds on or stretches prevailing interpretations of a norm, ideally helping to crystallize the views of a group of states, rather than attempting to generate such norms on his or her own.

Such an entrepreneurial Secretary-General may be most influential and most needed in Africa: influential because so many powerful countries appear to see little national interest in the continent's problems; needed because those problems challenge the ideals for which the United Nations was established. Chapter 8, by Adekeye Adebajo, examines the office through the lens of the two African Secretaries-General whose tenure coincided with the initial post-Cold War period – the Egyptian Boutros-Ghali and the Ghanaian Annan. Boutros-Ghali was notoriously known by his staff as “the Pharaoh”, due to his perceived aloofness and authoritarian leadership style. Annan, by contrast, came to be viewed by

some as a kind of prophet, at times one without honour in his own land. Adebajo teases out these metaphors to give texture to the cliché of the secular Pope, while critiquing the disjunction between rhetoric and resources devoted by the organization to its poorest and most conflict-prone continent.

David Kennedy moves from norm to policy entrepreneurship in chapter 9. This role has become more important and more complicated as the state-based order has given way to a multiplicity of new actors, ranging from multinational corporations and non-governmental organizations (NGOs) to civil society actors and networks of experts. In such an environment, a Secretary-General should not be seen solely through the lens of being at one extreme a leader, at the other a clerk. Engaging with issues such as development policy after the collapse of the Washington consensus, or the need for pharmaceuticals in impoverished countries, requires flexibility as well as creativity. The necessary role may be neither to lead nor simply to administer; frequently, the most important role a Secretary-General will play is as a catalyst.

Dag Hammarskjöld's most enduring contribution was in confirming the independence of the office; Boutros-Ghali referred to the relevant Charter provision as "the one-hundredth Psalm of the Secretary-General".²⁴ Part IV explores the limits of this independence. James Traub describes the political space within which the Secretary-General operates, focusing on the need for opportunism as much as strategy. A central paradox is that a Secretary-General can be most influential when he or she adapts him or herself to the wishes of the member states – even though those wishes may not be fully formed. Much as Johnstone links the power of the office to its ability to crystallize emerging norms, chapter 10 emphasizes the contingency of the office's political power. This is tracked through the rise and fall of Kofi Annan's political capital, built over his first few years, tested by debates over humanitarian intervention, spent in the Iraq crisis, and ultimately inadequate to drive a reform agenda in the final years of his second term.

By far the most problematic relationship that the Secretary-General must manage is that between New York and Washington. Edward C. Luck describes the tensions that have characterized this relationship in chapter 11, exploring contrasting hypotheses for its origins and the appropriate policy responses. The first explanation draws upon

²⁴ Boutros Boutros-Ghali, Oxford Lecture, UN Press Release SG/SM/5870/Rev.1 (15 January 1996). See also chapter 2 by Shashi Tharoor in this volume.

traditional US concerns about “foreign entanglements” that have been exacerbated by the relative power now wielded by the United States. Luck questions, however, the common assertion that the hegemon simply cannot abide a strong and independent Secretary-General. An alternative analysis focuses on specific policies and pronouncements of the two post-Cold War Secretaries-General, some of which have irritated US decision-makers and poisoned the relationship. While giving somewhat more weight to this second explanation, the chapter also considers the geopolitical environment within which the United Nations now operates, suggesting that the current unipolar order will inevitably complicate UN decision-making and relations between Washington and the Secretary-General. The problematic relationship with the United States suggests the need for a more modest and sustainable agenda for the Secretary-General, one more in keeping with the original intent of those who drafted the Charter and, perhaps, more likely to lead the United Nations successfully in an age of US power.

The final chapter by Simon Chesterman and Thomas M. Franck revisits some of the contradictions raised in this Introduction: the fact that the Secretary-General is asked both to follow states and to lead them, and that the person tasked with these extraordinary responsibilities is chosen through a process geared to select only the least objectionable candidate. Even within the respective roles of secretary and general the office is given insufficient responsibility and power either to perform the relevant function effectively or fairly be held to account if it is not. Resolving these contradictions requires a separation of the administrative and political roles: the administrative responsibilities should be delegated by the Secretary-General but with more discretionary authority being granted by member states; the political role would be enhanced by clarity as to its limits and by the Secretary-General being prepared, on occasion, to say “no” to his or her political masters.

This last point emphasizes a more far-reaching tension between the governance and management of the United Nations itself. Member states traditionally assume responsibility for governance issues while the Secretariat carries out management functions. A cursory examination of the history of the Secretary-General, however, shows that the division has never been so neat. As an increasing range of non-state actors assume roles of significance on the international plane, such a division may also come to be seen as inappropriate. The alternative is not a runaway Secretary-General, unaccountable to the member states, but a clearer description of the responsibilities of the office and a selection process

designed to find a qualified candidate or candidates rather than satisfy the whims of five countries with vetoes. It requires a Secretary-General that will tell the Security Council what it needs to know, rather than what it wants to hear,²⁵ and who is sensitive to the normative and political constraints and possibilities of the office. Finally, it requires a relationship with the member states based on the assumption that a Secretary-General must have sufficient independence and be invested with sufficient power to be held accountable for how that power is exercised.

²⁵ Cf. Report of the Panel on United Nations Peace Operations (Brahimi Report), UN Doc. A/55/305-S/2000/809 (21 August 2000), available at www.un.org/peace/reports/peace_operations, para. 64(d).

PART I

Defining and refining the job description

The evolution of the Secretary-General

BRIAN E. URQUHART

The Secretary-General of the United Nations holds potentially the most important public service job in the world; so important in fact that the founders of the organization were unwilling, or unable, to describe it in any detail – or even to set a term for the holding of the office. Nonetheless, of all the organs of the United Nations, the position of Secretary-General has grown and developed with the changing world more radically than any other.

Chapter XV of the Charter contains what the founders were prepared to say about the office. The Secretary-General would be “appointed by the General Assembly on the recommendation of the Security Council.” The Secretary-General would be the chief administrative officer of the organization. As to political functions, the mandate is much more vague. The Secretary-General shall perform the functions assigned to him by the main organs of the United Nations, and, in Article 99, there is a hint of independent judgement and action: “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 99 is the somewhat uncertain legal basis for the progressive expansion of the Secretary-General’s political role.¹

The founders gave even less guidance about the desirable qualities and qualifications of the Secretary-General. The Charter is, however, unambiguous on the essential subject of independence. He (or she, although not mentioned in the Charter) should not seek or receive instructions from any government or outside authority, and governments must undertake “to respect the exclusively international character” of his responsibilities.² The UN Preparatory Commission, in its report to the

¹ On the powers of the Secretary-General, see chapter 2 by Shashi Tharoor and chapter 12 by Simon Chesterman and Thomas M. Franck, both in this volume. Relevant sections of the Charter are included in the appendix to this volume (p. 241).

² UN Charter, art. 100.

General Assembly in December 1945, described another important element of the job: “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

A further thoughtful observation was made by a group of former League of Nations officials:

The qualities which the head of the service should possess are not easy to define. He should be young. Political or diplomatic experience, but not necessarily great fame or eminence, is an advantage. Above all, ability for administration in the broadest sense is important, implying a knowledge of when to be dynamic, to take the initiative and to force an issue; when, at the other extreme, to be content as a purely administrative official; and when, on a middle course, to be a moderator impartially smoothing over difficulties, a catalytic agent in negotiation . . . In a new organization it may well be that the only qualities which must under all conditions be demanded of the director are those of common sense, courage, integrity and tact.⁴

In practice, the tasks of the Secretary-General developed largely in response to the demands of the time and the different qualities of the various incumbents. Since this is a unique job, those who undertake it must grow in the job in the context of the main concerns of the time. Failure to do this will doom a Secretary-General to a lacklustre career and historical legacy. The selection, which is dealt with in chapter 3, and the subsequent career of a Secretary-General – like most of the proceedings of the United Nations – was limited and shaped in its first forty-five years by the politics of the Cold War. In that period, in fact, the major problem in the appointment of the Secretary-General was to find a candidate who could be approved by all five permanent members. In the West in 1945, the press freely speculated on distinguished names for the job – Dwight Eisenhower, Anthony Eden, Lester Pearson of Canada – all of whom were bound to be vetoed by the Soviet Union. The Security Council finally managed to agree on a less famous figure, Trygve Lie, the wartime foreign minister of Norway.

³ Report of the Preparatory Commission of the United Nations (23 December 1945), Chapter VIII, section 2, para. 17. Excerpts of the report are included in the appendix to this volume (p. 244). See also the discussion of the report in chapter 3 by Colin Keating and chapter 11 by Edward C. Luck, both in this volume.

⁴ *The International Secretariat of the Future: Lessons from Experience by a Group of Former Officials of the League of Nations* (London: Oxford University Press, March 1944).

It was at the appointment of the first Secretary-General in the first session of the General Assembly in January 1946 that I began to doubt the seriousness of the procedure for selecting the chief officer. I was then the personal assistant of the Executive Secretary of the Preparatory Commission, Gladwyn Jebb, and one of my many functions was to organize the speakers' list in the Assembly. Edward R. Stettinius, the head of the US delegation, came to my table and asked me urgently to identify Trygve Lie. I pointed Lie out to him, and he rushed to the speaker's rostrum and praised Lie to the sky as a "household word", a "wartime leader known to all", and so on. It was not reassuring that the head of the US delegation didn't even know the future Secretary-General by sight.

The general concept of the position and functions of the Secretary-General in 1946 bear little relation to the office's responsibilities today. There were then fifty member states, no Third or Developing World, and a highly restrictive and conservative view of the functions, let alone the independence, of the world's top international civil servant. He was considered, especially by the Europeans, to be an almost exclusively administrative official, and efforts by Lie to assist in political matters were often resented or ignored. Perhaps the most intelligible way to track the stages of the radical change in the nature of the job is to survey briefly the term of service of each Secretary-General in turn.

Trygve Lie, 1946–1952

Trygve Lie's appointment was an early product of the Cold War. No one knew precisely why the Soviet Union accepted him. It was certainly not because he was a traditional European socialist, a breed that the Soviets particularly distrusted. It may have been partly because, before the war, as Norwegian Minister of Justice, he had granted asylum to Trotsky and then, when Trotsky broke the rules of asylum, expelled him. Trotsky fled to Mexico where he was later assassinated with an ice axe by a Soviet agent.

Lie himself had not sought the office. "Why," he asks in his memoirs, "had this awesome task fallen to a labour lawyer from Norway?"⁵ As he himself hinted, he was not necessarily well fitted by experience or temperament for what he later told his successor was "the most impossible job on this earth". He certainly had a very difficult time as Secretary-General.

⁵ Trygve Lie, *In the Cause of Peace: Seven Years with the United Nations* (New York: Macmillan, 1954), p. 17.

Lie faced a double challenge. He had to shape and fill out the unique and largely unprescribed role of the Secretary-General under the unanticipated constraints of the Cold War. And, unlike the League of Nations, which had a two-year period to get organized, the United Nations hit the ground running. This meant that the Secretariat had to be recruited almost from scratch with the maximum possible speed. A permanent home for the organization had also to be found, financed, and constructed.

Lie did not achieve any particularly notable political or diplomatic feats at the United Nations, nor at that time was he expected to do so. He did, however, get the United Nations settled in New York, one of the world's most vibrant and cosmopolitan cities, thereby avoiding a number of totally unsuitable rural sites that were offered. He also got John D. Rockefeller, Jr. to donate the site on the East River, and made all the necessary and very complex arrangements relating to the headquarters site with the Mayor of New York, William O'Dwyer, and the great city planner, Robert Moses. Among other things, these included putting First Avenue underground for ten blocks. He also assembled the outstanding team of architects that designed the now famous UN Headquarters building. These achievements are Trygve Lie's monument.

In 1950 Lie strongly supported the Security Council's decision to resist the North Korean invasion of South Korea with a military force led by the United States. This caused the Soviet Union to cut off all relations with him; when, in 1950, the question of his second term as Secretary-General arose, the Soviets vetoed him. The other members of the Security Council refused to consider any other candidate, and the General Assembly then voted that Lie should be "continued in office for a period of three years".⁶ The lack of any contact with the Soviet bloc made this a very unsatisfactory arrangement.

Lie also had to deal with an impossible situation emanating from the other superpower. The large number of US citizens in the Secretariat provided a happy hunting ground for the minions of Senator Joseph McCarthy and the FBI, searching for alleged communists. In trying to deal with this extremely delicate problem, Lie was up against the US authorities and also lost the confidence of the Secretariat. All this created a difficult and unworkable position for Lie; he resigned in November 1952.

⁶ GA Res. 492(V) (1 November 1950).

Dag Hammarskjöld, 1953–1961

Dag Hammarskjöld was undeniably the most remarkable of the Secretaries-General so far appointed. His tenure also provided an unusual example of the haphazard procedure for appointing the Secretary-General working unexpectedly well.

Although Lie had resigned in November 1952, the Security Council did not get down to the task of finding a successor until March 1953. It then ran into a deadlock caused to a large extent by the Soviet veto of all candidates supported by the West. The British Ambassador, Gladwyn Jebb, and the French Ambassador, Henri Hoppenot, then suggested a new procedure by which a list of four names should be presented to the Soviets in the hope that one of them might prove acceptable. They included Dag Hammarskjöld of Sweden, because both ambassadors had been impressed by his remarkable qualities during earlier work on the first European institutions. The Soviet Union accepted him. It is notable that in those days the Council's selection process was not preceded by candidates campaigning for the job. Few members of the Council had even heard of Hammarskjöld – indeed, he himself was unaware that he was being considered for the job until he received the telegram offering it to him.

It seems likely that the permanent members of the Council thought they were recommending a particularly able Swedish civil servant who was unlikely to make political waves. Not all were pleased when Hammarskjöld turned out to be a dynamic and charismatic world leader. Hammarskjöld himself may also, at the outset, have had little inkling of such a development.

He devoted his first year to reviving the morale of the Secretariat and reorganizing it. This process included revising the Staff Regulations to emphasize that independence included a reciprocal obligation of integrity. He also worked to gain the confidence of all the member governments. He made no attempt, in his own words, to “jump up on the stage”, and waited for a crisis in which the Secretary-General might be the only person who could usefully intervene.

That moment came with the problem of seventeen US airmen who had come down in China during the Korean War. The Chinese courts had condemned the airmen as spies, and the US government had refused to have any contact with the recently installed government of the People's Republic of China. Washington was in an uproar over the airmen's detention and condemnation. The Soviet veto made the Security Council unable to do anything useful. The General Assembly, as it often does in

hopeless cases, requested the Secretary-General to do what he could. To the general surprise, Hammarskjöld immediately announced that he would shortly be leaving for Beijing. John Foster Dulles is said to have asked him if he was really going to *talk* to those people.⁷

In Deputy Prime Minister and Foreign Minister Zhou Enlai, Hammarskjöld was dealing with a fellow intellectual. In an epic negotiation over the six following months, first the four fighter pilots were released. The crew of a B-29, with much intelligence equipment on board the plane, took longer, but on Hammarskjöld's fiftieth birthday, at a remote fishing village in southern Sweden, he received Zhou's telegram. The eleven B-29 crew members were on their way out of China and the Chinese government sent its best wishes on Hammarskjöld's fiftieth birthday.⁸

This achievement revealed Hammarskjöld as a world resource in resolving critical international problems during the Cold War. The US prisoners in China had become a dangerously emotional issue in Washington. During the Cold War there was always a possibility that a relatively small incident or a regional conflict, if untended, could lead to the dreaded East–West nuclear confrontation. It was to this political aspect of the Cold War in particular that Hammarskjöld devoted his imagination and skill. An able and high-level negotiator and moderator, appointed by both East and West and politically above the Cold War, could be invaluable in certain critical circumstances. In the episode of the US airmen in China, Hammarskjöld had proven that he had the ability to fulfil this function effectively. Hammarskjöld employed his negotiating skills – his “quiet diplomacy” as he called it – in critical situations in many places, particularly in the Middle East, the subcontinent, and later in Africa, with such success that the slogan “Leave it to Dag” became a fixture in the Western press.

To provide an operational presence on the ground when needed, Hammarskjöld also pioneered what is now called “peacekeeping”. In 1945 the most striking innovation in the Charter had been the power of the Security Council under Chapter VII to mobilize the use of force against threats to the peace and acts of aggression. This was assumed to be very much a permanent member affair. The permanent members would supply the core of any military force and would designate the country that would exercise command. A Military Staff Committee consisting of

⁷ See the discussion of what came to be known as the “Peking Formula” in chapter 10 by James Traub in this volume.

⁸ Two civilians, reportedly working for the CIA, remained in Chinese custody.

the Chiefs of Staff of the five permanent members would advise the Security Council on forceful operations and also on disarmament. The Cold War paralysed this impressive plan, and for forty-five years there was only one forceful Security Council-authorized operation, the 1950 UN operation in Korea. The UN Unified Command repelled, with great difficulty and many casualties, the North Korean invasion of the South. This operation under the UN flag was possible only because at the time the Soviet Union was absenting itself from meetings in protest against Taiwan occupying the Chinese seat at the United Nations, and the United States managed to get Security Council approval before the Soviet Union returned to its seat in the Council. (The “Unified Command” is still in existence in the demilitarized zone (DMZ) between North and South Korea; it is entirely run by the United States.)

The technique now called peacekeeping, recruited from the non-permanent members and others, and permitted to use force only in self-defence, was at the other end of the military spectrum. It proved remarkably successful in containing regional hostilities and providing the pretext for governments to accept a ceasefire and refrain from further conflict. It therefore served the essential Cold War purpose of preventing regional conflicts from triggering an East–West military confrontation.

The United Nations had had military observers monitoring the ceasefire in Palestine and Kashmir since 1949. Hammarskjöld put the United Nations on the map as an operational organization in regional wars by setting up, within eight days of the General Assembly’s decision the establish it, the first peacekeeping force, the brainchild of Lester Pearson. The UN Emergency Force (UNEF) allowed the British, French, and Israeli forces to leave Egypt without losing too much face after the disastrous Suez operation in 1956. This technique was used in a different form in Lebanon in 1958, and in 1960 in the Congo, a vast, complex operation during which Hammarskjöld lost his life. He also tried, unsuccessfully, to avert what became the Vietnam War through negotiations in Cambodia and Laos aimed at establishing a different sort of UN presence in Indochina.

Under Hammarskjöld’s leadership the United Nations became a vital force for peace and international law. It was, as he said, “a venture in progress towards an international community living in peace under the laws of justice.”⁹

⁹ Dag Hammarskjöld, Address to the General Assembly, 12 GAOR (690th meeting), UN Doc. A/PV.690 (26 September 1957), para. 68.

After the release of the US airmen in China, the Eisenhower Administration realized that an independent Secretary-General was far more useful to the United States than one who was a US lackey.¹⁰ The United States supported Hammarskjöld even when it disagreed with him, as it not infrequently did. Hammarskjöld's dynamism and independence were also tolerated for a surprisingly long time by the Soviet Union and by Charles de Gaulle's France.

The 1960 operation in the Congo to redeem that enormous country from collapse, anarchy, and re-occupation by Belgium after its chaotic independence, was by far the largest and most difficult of Hammarskjöld's peacekeeping undertakings. After an extraordinary success in its first three months, ONUC (Organisation des Nations Unies au Congo) ran into difficulties when the break-up of the government saw the West support the President, Kasavubu, and his surrogate, Mobutu, while the East supported the Prime Minister, Patrice Lumumba. The secession of Katanga and two other Congolese provinces added to the confusion. Since neither the Security Council nor the General Assembly could agree on what the United Nations should do in this violent and tormented country, Hammarskjöld felt obliged to go ahead using his own best judgement. This infuriated Soviet Chairman Nikita Khrushchev, whose plans for the Congo had been thwarted by the UN presence. It also upset the United States, which had its own anti-communist vision of the problem embodied by Mobutu, and maddened President Charles de Gaulle. De Gaulle was further infuriated by Hammarskjöld's personal intervention, in the summer of 1961, in the Bizerte affair, when, inexplicably, French forces reclaimed by force independent Tunisia's former French naval base, Bizerte, inflicting large casualties on the Tunisian forces.

In what turned out to be his last year, Hammarskjöld found himself excommunicated by two permanent members of the Security Council, France and the Soviet Union. Khrushchev, in the General Assembly, demanded his resignation. Hammarskjöld's outspoken and forceful response was greeted with the largest and longest standing ovation in UN history. After this, to his fury, he was hailed in the United States as the new anti-communist champion.

Hammarskjöld had to spend his last year fighting for the independence and integrity of his office and of the Secretariat. With the help of the newly independent countries of the Third World, he successfully fought off the

¹⁰ Though as James Cockayne and David M. Malone note in chapter 4 in this volume, this view is not always held with great consistency.

Soviet Union's attempt to replace the Secretary-General with a troika representing the West, the Socialist countries, and the emerging Third World – an arrangement that would have brought the Cold War paralysis of the UN's intergovernmental organs into the international Secretariat. His last speech, at Oxford, on *The International Civil Servant in Law and in Fact*, remains the best and most perceptive description of the concept of international civil service and the problems that confront its practitioners.¹¹

Hammar skjöld died on 17 September 1961, when his plane crashed on its landing approach to Ndola in Northern Rhodesia, where he was to meet Moise Tshombe, the secessionist president of Katanga, to put a stop to the fighting that had broken out between Tshombe's troops and the UN forces. He had also planned to persuade Tshombe to renounce his secession and again to become part of the central government of the Congo.

Hammar skjöld's death was mourned throughout the world. He left behind principles, precedents, practices, achievements, and a whole literature of speeches and documents on the philosophy as well as the conduct of international affairs. This legacy describes a view of the present and a vision of the future that has guided his successors ever since. Hammar skjöld transformed the role of Secretary-General into the active, diplomatic, political, moderating, and negotiating office that it has remained ever since.

U Thant, 1961–1971

U Thant, then the Ambassador of Burma to the United Nations, was appointed to serve out the remaining years of Hammar skjöld's term of office. The following year he was appointed Secretary-General in his own right and unanimously reappointed in 1966 for a second term. Of all the Secretaries-General he least deserves to have been written out of history and public memory.

Thant was a courageous and principled person. If he believed that moral issues were ultimately more important than political issues, who can say that he was wrong? He inherited the job of Secretary-General at a time of deep division and discouragement at the United Nations, which was also traumatized by Hammar skjöld's sudden and violent death. With calm and wisdom he managed to get the organization back on track again.

¹¹ Dag Hammar skjöld, "The International Civil Servant in Law and in Fact (Lecture Delivered to Congregation at Oxford University, 30 May 1961)", in Wilder Foote (ed.), *Servant of Peace: A Selection of the Speeches and Statements of Dag Hammar skjöld, Secretary-General of the United Nations 1953–1961* (New York: Harper & Row, 1962).

Thant was certainly very different from Hammarskjöld, who had thought of him as one of the two people – the other being Mongi Slim of Tunisia – who might take over from him. In my biography of Ralph Bunche I wrote: “U Thant was in almost every way the opposite of Hammarskjöld. He was simple and direct where Hammarskjöld was complicated and nuanced; a man of few words where Hammarskjöld was immensely articulate; a devout conventional Buddhist where Hammarskjöld was inclined to a personal brand of mysticism; a man of imperturbable calm where Hammarskjöld could be highly emotional about his work; a modest and unpretentious middlebrow where Hammarskjöld was unapologetically intellectual; a taker of advice where Hammarskjöld almost invariably had – and stuck to – his own opinion. However, U Thant and Hammarskjöld shared two most essential qualities – courage and integrity.”¹²

Thant’s quiet personal style concealed great courage and determination in taking on serious problems. In the Cuban Missile Crisis he wrote to Kennedy and Khrushchev urging them to reach agreement and suggesting to each the actions that would reduce the danger of armed conflict and bring a resolution of the crisis nearer. He then went to Cuba to urge Castro, who felt neglected and angry, to facilitate an end to this extremely dangerous confrontation. In the 1965 war between India and Pakistan, regarded at the time as a major threat to peace because of the alliance of the two combatants with different superpowers, he flew to the subcontinent to prepare the ground for the ceasefire ordered by the Security Council. He made a determined attempt to bring the Vietnam War, which he regarded as an abomination, to an end, although he had no Security Council mandate to do so.

These and other efforts are forgotten, and only Thant’s part in the 1967 Middle East crisis is remembered. On that occasion he proved a useful scapegoat for the inability of the permanent members of the Security Council to agree on any useful action. He was the only leader to go to Cairo to attempt to dissuade President Gamal Abdel Nasser from his suicidal plan to put the Egyptian army back into Sinai. Although he agreed in principle, under strong protest, to accede to Nasser’s demand for UNEF to be withdrawn, which he was obliged to do by Hammarskjöld’s undertakings to Nasser ten years earlier, he intended to delay the withdrawal and gain time for further pressure on Nasser. UNEF was still in place when Israel attacked on 5 June 1967. As far as his religion allowed him to be

¹² Brian E. Urquhart, *Ralph Bunche: An American Life* (New York: W.W. Norton, 1993), p. 348.

bitter and resentful, his treatment by the US and British press, as well as by some leaders, during and after this crisis upset him more than any other event in his time as Secretary-General.

Thant had no appetite for administration, which he left to other people, and some of the practices that led to the Secretariat's bureaucratic flabbiness and decay by the end of the twentieth century certainly started in his time. The approaching end of Thant's term also signalled an important and undesirable change in the way the Secretary-General was selected. Two Europeans, Max Jakobson of Finland and Kurt Waldheim of Austria, announced their candidacies for Secretary-General a year in advance and proceeded to campaign worldwide for the job. Several other candidates followed suit. This new development had the effect of limiting the Security Council's already feeble efforts to find the best possible person for the job and further limited the already constricted process of selecting the world's top civil servant. Since the Council had no nominating or search procedure and did not even interview candidates, the selection of the Secretary-General became even more of a lottery than before.

Kurt Waldheim, 1972–1981

Kurt Waldheim was selected by the Council after Jakobson was vetoed by the Soviet Union. His ten years at the United Nations coincided with a period when the new Third World majority, and the more or less parallel Non-Aligned Group, were trying out their voting strength in the General Assembly and getting at least some of their due representation in the Secretariat. A few of their efforts created great ill-feeling in the West and foreshadowed the North–South difference that has now taken the place of the Cold War East–West confrontation. Among the episodes that in particular alienated the United States from the United Nations in this period were the “New International Economic Order”, the “Zionism is Racism” resolution, and, in UNESCO, the “New Information Order”.

On the peace and security side there was the 1973 Middle East War, the 1974 Turkish invasion of Cyprus, and the 1978 Israeli invasion of southern Lebanon. On each of these occasions Waldheim was able to use new or existing peacekeeping operations to play a decisive role in containing the conflict, thus reviving international confidence in peacekeeping, which had been seriously damaged by the withdrawal of UNEF from Sinai in 1967.

All in all the 1970s were uneasy and divisive years at the United Nations. Waldheim is now largely judged by the much later revelation

that he had lied about his wartime career in the German army. As Secretary-General he avoided the customary pitfall of alienating one or other of the superpowers. He was very much the limited and cautious, but reasonably efficient, civil servant that the permanent members of the Security Council probably preferred. In fact he would have been reappointed for a *third* term if China had not insisted that it was time for the developing world to produce a Secretary-General.

Javier Pérez de Cuéllar, 1982–1991

Javier Pérez de Cuéllar was chosen by the Security Council after a long and bruising consideration of several other candidates. His non-campaign for the office was a masterly tactic. He stayed away from New York, and when a deadlock developed in the Council, his hat was discreetly put in the ring at a point where his previous record in the Secretariat – Under-Secretary-General for Special Political Affairs and Representative in Cyprus – would appear in the most positive light.

Pérez de Cuéllar was a good, very low-key diplomat who knew how to use able representatives. He played a useful role in mediating the Falkland Islands War, the Iran–Iraq War, and the Soviet defeat and withdrawal from Afghanistan. He also helped in the redeployments necessitated by the last days of the Soviet Union. He made no attempt to become a celebrity public figure and has already, and quite wrongly, been almost completely forgotten.

Boutros Boutros-Ghali, 1992–1996

Following much confusion over various African candidates, Boutros Boutros-Ghali, a brilliant Egyptian academic and minister in the Egyptian Foreign Office, fluent in French and English, gained a majority with no vetoes in the Security Council in a remarkable late end-run around Britain and the United States by France.

Boutros-Ghali was the first Secretary-General to operate in the post-Cold War, single-superpower environment. He also had to face extremely difficult problems in Bosnia and Herzegovina, Somalia, and Rwanda, each of which saw UN peacekeepers unsuited to the task placed in impossible situations and subjected to heavy criticism. For all his brilliance, it would have taken a more tactful and less arrogant man to maintain the governmental support necessary to weather such challenges.

Boutros-Ghali misread the necessity for a close relationship with the Security Council in times of trouble. For whatever reason, he conceived the idea of sending his own “ambassador” to the Security Council, a move that did nothing to improve that essential relationship. He was, rightly or wrongly, publicly critical of the Secretariat, which in turn resented his somewhat draconian management style. His remark to the *New York Times* that the only way to run a bureaucracy was “by stealth and sudden violence” did not endear him to his Secretariat colleagues. Nor did it help when he spoke his mind in critical situations, as when he told a press conference in besieged Sarajevo that he could think of at least twelve other places in the world where people were much worse off.

Like all his predecessors, Boutros-Ghali wanted a second term. It was his bad luck that the selection year coincided with a presidential election in the United States. Boutros-Ghali was an independent Secretary-General who was not averse to arguing or disagreeing with member states. His relationship with the US permanent representative, Madeleine Albright, had not always been easy, and in any case there had been an unusual number of controversial questions to discuss with the United States.

The 1996 US presidential election campaign produced a new situation. The Republican candidate, Bob Dole, had adopted a completely specious, supposedly UN issue. He repeated, in most of his speeches, a passage to the effect that when *he* was president of the United States no US soldiers would be allowed to serve in the field under “Boooootros Boooootros-Ghali”. (They never had anyway, but Dole always got a good xenophobic laugh by grotesquely mispronouncing Boutros-Ghali’s name.) The Clinton presidential campaign sought to capture this issue by announcing that it would veto Boutros-Ghali’s bid for a second term. The United States even tried to bring the selection process in the Security Council forward from October to June to get maximum domestic effect. This infuriated other governments: the first Security Council vote on a proposal against Boutros-Ghali’s second term found the United States in a minority of one to fourteen. But his support gradually fell away, and in the end he was denied a second term. He was, rightly, bitter to have been run out of office in this way.

Kofi Annan, 1997–2006

Kofi Annan was the first Secretary-General to be recruited from the Secretariat. A thirty-year record as an international civil servant, capped

by serving as the UN coordinator in the former Yugoslavia and then as Under-Secretary-General for Peacekeeping, he had comprehensive experience of the United Nations and was well known to the members of the Security Council.

Annan proved to be an extremely energetic Secretary-General. He travelled to many trouble spots, both political and humanitarian. He also proved to have an excellent temperament for a very stressful life. He remained calm in the most exacting circumstances and did not take offence or bear grudges. His comments on current events of importance were balanced and principled.

Annan formulated important goals for the millennium to provide specific targets for governments, especially in the field of poverty and development aid. He launched a number of important initiatives, including the highly delicate question of humanitarian intervention to save vulnerable populations, including those suffering genocide or major distress from the actions of their own governments. This principle, reformulated as the “responsibility to protect” was approved (with many qualifications) by the September 2005 World Summit in New York. In practice it continues to be very difficult to implement, as demonstrated by the hand-wringing ineffectiveness of the United Nations and everyone else in the face of atrocities and genocide in the Darfur region of Sudan.¹³

Annan made impressive efforts to reform the Secretariat, and in 2003 he set up a High-Level Panel on Threats, Challenges, and Change, which proposed important institutional reforms, including a Peacebuilding Commission and a Human Rights Council to replace the old and discredited Commission on Human Rights. He also reached out to many parts of the world community that had not previously had any direct contact with the United Nations.

Throughout his first term, Annan received an extraordinary degree of approval and support. As with most of his predecessors, however, his second term saw the climate change for the worse. The United States, the senior founder and host nation of the World Organization, was now led by an administration many of whose members had a strong ideological antipathy to international institutions, international law and treaties, and especially to the United Nations itself. The terrorist attacks on the United States of 11 September 2001 and US President George W. Bush’s declaration of the “war on terror” created a new context for international priorities.

¹³ See further in chapter 6 by Quang Trinh in this volume.

Two years later, the refusal of the Security Council to endorse the US invasion of Iraq further embittered relations between the Secretary-General and Washington although, on the surface, civility was preserved. Annan began to be criticized in the media, and in 2004 a full-scale onslaught on the integrity and competence of the Secretary-General and the Secretariat was launched in the form of the so-called “Oil-for-Food scandal”. Extravagant and unfounded accusations of corruption, nepotism, and incompetence were thrown at the Secretary-General and at a \$64 billion UN programme set up to offset the devastating effects of UN sanctions on 26 million Iraqis. This operation, the Oil-for-Food Programme, had previously been widely praised as a remarkable success.¹⁴

At first the attack came largely from neoconservative sources, but the mainstream media could not resist what was being billed by neoconservative writers as a major international scandal. Annan commissioned an inquiry under Paul Volcker to investigate the accusations, while the media circus continued. The Volcker Report, while admitting that the programme had been an overall success, found the United Nations and the Secretary-General guilty of poor management, inadequate supervision, and lack of accountability. With one exception, a sum of \$150,000 allegedly accepted inappropriately, the report dismissed the wild claims of corruption made against the Secretariat.¹⁵ Nonetheless, the “Oil-for-Food scandal” achieved its aim. It seriously damaged the reputation for integrity of the Secretary-General and the Secretariat.

Kofi Annan was an outspoken Secretary-General. He held office during a difficult and violent period and tried to transcend those difficulties by setting long-term objectives, such as the MDGs, and opening up new channels of action, as through the Global Compact. These efforts show him to have been an activist Secretary-General in the model of Hammarskjöld and are likely to be the basis on which he will be judged.

The changing role

As is shown by the above brief survey of the fortunes of the first seven Secretaries-General, the office has changed from a predominantly administrative job in 1945 to an office, sixty years later, that embraces a very wide range of functions. It is, in fact, nearer to the “Moderator” that

¹⁴ See chapter 4 by James Cockayne and David M. Malone in this volume.

¹⁵ The Management of the United Nations Oil-for-Food Programme: Volume 1 – The Report of the Committee (Independent Inquiry into the Oil-for-Food Programme, New York, 7 September 2005), available at www.iic-offp.org/documents/Sept05/Mgmt_V1.pdf.

US President Franklin D. Roosevelt had once suggested as its title. (One of the reasons that this title was not adopted was to avoid confusion with the Moderator of the Church of Scotland.)

The Secretary-General is the appointed representative of the United Nations, speaking for it, interpreting its actions, sometimes defending it, explaining its legal, political, even moral, position, especially to the media, and travelling all over the world to visit governments and show the face of the United Nations to peoples who are normally very distant from its work. He sits at the table in the Security Council, the General Assembly, and other major bodies of the United Nations, in itself a very time-consuming duty. He is the organizer and overall director of operations of all kinds in different parts of the world; when disaster strikes, he is one of the people most relied on for a rapid response. He is the organizer, recruiter, and director of peacekeeping operations, many of which operate in dangerous and politically sensitive areas, together with being the nominal commander-in-chief of, at present, nearly 100,000 peacekeepers.¹⁶

When a new crisis or emergency arises the Secretary-General must be ready and willing to go anywhere in the world if his presence can be of importance in improving the situation. He is the head of an international Secretariat constantly involved in important and sometimes controversial tasks. He is also *primus inter pares* of the UN system of specialized agencies and programmes, a group once described as more difficult to manage than the English barons under King John. He is the organization's chief negotiator, and its representative of last resort. In 1998 Kofi Annan went to Baghdad to make a last effort to get Saddam Hussein to give UNSCOM, the UN inspection team, enough cooperation to justify their presence in Iraq, and also to provide a good enough reason for calling off a planned US bombing campaign. On this trip, Annan knew perfectly well that he was the anointed scapegoat, that he would be criticized and attacked whatever he did, and that any agreement with Hussein would not last.¹⁷ (His predecessors had similar experiences of being the official scapegoat when the Security Council found itself stymied in an important crisis. Dag Hammarskjöld's treatment during the Hungarian uprising of 1956 is a good case in point.)

These are some of the main duties of the Secretary-General. In carrying them out he or she must, of course, maintain the most cooperative

¹⁶ On the "commander-in-chief" title, see, e.g., Edward Newman, *The UN Secretary-General from the Cold War to the New Era: A Global Peace and Security Mandate* (New York: Palgrave Macmillan, 1998), p. 33. ¹⁷ See chapter 10 by James Traub in this volume.

possible relations with member governments. He or she must also preserve the integrity and independence of the Secretariat in controversial situations. The job of Secretary-Generals is not for the faint-hearted or for people who lack great mental, moral, and physical stamina. Nor is it a good role for those who wish to be universally popular.

Looking forward

The Secretary-General is one of the world's best examples of responsibility without power, a situation that is often not understood. The United Nations is one of the last bastions of national sovereignty. It is, above all, an organization where independent sovereign states can cooperate, hope to reach agreement, and even take action, on issues of general importance. In a serious crisis the Secretary-General may be given a licence to do many things – negotiate, mediate, secure a ceasefire, go to the centre of the trouble and contact all the parties, rally governments to support a possible solution, and even mount a peacekeeping or other type of operation in the field. When the crisis is over his or her freedom of action will regain the constraints imposed by the defensive spirit of a national sovereignty that is already an anachronism in most other spheres of action.

The Secretary-General has no sovereign rights and no sovereign resources. His or her leadership and considered opinions may have weight, but the support of member states is essential for almost everything that will allow an incumbent to be practically effective. The United Nations still has only a minimal infrastructure for operations in the field. To carry out the Secretary-General's responsibilities effectively, therefore, demands unusual strength of character, temperament, and intellectual capacity.

Any suspicion that the Secretary-General is in any way ignoring national sovereignty, or acting on any other assumption than its sanctity, is likely to cause strong reactions and may have severe consequences for his or her continuing conduct of the office. A classic case was the profound resentment of Khrushchev and de Gaulle over Hammarskjöld's actions in the Congo, when neither the Security Council nor the General Assembly was able to agree on directives for the UN operation in that enormous and stricken country. The Secretary-General may also sometimes have to fight for political independence and for the integrity of the Secretariat, the two most essential attributes of the office; that fight may alienate him or her from some governments, especially from one or more of the permanent members.

There are no obvious ways of strengthening or reforming the Secretariat without running into the opposition of one or another of the major groupings of member states. It is very easy to demand sweeping reforms in the aftermath of an episode like the Oil-for-Food scandal. But it is usually very difficult to get governmental agreement on anything but minimal and fairly insignificant changes.

Commonsense solutions to major problems are often the hardest to achieve. For example, two of the major practical weaknesses of the United Nations are the lack of adequate and reliable financing, and the inability to deploy peacekeeping forces rapidly – or at all, as in the tragedy of Rwanda. These problems would be greatly eased by alternative non-governmental financing, and a small, highly trained, UN standing rapid deployment force. Both ideas are anathema to a number of influential governments, however, as they may threaten national sovereignty by making the United Nations stronger and less dependent on governments. Unfortunately this opposition at present includes the United States, which has exhibited obsessive hostility even to generally agreed innovations such as the International Criminal Court.

The United Nations as an intergovernmental organization has not fully entered the globalized, interdependent world of the twenty-first century. One of the standing labours of the Secretary-General is to try, step by step, to complete that entry before the organization makes itself irrelevant. Such challenges, and the complexity and range of the job, call for outstanding qualities in the man or woman who is nominated by the Security Council and appointed by the General Assembly. Those qualities include restrained but charismatic leadership, a highly developed analytical intellect, and controlled but determined strength of character and vision. It is a rare person who embodies such characteristics, yet it is such a person that the world now sorely needs.

“The most impossible job” description

SHASHI THAROOR

“The most impossible job on this earth,” was how its first holder, Trygve Lie, described it when he received his successor, Dag Hammarskjöld, at New York’s Idlewild Airport on 9 April 1953.¹ A further five decades have not made the role of the Secretary-General of the United Nations any easier, though the seven men who have held the function have exercised it in widely differing global political environments. Hammarskjöld, who inherited the position from the only Secretary-General who has ever resigned, did most to shape and define the institution, both by his own intellectual appreciation of its possibilities and by his conduct in office. As the seventh Secretary-General, Kofi Annan, the only other Nobel Peace laureate from that exclusive list, completes his tenure, it is instructive to examine how the role of the Secretary-General has evolved in the half-century since Dag Hammarskjöld made it his own.

The framers of the UN Charter used up ninety-six articles before they got around to defining the role of the Secretary-General, which took them five relatively brief ones – just over 300 words in total. These five articles gave the Secretary-General two distinct and seemingly unrelated functions: that of “chief administrative officer of the Organization” (Article 97) and that of an independent official whom the General Assembly and the Security Council could entrust with the task of carrying out certain unspecified (but implicitly political) functions (Article 98). Dag Hammarskjöld was the first UN Secretary-General to explicitly point to, and build upon, the qualitative difference this represented from the days of the League of Nations.² Article 99 went even further, conferring upon the Secretary-General the right – unprecedented in previous international organizations – to draw the attention of the Security

¹ Quoted in Dag Hammarskjöld’s Speech to the Staff, UN Press Release SG/299 (1 May 1953).

² The League did, however, establish many useful precedents for the United Nations in the fields of conflict resolution and fact-finding.

Council to situations that in his view represented a threat to international peace and security: though seldom explicitly invoked, this article, by implication, as Hammarskjöld observed, granted the Secretary-General “a broad discretion to conduct inquiries and to engage in informal diplomatic activity”.³ Articles 100 and 101 went on to establish the independence of the Secretary-General and his staff. These five articles represent greater authority than any previous international official had enjoyed, and yet incorporate a curious duality between administrative and political work. It would depend on each holder of the office to demonstrate whether he would be more secretary or general.

The result is the establishment of a function for which it is impossible to write an exhaustive “job description”. Over the years, observers have both granted various attributes to the Secretary-General and challenged his fulfilment of them. He has been variously described as the personification of the collective interests of humanity, the custodian of the aspirations of the Charter, the guardian of the world’s conscience (if not the symbol of the conscience itself), and more prosaically as the globe’s chief diplomat and its premier international civil servant. Paradoxes abound in any description of the role of the Secretary-General. He is expected to enjoy the backing of governments, especially those of the permanent five on the Security Council, yet he must be above governmental allegiance himself. He establishes his credentials for office by bureaucratic or diplomatic service but, once appointed, is supposed to transcend his past and serve as a spokesman for the world. He is entrusted with assisting the other “principal organs” established by the Charter to make sound and well-informed decisions that he is then obliged to execute, but he is simultaneously authorized to address those organs, influence their work, and even to propose actions they should undertake. He administers a complex organization and serves as head of the UN “common system” of agencies, though he exercises this role within the budgetary and regulatory constraints imposed upon him by member states. At the same time, he has an unparalleled “agenda-shaping” authority, emerging from the way in which he chooses to conduct his diplomatic and public contacts, his interactions with the mass media, his annual and periodic reports to the principal organs, and his widely publicized annual speech to world

³ Dag Hammarskjöld, “The International Civil Servant in Law and in Fact (Lecture Delivered to Congregation at Oxford University, 30 May 1961)”, in Wilder Foote (ed.), *Servant of Peace: A Selection of the Speeches and Statements of Dag Hammarskjöld, Secretary-General of the United Nations 1953–1961* (New York: Harper & Row, 1962), p. 335.

leaders before the General Debate of the General Assembly. He can unleash ideas he does not have the power to execute, and articulate a vision for the planet that only member states can fulfil. He moves the world but cannot direct it.

The Charter speaks of the "appointment", rather than "election", of the Secretary-General, language that seems to privilege the administrative rather than the political trappings of the office. The fact that the choice of the Secretary-General is subject to veto by any of the permanent members also suggests, in Ramesh Thakur's words, that a Secretary-General would not be "someone who commands the widest following" but "someone who is least unacceptable to the major powers."⁴ This reality need not diminish the holder of the office; after all, as Lie discovered, he could not perform his functions effectively if he did not enjoy the confidence of the major powers. This requires diplomatic and administrative competence, if not excellence, as well as a capacity to work creatively within the bounds of the politically feasible. The seven Secretaries-General to date have all proved themselves able, to a greater or lesser degree, to use their office for the betterment of humanity, despite being keenly aware of these limitations.

"If one word above all is to characterize the role of the Secretary-General it is independence," declared the sixth Secretary-General, Boutros Boutros-Ghali, describing Article 100 of the Charter as "the one-hundredth Psalm of the Secretary-General".⁵ He went on to stress that the Secretary-General "must be prepared to stand up to any pressure, any criticism, and any opposition" in defence of the Charter's assertion of his independence. (Boutros-Ghali himself, it must be said, lost reappointment on the altar of his psalm.)

But it was Dag Hammarskjöld who, at the height of the Cold War – in the very year of the U-2 incident, the building of the Berlin Wall, and the Bay of Pigs Invasion – first articulated the doctrine of the independence of the Secretary-General. Reacting to a reported declaration of the Soviet leader Nikita Khrushchev to the effect that an impartial international civil servant was an impossibility in a divided world in which "political celibacy" was a fiction, Hammarskjöld advanced the idea that an impartial civil servant could be "politically celibate" without being "politically virgin".⁶ That is to say, the Secretary-General could play a political role without losing his impartiality: the Charter accorded the

⁴ Ramesh Thakur, "The United Nations in a Changing World", *Security Dialogue*, vol. 24, no. 1 (1993), p. 14.

⁵ Boutros Boutros-Ghali, Oxford Lecture, UN Press Release SG/SM/5870/Rev.1 (15 January 1996). ⁶ Hammarskjöld, "The International Civil Servant", p. 331.

Secretary-General the task of “the independent implementation of controversial political decisions” involving “the exercise of the political judgement of the Secretary-General”, sometimes against the wishes of some member states.⁷ But in exercising his political judgement the Secretary-General was obliged to follow “as faithful an interpretation of the instructions, rights, and obligations of the Organization as possible in view of international law and the decisions already taken . . . [T]he essential requirement is that he does this on the basis of his exclusively international responsibility and not in the interest of any particular State or groups of States.”⁸

This was a carefully crafted, almost self-denying conception of his role: it fitted in with Hammarskjöld’s own temperament and his austere tastes in architecture and sculpture, but it was equally the only plausible vision for a Secretary-General to advocate at the peak of the Cold War, when each superpower was quick to denounce any signs of partiality towards the other. Hammarskjöld made almost a fetish of the Secretary-General’s integrity and devotion to the principles of the Charter, going out of his way to de-emphasize the personal qualities of the holder of the office: “the Secretary-General must find constitutional means and techniques to assist him, so far as possible, in reducing the element of purely personal judgement.”⁹

While acknowledging that the international civil servant obviously had his own sympathies and ideals, “he is requested to be fully aware of those human reactions and meticulously check himself so that they are not permitted to influence his actions.”¹⁰ If in these circumstances a Secretary-General found himself in “conflict with this or that interest, then that conflict is a sign of his neutrality and not of his failure to observe neutrality.”¹¹

Hammarskjöld was expressing a view of his office as above the conflicts that threatened to rend the world asunder; he explicitly described the requirements of an international civil servant as comparable to those of a judge (and indeed sought to build up his role pragmatically, through “case law”, as it were). He made it clear, in the process, that he not only did not seek to take sides in the ideological and political contention dividing the globe but that he consciously wished to stay apart from it, the better to act with effectiveness and impartiality when circumstances required him to do so. (The Soviet Union, of course, did not think he had succeeded in this regard, and even called for his replacement by a

⁷ *Ibid.*, p. 342.

⁸ *Ibid.*, pp. 345–346.

⁹ *Ibid.*, p. 347.

¹⁰ *Ibid.*, p. 348.

¹¹ *Ibid.*

troika.¹²) The Hammarskjöld principle meant remaining scrupulously aloof from the attractions of adopting a particular point of view on any of the major questions of the day.

His successors went even further. U Thant, recalling that President Franklin D. Roosevelt had originally wanted to call the Secretary-General the "Moderator", declared that "I know of no better single word to describe my own idea of the office."¹³ A devout and convinced Buddhist, Thant went on to advance the proposition that "the most important political duty of the Secretary-General is to concentrate on the harmonizing function of the United Nations." (He cited Article 1(4) of the Charter, largely ignored by others, which defines one of the purposes of the United Nations as "to be a centre for harmonizing the actions of nations.")¹⁴ Javier Pérez de Cuéllar spoke of having to avoid the twin temptations of inflating the role of the Secretary-General and of interpreting it too modestly, but he too stressed the need for "the most careful political judgement and . . . prudence." The Secretary-General, he added, "must not allow himself to be influenced by his own judgement of the moral worth of either party's position or, for that matter, by what the leaders or media of one country glibly say about the position of the other."¹⁵

The Hammarskjöld conception, and its execution by his immediate successors, is a far cry from the way in which, at the end of the twentieth century and with the Cold War relegated to the history books, Annan sought to use the "bully pulpit" of his office. (The phrase is Theodore Roosevelt's, from a century earlier; like Roosevelt, Annan consciously abandoned the reticent reserve of his predecessors on matters previously deemed inappropriate for the holder of his office to address publicly.) Whether raising the question of the morality of intervention and the duty of the individual to follow his conscience – "I have often asked myself why there are so few Raoul Wallenbergs today"¹⁶ – or challenging the member states of the organization to resolve the tensions between state sovereignty and the responsibility to protect ordinary people, Annan consciously went beyond the minimalist vision of the role of the Secretary-General. He openly used his office, in his own words, "as a vehicle for the promotion of

¹² See chapter 1 by Brian E. Urquhart in this volume.

¹³ U Thant, *View from the UN* (Garden City, NY: Doubleday, 1978), p. 31. ¹⁴ *Ibid.*

¹⁵ Cyril Foster Lecture at Oxford, 13 May 1986, reproduced in Adam Roberts and Benedict Kingsbury (eds.), *United Nations, Divided World: The UN's Roles in International Relations* (Oxford: Clarendon Press, 1988), pp. 126–134.

¹⁶ See, e.g., Joshua Cooper Ramo, "The Five Virtues of Kofi Annan", *Time*, 4 September 2000, p. 34.

the values of tolerance, democracy, human rights and good governance that I believe are universal.”¹⁷ Hammarskjöld himself once jokingly referred to the Secretary-General as a sort of secular Pope for the world (a comment about which his colleague and biographer Brian E. Urquhart remarked, “he is also for much of the time a Pope without a church”),¹⁸ but it was Annan who put that role into practice, winning for himself a cartoon in the *Economist* depicting him in papal garb. Annan did not hesitate to claim for the Secretary-General “the moral authority entrusted to him by the Charter,”¹⁹ though few international lawyers – and not many of his predecessors – have found morality embedded in that document. Yet Annan would no doubt be the first to admit that it was a role that the circumstances of the post-Cold War world allowed him to play. (His immediate predecessor, achieving office at the end of the Cold War, chose not to play it.) And in an era of instant satellite communications and 24/7 cable news channels, the world media – treated with such circumspection (if not outright suspicion) by Annan’s predecessors – became his church, and “we the peoples” of the United Nations his parishioners.

Of course, it is equally true that this works best at the rhetorical level and does not necessarily impact on governmental decision-making. The Secretary-General can raise the awkward question but not dictate the apposite answer; Annan’s historic speech to the General Assembly in September 1999 on intervention set a thousand flowers blooming at think-tanks and among op-ed columnists; it helped alter the terms of the international agenda. But it did not lead to a single military intervention to protect the oppressed. The Secretary-General is often seen as the embodiment of international legitimacy, and Annan’s pronouncements on the legality of military action over Kosovo and Iraq reflected his own consciousness of the importance of that burden.²⁰ And yet they had even less impact on the conduct of member states than the Pope’s strictures on birth control do on many lay Catholics. The Secretary-General can give voice to the higher values of the Charter and help shape global discourse through his effective use of the bully pulpit, particularly in the information age, but – as the world’s response to the atrocities in Darfur, Sudan since 2004 demonstrated anew – he cannot commit troops or determine the decisions of governments.

¹⁷ Kofi Annan, Address to the Council on Foreign Relations, UN Press Release SG/SM/6865 (19 January 1999). See also chapter 6 by Quang Trinh in this volume.

¹⁸ Brian E. Urquhart, *Hammarskjöld* (New York: Knopf, 1972), p. 51.

¹⁹ Annan, Address to the Council on Foreign Relations.

²⁰ See chapter 6 by Quang Trinh in this volume.

The balance of power in this equation rests clearly with the sovereign member states, not with the Secretary-General. As Urquhart memorably put it: "For all his prestige, the Secretary-General has little or no power, and while he may be able to influence events, he can seldom if ever control them. It is with and through sovereign governments, which are not always responsive to the hopes and ideals which he represents, that he must deal . . . The Secretary-General is an embodiment of the hopes of mankind for international peace and justice, but when peace and justice are traduced he can seldom, if he wishes to preserve his usefulness, point the finger of judgement."²¹ The latter point underscores the limitations of the Secretary-General's authority: he knows he can accomplish little without the support of the very member states whose inaction on one issue or another he might otherwise want to denounce. A Secretary-General cannot afford the luxury of allowing his frustration on any one issue to affect his ability to elicit cooperation from governments on a range of other issues. Kofi Annan made the point to this author when he cited the old Ghanaian proverb: "never hit a man on the head when you have your fingers between his teeth."

In some ways, however, the independence of the Secretary-General may have been easier to assert in an era of superpower contention, which provided a nimble diplomat with room for manoeuvre between the two irreconcilables, than in an era of a single dominant member of the Security Council, dubbed by some the "Permanent One". Hammar skjöld, during his second term as Secretary-General, articulated for the first time the notion of an international conscience, finding in the United Nations "an opinion independent of partisan interests and dominated by the objectives [of] the Charter" which he was best placed to express and execute.²² He did a great deal with what he called "imaginative and constructive constitutional innovations" to pursue this vision, capturing the imagination of the world with his actions over Suez, Lebanon, and Laos, but also antagonizing the major powers, notably in the Congo conflict. His more cautious successors during the Cold War, Thant, Pérez de Cuéllar, and even Kurt Waldheim, demonstrated that a Secretary-General could fashion a useful if limited space for himself, given the failure of the political organs to function as envisaged in the Charter; but he could do so only provided he was careful enough not to antagonize either the United States or the Soviet Union (the mistake made, after all, by Lie and

²¹ Urquhart, *Hammar skjöld*, p. 50.

²² Quoted in Brian E. Urquhart, "International Peace and Security: Thoughts on the Twentieth Anniversary of Dag Hammar skjöld's Death", *Foreign Affairs*, vol. 60, no. 1 (Fall, 1981).

Hammar skjöld himself, who towards the end of his life also got on the wrong side of the French).

The curious compulsions of a single-superpower world place the Secretary-General today in a different sort of difficulty, that of successfully managing a relationship that is vital to the very survival of the organization without seeming to mortgage his own integrity and independence to the dominant power. The insistent and public demands of the United States (or at least of some of its leaders) that the United Nations prove its utility to the Administration in Washington – demands that simply could not have been made in the same terms at the height of the Cold War – obliged Annan to maintain a paradoxical balancing act: to demonstrate his attentiveness to the priorities and preferences of the United States while at the same time seeking to assure the rest of the world's peoples that he spoke for them all.²³ That (at least until the Iraq war and its contentious aftermath) he managed to pull off this feat was a tribute to the personal qualities recognized in the decision of the Nobel Committee to award the 2001 Peace Prize jointly to him and the organization. But it remains a huge challenge to be embraced by the sole superpower without being taken hostage by it, and Annan had to plead with US audiences to understand that the Secretary-General can be effective across the world only if he “does not appear to serve the narrow interests of any one state or group of states.”²⁴

It is interesting to note that Hammar skjöld saw the United Nations as serving principally the interests of its smaller member states, and indeed predicted that that would be its future,²⁵ while Boutros-Ghali and Annan have found themselves heading a United Nations whose utility to its most powerful member loomed far larger as a consideration. The Secretary-General must be conscious of the opinions of the smaller members as expressed in the General Assembly, but it is the opinions of the permanent five to which he must be attentive – not least in his own public pronouncements.

If the Secretary-General's public role offers both a platform and a straitjacket, where can he most make an impact? Boutros-Ghali saw the “distinctive role of the Secretary-General” as lying in “the quiet practice of preventive diplomacy”. A Secretary-General could “do a great deal behind the scenes to help parties find a way to settle their differences before their confrontation becomes public.”²⁶ While this is, in principle, true, though not as often vindicated in practice as the United Nations

²³ See further chapter 11 by Edward C. Luck in this volume.

²⁴ Annan, Address to the Council on Foreign Relations.

²⁵ Urquhart, “International Peace”. ²⁶ Boutros-Ghali, Oxford Lecture.

would like, Boutros-Ghali's emphasis on this aspect of his role rested on a premise that is more difficult to sustain. He saw himself as "an impartial figure with a global mandate, relatively unencumbered by political or bureaucratic pressures",²⁷ a description belied not only by his own experience during the bitter divisions engendered by conflict in the Balkans, Somalia, and Rwanda, but even more so by the dramatic circumstances of his own departure from office less than a year after he made this assertion.

Indeed, pressures of various sorts have always characterized the work environment of the Secretary-General, who possesses tools considerably weaker than those of the member states whose behaviour he seeks to influence. "Unlike its constituents," Thant observed, "the Organization lacks the attributes of sovereignty, and its Secretary-General has to work by persuasion, argument, negotiation, and a persistent search for consensus."²⁸ There would be occasions, however, when he would be obliged to take an initiative that would make the difference between war and peace; here "the personal prestige of a Secretary-General – and even the position of his office – must be considered to be expendable."²⁹ Thant may well have had in mind his own failed efforts to stop the Vietnam War, which won him the opprobrium of Washington and little gratitude in Moscow. But he could as well have been referring back to Hammarskjöld's courageous efforts in the Congo, which alienated most of the permanent members of the Security Council and eventually claimed his life.

Of course, for some of the most influential member states, the expendability of the Secretary-General also extends to a less respectable purpose: that of displacing political responsibility on to a vaguely defined international collectivity. One could suggest that the United Nations is both stage and actor. It is a stage on which the member states play their parts, declaiming their differences and their convergences, and it is an actor (particularly in the form of the Secretary-General, his staff, agencies, and operations) executing the policies made on that stage. The general public usually fails to see this distinction; to most of them "the United Nations" is a shapeless aggregation, in which the sins of omission or commission of individual governments on the "stage" are routinely blamed on the organization (and so discredit the "actor"). As the embodiment of the organization even for what goes wrong on the "stage", the Secretary-General is constitutionally set up to "take the rap". One of the more unpleasant, if convenient, uses to which the Secretary-General has regularly been put has been to serve as a pliant scapegoat for the failures of its member states

²⁷ *Ibid.*

²⁸ Thant, *View from the UN*, p. 32.

²⁹ *Ibid.*, p. 33.

(as Boutros-Ghali ruefully observed when alleged UN deficiencies were blamed for the purely US-made disaster in Mogadishu in October 1993). Annan often joked that the acronym by which he is known inside the organization – “SG” – in fact stands for “scapegoat”.

And yet Hammarskjöld demonstrated how much more a Secretary-General could do, improvising an extraordinary range of original techniques for the United Nations. This includes peacekeeping itself, a concept with no formal place in the Charter, but invented to find a middle way between his own diplomatic efforts, which were not enough to resolve certain conflicts, and the provisions of Chapter VII of the Charter, which were unimplementable in the Cold War. In making a reality of the idea of peacekeeping, first suggested to the General Assembly by Lester Pearson of Canada, and in conceiving, articulating, and developing the principles and practices that sustained it, Hammarskjöld did something only a Secretary-General could do, by presenting member states with a wholly formed concept to endorse rather than asking them to take decisions that they were manifestly incapable of making. His ground-breaking work in preventive diplomacy and his invention and development of the notion of the “good offices”³⁰ of the Secretary-General were likewise innovations that used political stalemate among governments as an opportunity rather than a constraint. His successors used, refined, and to some degree extended these tools, but they have never supplanted them.

Pressure from states is one side of the coin; the other is what those same states can provide a Secretary-General. The United Nations, like the Pope in Stalin’s notorious remark, has no “divisions” of its own, but there is nothing a Secretary-General needs, in order to be effective, that is not within the means of his member states, if they are prepared to provide it. Yet the constraints of reality have often placed each Secretary-General in the position of formally asking member states only for what he knows they are prepared to give him; Secretariat recommendations are often shaped by an acute awareness of what the political traffic will bear, and whenever there is an open disagreement between what a Secretary-General seeks and what member states agree to approve (as occurred over the Congo operation in 2004), it is always the former who has to grin and bear it. Boutros-Ghali rather plaintively pointed out that mandates given to a Secretary-General must “be clear, be realistic, and be backed by the human and material resources required to complete the assigned task successfully.”³¹ This has not always been the case, and successive

³⁰ See chapter 5 by Teresa Whitfield in this volume.

³¹ Boutros-Ghali, Oxford Lecture.

Secretaries-General have discovered that the power of the purse, allied to that of political will (or the absence thereof) on the part of member states, always gives governments the upper hand. The Secretariat may well be, under Article 7(1) of the Charter, a "principal organ" of the organization, co-equal to the General Assembly and the Security Council, but it is the latter two who have the ability to equip the Secretary-General to fulfil his goals – or to thwart his attempts to do so.

Indeed it is somewhat ironic that whereas the Secretary-General has become a significant political player in world affairs in his own right – a role that was far from axiomatic in Lie's time – it is his authority as the chief administrative officer of the organization (which few of the founders would have questioned) that has been attenuated over the years. Starting with the interference practised by both superpowers in the matter of Secretariat appointments in Lie's days (the United States placed FBI agents in the UN building to screen US staff and demanded "loyalty oaths" from them, while the Soviet Union unabashedly nominated serving officials for "their" UN posts), and continuing with increasing levels of micromanagement of budgets by member states that have in practice tied the hands of the Secretary-General, the erosion of administrative authority has left the Secretary-General little leeway as he seeks to administer his staff. Boutros-Ghali and Annan each embarked on ambitious reforms of the administrative structures over which they presided, but were unable to touch the far greater levels of procedural and regulatory inertia that were within the realm of authority of the member states. No Secretary-General has enjoyed the means to make the fully informed judgements that Article 99 implies he should be capable of making: in contrast to states, he operates without embassies or intelligence services, and member states have openly resisted any attempt by the Secretariat to acquire such independent capabilities.³² This has also served as a salutary reminder to each Secretary-General of the limitations of his position; his reach may not exceed his grasp, and his grasp cannot extend past the member states' frontiers, or to their pocketbooks.

This is, of course, not inappropriate in a world where the United Nations is not the only available institution, and the Secretary-General not the only "prophet". Dag Hammarskjöld declared in 1961 that "the Secretary-General is [not] a kind of delphic oracle who alone speaks for the international community."³³ By the mid-1990s, Secretary-General

³² See, e.g., Simon Chesterman, *Shared Secrets: Intelligence and Collective Security* (Sydney: Lowy Institute for International Policy, 2006).

³³ Hammarskjöld, "The International Civil Servant", p. 346.

Boutros-Ghali was already speaking of the importance of dealing with the increasing demands on the United Nations by “decentralizing and delegating”, including to regional organizations and NGOs and to ad hoc arrangements.³⁴ On top of the assortment of special representatives and special envoys managing crises around the world on his behalf, the Secretary-General has to identify and cultivate new partners and constituencies for the work of the United Nations. In addition to building on Boutros-Ghali’s efforts to cooperate closely with regional organizations, Annan developed relationships with civil society organizations and with the private sector, increasingly seen at the United Nations as a vital engine for development. Resource constraints in an increasingly complex world make it more and more likely that the Secretary-General will see himself (and one day, herself) at the head of a series of interlocking networks over which he or she may have little control.

This evolution is one that Hammar skjöld and his immediate successors could not have predicted; nor indeed could they have foreseen the extent to which the political environment that constrained them would change. (The dissolution of the Soviet Union a mere two decades after Thant’s death would have struck him, surely, as astonishing; the rise to global prominence of the People’s Republic of China would probably be less cause for surprise.) Each era found a Secretary-General appropriate to the times. Yet there is no doubt that the personal qualities of head and heart that each individual brought to his office had an enormous impact on the way the function of Secretary-General was performed. Hammar skjöld stands out in this respect. “His life and his death, his words and his action, have done more to shape public expectations of the office, and indeed of the Organization, than those of any other man or woman in its history”, said the only other Secretary-General to have enjoyed a comparable personal standing, Annan. “His wisdom and his modesty, his unimpeachable integrity and his single-minded devotion to duty, have set a standard for all servants of the international community – and especially, of course for his successors – which is simply impossible to live up to.” Annan added rather whimsically: “There can be no better rule of thumb for a Secretary-General, as he approaches each new challenge or crisis, than to ask himself, ‘how would Hammar skjöld have handled this?’ ”³⁵

³⁴ Boutros-Ghali, Oxford Lecture.

³⁵ Kofi Annan, Dag Hammar skjöld and the 21st Century (Dag Hammar skjöld Foundation and Uppsala University, Uppsala, Sweden, 6 September 2001), available at www.dhf.uu.se/pdfiler/Kofi%20Annan.pdf.

That question is, of course, impossible to answer, though it is clear that not every one of Hammarskjöld's successors would have asked it. But Hammarskjöld's essential vision of his institution was one warmly embraced by his Ghanaian successor. In the Introduction to his last Annual Report, which many have seen as his political testament, Hammarskjöld argued that those who regarded the organization as a static conference mechanism were wrong; they overlooked the fact that the Charter clearly implied the existence of "an international community, for which the Organization is an instrument and an expression". The essential principles of the Charter – in his view, the equal political rights reflected in Articles 1 and 2 of the Charter, equal economic opportunities as spelt out in Article 55, justice and the rule of law, and the prohibition of the use of armed force, "save in the common interest" – were incompatible with the idea of the United Nations as merely a conference machinery or debating chamber. Endorsing this view and rejecting the attempts of some member states to prevent the organization from pursuing these principles, Annan declared: "I believe the Secretary-General has no choice. He has to follow in the footsteps of Hammarskjöld, upholding the right and duty of the United Nations to pursue the aims laid down for it by the Charter."³⁶

Annan would not pretend that these aims have been accomplished, or even that he or his successor could be free of many of the constraints Hammarskjöld endured. Member states still press the Secretary-General on appointments, deny him funds and administrative flexibility, give him unrealistic mandates and challenge his views on their execution. But they do not denounce him for speaking his mind, and they respect him for "pushing the envelope", most recently in his 2003 warning that the international system has reached a "fork in the road" and in his naming of a high-level panel to re-examine the entire architecture of that system built up since 1945.³⁷ In doing this, Annan was true to his Swedish predecessor's vision of the United Nations as a dynamic instrument. Even more, Annan has averred that Hammarskjöld's "ideal of the United Nations as an expression of the international community, whose staff carry out decisions taken by States collectively rather than bending to the will of any one of them, is just as relevant in our times as in his."³⁸

At the start of the twenty-first century, the Secretary-General of the United Nations commands great diplomatic legitimacy, even greater

³⁶ *Ibid.*

³⁷ See Kofi Annan, Address to the General Assembly (United Nations, New York, 23 September 2003), available at www.un.org/webcast/ga/58/statements/sg2eng030923.htm.

³⁸ Annan, Dag Hammarskjöld and the 21st Century.

media visibility, and considerably less political power than the language of the Charter (and the speeches of some of the founding fathers) might suggest. To conduct his role effectively, he needs a vision of the higher purpose of his office and an educated grasp of the potential and the limitations of his own ability to fulfil it. He has to be skilled at managing staff and budgets, gifted at public diplomacy (and its behind-the-scenes variant), adept at winning friends among member states large and small, able to engage the loyalties of a wide array of external interlocutors (diplomats, NGOs, business groups, journalists), and sensitive to the need not to alienate those who control his resources and vote his mandates. He has to convince the nations of the poor and conflict-ridden South that their interests are uppermost in his mind, while ensuring that he can work effectively with the wealthy and powerful North. He has to recognize the power and the prerogatives of the Security Council, especially that of its permanent members, while staying attentive to the priorities and passions of the General Assembly. He has to present member states with politically achievable proposals and implement the mandates that result with the means they provide him. He has to conceive and project a vision of the organization as it should be, while administering and defending the organization as it is. And throughout he has to preserve a sense of the integrity and independence of his office, open to all and handmaiden to none.

Hammar skjöld once said of the office of the Secretary-General that it “is a question not of a man, but of an institution”. Seven men have made this particular institution. If Dag Hammar skjöld built its basic structure, his successors have altered the interior and exterior design, rearranged the furniture, and opened up the skylight. Through it, however, illuminating the pillars and supportive columns within, must shine the vision of the incumbent of the office, transcending the nuts and bolts of his job description – a job description that, ultimately, each Secretary-General must, with words and actions, write for himself.

Selecting the world's diplomat

COLIN KEATING

The selection of the eighth Secretary-General of the United Nations was probably the most important decision for the future of the United Nations to be made in 2006. It came at a time of growing public criticism about the lack of transparency in the appointment process and emerging tension between the General Assembly and the Security Council about their respective roles in the process. Given the importance of the issue, it is surprising that the process for making the appointment was so neglected during the UN reform discussions in 2005.

Until February 2006, both inside and outside the United Nations, gossip and analysis seemed to focus on possible personalities for a new Secretary-General, great power preferences, and the politics of regional rotation. Wider institutional issues – such as the role of the General Assembly in the appointment, the impact of the selection issue on the growing debate about Security Council legitimacy, and the relevance of General Assembly decisions taken as recently as 1997 – seemed to be forgotten or lost in the diplomatic haze.

The history to date reveals four distinct phases. At the outset, in 1946, the General Assembly played a leading role in establishing the process for making the appointment. The second and longest phase was one of almost complete dominance of the process by the Security Council. The third phase came in the period 1996–1997, when the General Assembly – concerned about revitalization of its role in general and reflecting in particular the divisions caused by the veto of Boutros-Ghali's bid for reappointment – took a number of decisions designed to influence the process for appointing Kofi Annan's successor. The fourth phase began in early 2006, when the General Assembly realized that time was very short if any meaningful changes in process were to be introduced in time for the 2006 appointment.

Canada broke the ice in February 2006 by circulating an informal paper calling for the General Assembly to revisit the appointment

process.¹ In effect the paper raised the question of a possible role for the wider membership of the United Nations, including some actual participation in the selection process prior to receiving the Security Council recommendation. To the surprise of many, there were early indications of support from within the Council itself. Council members Argentina, Britain, China, and Japan variously signalled openness to departures from the Council's traditional monopoly. But in the General Assembly, India, with support from the Non-Aligned Movement (NAM), championed a more radical change. It proposed a General Assembly resolution that would have "decided" that the Council should proffer multiple names and that the Assembly should have the final choice.

This chapter explains the legal and practical framework of the appointment process, before moving on to consider key questions such as the length of term, the timing of the appointment, qualifications for appointment, the question of regional rotation, and the position of Deputy Secretary-General. The chapter concludes with some preliminary assessments of the changes that occurred in 2006.

The appointment process

As Shashi Tharoor explained in chapter 2 of this volume, Article 97 of the UN Charter simply provides that the Secretary-General is to be appointed by the General Assembly upon the recommendation of the Security Council. The constitutional device used by the General Assembly for the appointments of the seven past Secretaries-General has been a General Assembly resolution.² For most of the history of the United Nations, however, the role of the Assembly in appointing the Secretary-General has been limited essentially to that formal act of appointment – little more than a rubber-stamping exercise. In practice, the Council has been the organ that has effectively chosen the Secretary-General.

There is nothing in Article 97 or elsewhere in the Charter that required the General Assembly to abdicate its appointment role quite so completely. Indeed, at the outset of the United Nations, the General Assembly asserted a more prominent role. In 1946, at its very first session, the Assembly took the lead in setting procedures for the appointment process.

¹ Canadian Non-Paper on the Process for the Selection of the Next Secretary-General (Foreign Affairs Canada, Ottawa, 15 February 2006), reproduced in the appendix to this volume (p. 254).

² See, e.g., GA Res. 51/200 (17 December 1996), appointing Secretary-General Kofi Annan to his first term of office.

Resolution 11(I) (1946) established the ground rules that continue to shape the office. The terms of appointment were to be “such as to enable a man of eminence and high attainment to accept and maintain the position”, including an initial salary of \$20,000 and a furnished residence. (The Secretary-General’s salary was reviewed most recently in March 2003 and was set at US\$275,420.³) Appointment was to be for five years, with the possibility of a further five-year term. The resolution also stated the required voting majorities in the Security Council and the Assembly, recommending closed discussions on nomination and appointment, as well as secret balloting. Most significantly, however, it also established that it would be “desirable” for the Assembly to be presented with only a single name as a recommendation from the Council.⁴

There was one very important exception to the Security Council’s dominance. In 1950 the United Nations was confronted with a crisis because a succession of inconclusive votes in the Council had led to deadlock. Faced with the inability of the Council to make any recommendation, the General Assembly decided in a majority vote to extend the term of Secretary-General Trygve Lie without a recommendation from the Council.⁵ This remained the exception that proved the rule and until 1997 the General Assembly played a purely passive role in appointing subsequent Secretaries-General, accepting on each occasion the recommendation of the Council.

In 1996 and 1997 the role and appointment of the Secretary-General emerged as an important issue in discussions of the Open-Ended High-Level Working Group on the Strengthening of the United Nations System – an early phase of the UN reform initiatives, which continued for over a decade in the 1990s and into the 2000s. In 1997 the General Assembly included the following decision in its approval of the Working Group’s report: “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 ‘The Appointment of the Secretary-General of the United Nations’.”⁶ It also outlined a role for the President of the General Assembly: “Without

³ Programme Budget for the Biennium 2002–2003, UN Doc. A/57/7/Add.25 (11 March 2003).

⁴ See GA Res. 11(I) (24 January 1946), reproduced in the appendix to this volume (p. 247). See, e.g., SC Res. 1090 (13 December 1996), recommending the first appointment of Kofi Annan. ⁵ GA Res. 492(V) (1 November 1950).

⁶ GA Res. 51/241 (22 August 1997), para. 57. Parts of resolution 51/241 are included in the appendix to this volume (p. 253).

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 Member States and, upon informing all Member States of the results, may forward those results to the Security Council.”⁷

A second major development in the same period flowed from the concern expressed by a number of delegations that best practice for high-level appointments had significantly evolved in many countries and in some other international organizations and that transparent processes were regarded as best practice. In response to that concern, the General Assembly recognized that a greater level of transparency was indeed desirable for the appointment of the Secretary-General and it also decided in resolution 51/241 (1997) that “The process of selection of the Secretary-General shall be made more transparent.”⁸

In the years that followed there was increasing criticism from civil society that the selection process for the Secretary-General lacked transparency, was out of touch with best practices in other international organizations, and clearly needed updating. Some critics even suggested that there was no agreed process at all. Interestingly, however, this external analysis seemed to ignore the 1997 decisions and civil society as a result failed to keep the diplomats at the United Nations accountable for following up and implementing the initiatives that had already been agreed. Ironically, perhaps, Annan himself in 2005 introduced transparent procedures for the selection of executive heads of the UN funds and programmes. These procedures were employed in 2005 for the appointments of the heads of the UN Development Programme (UNDP) and the UN High Commissioner for Refugees (UNHCR), resulting in transparency significantly greater than that seen in the procedures previously employed. New and somewhat improved procedures were also implemented in 2005 for senior appointments within the Secretariat.⁹ In addition, the World Trade Organization (WTO) in 2002 adopted a more transparent procedure for the appointment of its Director-General; this included transparent criteria for candidates, a formal timeline, and a process for meeting with candidates.

In practice

In 1946, then, the General Assembly set in place a process that delegated the lead role to the Security Council and ensured the confidentiality of the

⁷ *Ibid.*, para. 60. ⁸ *Ibid.*, para. 56.

⁹ A summary of both sets of procedures is set out in UN Doc. A/60/312 (30 August 2005).

process. Confidentiality provisions were also inserted in the Assembly's Rules of Procedure¹⁰ and the Council's Provisional Rules of Procedure.¹¹ Both sets of rules require that both voting and discussion be held in private, but the General Assembly has traditionally made an important modification to this provision. Since 1946 it has become the custom, on the occasion of each appointment, for the General Assembly, on the proposal of the President, to make the appointment in an open session. In 1950 – the only occasion on which there was a vote in the General Assembly – the meeting was open, but the vote was by secret ballot.

The most significant evolutions that have occurred since 1946 have been in the practice of the Council. These changes in process have taken place in closed, informal consultations and have not generally been recorded as Council decisions. As a result, their status is unclear. These changes include the practice beginning in 1981 of conducting “straw polls” under which members would indicate either “encouragement” or “discouragement”. From 1991 colour-coded ballots were introduced, from 1996 being used to indicate the type of vote being cast: red for permanent members (with a potential veto), white for elected members.

The straw-ballot process meant that votes could be cast informally without having an official meeting in the Council chamber and casting official votes. One result of this development was that the number of official meetings devoted to the selection process significantly diminished. The reduction in “official meetings” had a significant effect. When an official meeting is held – even if it is a “closed meeting” – a communiqué must be issued through the Secretary-General.¹² When straw-balling takes place in informal meetings, the rule does not apply. The only information available to the international community comes by way of unofficial announcements by delegations or through leaks.

Clearly there is greater flexibility under the straw-ballot procedure, and there is the possible advantage that permanent members may find it easier to resile from a “red” straw ballot than a formal veto cast in the Council chamber. At the same time, however, it has made the process even more secret.

An important practical evolution that occurred in the lead-up to the 1996 appointment was the informal paper, prepared in November 1996

¹⁰ Rules of Procedure of the General Assembly, UN Doc. A/520/REV.15 (as amended) (31 December 1984), available at documents.un.org, Rule 141.

¹¹ Provisional Rules of Procedure of the Security Council, UN Doc. S/96/Rev.7 (21 December 1982), available at www.un.org/Docs/sc/scrules.htm, Rule 48.

¹² *Ibid.*, Rule 55.

during Indonesia's Presidency of the Security Council, as a private aid to members, which set out their common understandings as to how the process would work in practice that year. The paper was never published officially as a UN document. Nevertheless, in December 1996, after the appointment decision had been made, a copy of the paper was unofficially distributed by the Italian Ambassador who held the rotating presidency that month. In honour of his Indonesian counterpart, this paper was styled as the "Wisnumurti Guidelines".¹³ The 1996 paper had no official status. Nevertheless, in February 2006 the UN Secretariat made available an informal fact sheet, which usefully provided an example of the way the process had worked in the Security Council in the past. The fact sheet clearly drew in part on the 1996 paper.

The veto

The exercise of the veto by permanent members of the Security Council has been a major factor in most of the Council decisions relating to the choice of a new Secretary-General. In only two cases – U Thant's appointment and Boutros Boutros-Ghali's first appointment – was the veto not a significant factor.

The secrecy of the process makes it difficult to determine the exact number of vetoes cast over the years in the process of selecting the Secretary-General. The shift midway through the voting in 1981 to a system of straw ballots, about which even less information is available, has made analysis even more complex. Technically, a negative straw ballot from a permanent member is not a veto, since it is not cast in an official meeting. But since negative straw ballots from a permanent member can have in practice an effect similar to a veto, they are included (to the extent known) in table 3.1.

The veto has very often proved decisive. Yet the ten elected members can also play a pivotal role. While not able to use their majority to determine the outcome affirmatively, they have occasionally in the past established the equivalent of a veto during the early stages. Any appointee requires at least nine votes in the Council. Over the years, many candidates have been eliminated precisely because they had little support from the elected members at the early stages of voting.

Annan's appointment in 1996 also showed a further example of how the elected members can make an impact. According to the authoritative

¹³ The Guidelines are reproduced in the appendix to this volume (p. 249).

Table 3.1. *Use of the veto in the appointment of the Secretary-General*

Year	Vetoes used in the appointment process
1946	Trygve Lie (Norway) selected, with all other candidates opposed either by the Soviet Union or the United States
1950	Lie's reappointment persistently vetoed by both the Soviet Union and the Republic of China, but eventually renewed by the General Assembly without a Council recommendation
1953	Dag Hammarskjöld (Sweden) eventually selected after several candidates were eliminated due to lack of majority, and Lester Pearson (Canada) was vetoed by the Soviet Union
1957	Hammarskjöld reappointed for a second term, with no vetoes
1961	U Thant (Burma) appointed, with no vetoes
1962	Thant reappointed, no vetoes
1966	Thant reappointed, no vetoes
1971	Kurt Waldheim (Austria) eventually appointed despite fourteen vetoes; Max Jakobson (Finland) and Carlos Ortiz de Rozas (Argentina) were each met with twelve vetoes
1976	Waldheim's reappointment initially vetoed by China, then accepted
1981	Javier Pérez de Cuéllar eventually emerged as a new candidate and was selected after Waldheim, running for a third term of office, received sixteen vetoes from China Salim A. Salim (Tanzania) received fifteen vetoes from the United States, and Sadruddin Aga Khan (Iran) one veto from the Soviet Union
1991	Boutros Boutros-Ghali (Egypt) was selected after most candidates were eliminated on the basis of their level of overall support, no vetoes were cast
1996	Kofi Annan (Ghana) was selected The US veto of Boutros-Ghali's reappointment is well-known: what is less well-known is the large number of subsequent "vetoes", or negative straw ballots, cast by permanent members in the context of the four candidates that emerged after Boutros-Ghali suspended his candidature
2001	Annan reappointed, no vetoes
2006	Ban Ki-moon (South Korea) was selected Only the last straw poll differentiated the ballots of permanent members, all five of whom cast "encourage" votes for him. (Many observers concluded that in the three earlier polls one or more of his "discourage" votes had been from a permanent member, but that may never be known for certain.)

text on the Security Council by Bailey and Daws, during the rounds of “straw” ballots Annan received a “red” ballot in seven rounds, indicating lack of support from a permanent member. Eventually the ballot changed colour and Annan was selected, demonstrating how the weight of majority opinion can influence a permanent member.¹⁴

Qualifications for appointment

A major issue raised in the February 2006 Canadian paper was the need for an agreed set of criteria and qualifications – in effect, a job description. It is important to recall, however, that criteria and qualifications for the Secretary-General have been written before. In particular, they were discussed at some length in the 1945 report by the United Nations Preparatory Commission. The Commission identified various qualities that would be required for appointment of a Secretary-General. In addition to “specific duties of a more narrowly administrative character” these included “wider” administrative and executive qualities to “integrate the activity of the whole complex of United Nations organs”. In addition leadership qualities were required “to determine the character and efficiency of the Secretariat” and also the skills to lead a team “recruited from many different countries” and build the necessary “team spirit”.¹⁵

The report also indicated that the Secretary-General should be a person with the “moral authority” to model the independent role required by Article 100 of the Charter. Moreover the job requirements included the ability to play the “important role as a mediator” and “to act as an informal adviser”, or “confidant”, to many governments. The role called for “the highest qualities of political judgement, tact and integrity” because of the need at times “to take decisions which may justly be called political”. In this regard, it is clear that the Commission considered that this was vital, not only because of the political role that they expected the Secretary-General would play, but also because of the power – discussed in detail in chapter 4 of this volume – “to bring to the attention of the Security Council any matter (not merely any dispute or situation) which, in his opinion, may threaten international peace and security.”¹⁶

¹⁴ Sydney D. Bailey and Sam Daws, *The Procedure of the Security Council*, 3rd edn. (Oxford: Clarendon Press, 1998), p. 331.

¹⁵ Report of the Preparatory Commission of the United Nations (23 December 1945), Chapter VIII, section 2, paras. 8–17. Excerpts of the report are included in the appendix to this volume (p. 244). See also the discussion of the report in chapter 11 by Edward C. Luck in this volume. ¹⁶ *Ibid.*, para. 16.

Finally, significant weight was attached to communications and representation skills to represent the United Nations to the public at large and secure the “active and steadfast support of the peoples of the world” without which “the United Nations cannot prosper, nor can its aims be realized”. In essence, the Commission believed that the Secretary-General needed qualities that would demonstrate to the world at large that personally the candidate embodies “the principles and ideals of the Charter to which the Organization seeks to give effect”.¹⁷

It is fascinating to see just how far-sighted member states actually were in 1945 regarding the qualities and skills that they expected to see associated with the role of the Secretary-General. The 1945 job description in effect mandates a very wide-ranging political and representational role for the Secretary-General – far beyond the narrow confines of a pure administrator. The case for updating these 1945 criteria into a modern statement of the job requirements of the Secretary-General seems logical. In 2006 it became clear that members of the General Assembly were reluctant to negotiate a detailed list of qualifications. Instead a very short and general statement was included in resolution 60/286 (2006) that candidates should display, “inter alia, commitment to the purposes and principles of the Charter of the United Nations, extensive leadership, and administrative and diplomatic experience”.

Term of office

The Charter does not specify a term of office for the Secretary-General. The General Assembly decided in 1946 that the first Secretary-General should have a term of five years, renewable for a further five years. But the resolution specifically provided that the “General Assembly and the Security Council are free to modify the term of office of future Secretaries-General in the light of experience.”¹⁸

A term of five years has become customary, but this is entirely discretionary. The power of modification has been used. Trygve Lie was reappointed in 1950 for three years, and U Thant was appointed for only four years after he served for one year as Acting Secretary-General. In October 1966, Thant's term was briefly extended by two months pending a final decision on whether he would be granted a second full term. In practice, the term of office for most Secretaries-General has actually been determined by the Council rather than the General Assembly. The Council

¹⁷ *Ibid.*, para. 17.

¹⁸ GA Res. 11(I) (24 January 1946), paras. 3, 4(a).

has done this by including defined dates in its recommendation to the General Assembly. For example, when the Council recommended Annan's appointment for a second term it specified that the term of office should run "from 1 January 2002 to 31 December 2006".¹⁹

For the future, a different term of office is a possibility. The General Assembly could adopt a decision on the matter, or the Council could address it in an ad hoc manner by specifying a different term of office in its recommendation.²⁰

In 1996 and 1997 the general question of the Secretary-General's term of office was the subject of detailed discussion and negotiations by the Open-Ended High-Level Working Group on the Strengthening of the United Nations System. There was strong support in the Working Group in early 1996 for establishing a maximum of seven years for any individual to serve as Secretary-General. Options canvassed included a single non-renewable term of seven years and an initial term of four years with a possibility of renewal for three years. The concept of a maximum term limit was close to reaching consensus. However, in 1996, Boutros-Ghali, who had previously indicated that he would not seek a second term, decided to stand again. His candidacy was opposed by the United States, and the issue of the term of office became politically controversial. In such circumstances it became impossible to make progress on a general approach to term limits. Accordingly, it was not included in the Working Group's 1996 recommendations.

In 1997, however, in the improved atmosphere after Annan's appointment, the Working Group agreed that 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."²¹ The use of the term "next Secretary-General" as opposed to "next appointment" seemed to make it clear that this was not to apply to Annan's reappointment decision in 2001 – and indeed that was borne out in practice when the issue was not discussed at that time. It is interesting, nevertheless, that despite the clear mandate from 1997 requiring a review in 2006, few delegations were inclined to take up the issue.

The timing of the appointment decision

The question of when a Secretary-General should be appointed was not addressed in 1946, and the practice relating to the first three Secretaries-

¹⁹ SC Res. 1358 (27 June 2001).

²⁰ For a proposal along these lines, see chapter 12 by Simon Chesterman and Thomas M. Franck in this volume. ²¹ GA Res. 51/241 (22 August 1997), para. 58.

Table 3.2. *Dates of Security Council recommendations in the appointment of the Secretary-General*

Appointment	Expiry of previous term	Date of Security Council recommendation
1971 Waldheim (appointment)	31 December	21 December
1976 Waldheim (reappointment)	31 December	7 December
1981 Pérez de Cuéllar (appointment)	31 December	11 December
1986 Pérez de Cuéllar (reappointment)	31 December	10 October
1991 Boutros-Ghali (appointment)	31 December	21 November
1996 Annan (appointment)	31 December	13 December
2001 Annan (reappointment)	31 December	27 June
2006 Ban (appointment)	31 December	9 October

General does not provide any helpful guidance. The early resignation of the first Secretary-General, and the death in office in 1961 of the second, presented situations in which member states had to respond to unforeseen events well before the expected expiry of the terms. Bailey and Daws suggest that the problems in 1966, triggering the need for a short rollover of Thant's term, appear to have arisen more as a result of indecision by the Secretary-General than due to any timing factor.²² The more recent practice is summarized in table 3.2.

The Working Group had discussed the timing issue in 1996 and 1997 and recognized the advantages of avoiding a last-minute appointment. Its conclusions on the timing of the appointment of a new Secretary-General were endorsed by the General Assembly in 1997: "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."²³ The 2001 decision, in which the reappointment of Kofi Annan was made in June, well before the expiry of his first term, represented a marked change from previous practice.

²² Bailey and Daws, *The Procedure of the Security Council*, p. 324.

²³ GA Res. 51/241 (22 August 1997), para. 61.

In 2006 the issue arose again, with the United States actively canvassing Council members during its Council presidency in February to support a selection decision in June. This was resisted by most Council members, who felt that a decision in September or October would give sufficient time for an orderly transition and avoid precipitating a situation in which the Secretary-General became a “lame duck” too soon. The Council subsequently coalesced around a timing scenario involving a decision in September or October, ultimately making its decision on 9 October.

Regional rotation

The Charter provides no guidance regarding rotation of the post of Secretary-General. Asian countries firmly asserted that there is an applicable principle of rotation and that in 2006, under that principle, it was Asia’s “turn” for a Secretary-General. On 21 April 2006 the Malaysian Ambassador, in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement (NAM), wrote to the President of the Security Council conveying the position of the 116 non-aligned states that the eighth Secretary-General should be selected from the Asian region.²⁴ China and Russia also went on record in support of an appointment from the Asian region. But there was also some determined opposition. The United States, in particular, insisted that it would support the best candidate without regard for regional affiliation. There remains strong disagreement as to whether there is any requirement for rotation.

Regional groupings within the United Nations are as follows: African Group (53 states); Asian Group (54 states); Eastern European Group (22 states); Latin American and Caribbean Group (33 states), Western European and Others Group (29 states, including Australia, Canada, Israel, New Zealand, and the United States). The actual history of the terms allocated as between these groups does not establish anything that might be called a clear practice. The allocation of Secretaries-General by region up to the end of Kofi Annan’s second term is shown in table 3.3.

The pattern of candidacies that have been presented over the years is also an important indicator. It reveals that, on the majority of occasions, candidates from multiple regions were presented and seriously considered, suggesting that both the candidates and the governments nominating

²⁴ UN Doc. S/2006/252 (21 April 2006).

Table 3.3. *Terms of office of Secretaries-General from UN regional groups*

Regional group	Terms of office
Western Europe and Others	6
Africa	3
Asia	2
Latin America and the Caribbean	2
Eastern Europe	none

Table 3.4. *Candidates for Secretary-General by UN regional group, successful region listed first*

Year	Candidates by regional group, successful region listed first
1946	Western Europe and Others (Norway)
1953	Western Europe and Others (Sweden, Canada), Eastern Europe (Poland), Asia (India, Philippines)
1961–1962	Asia (Burma, uncontested)
1966	Asia (Burma, uncontested)
1971	Western Europe (Austria, Finland), Latin America (Argentina)
1981	Latin America (Peru), Western Europe and Others (Austria), Africa (Tanzania), Asia (Iran)
1991	Africa (Egypt, Zimbabwe), Western Europe and Others (Netherlands, Canada, Norway), Asia (Iran)
1996	Africa (Egypt, Ghana, Côte d'Ivoire, Niger, Mauritania)
2001	Africa (Ghana, uncontested)
2006	Asia (South Korea, Thailand, India, Sri Lanka, Jordan, Afghanistan), Eastern Europe (Latvia)

them did not accept the existence of a norm of rotation. The pattern is shown in table 3.4.

Thant's appointment as Acting Secretary-General came in the aftermath of Hammarskjöld's tragic death and there is no evidence either way that supports or denies a principle of rotation. By the time of Pérez de Cuéllar's selection in 1981, it was clear that Latin American delegations invoked a principle of rotation. Against that, however, as the range of candidates indicates, there seemed to be no agreement at that time on

such a principle. Furthermore, Pérez de Cuéllar's candidacy emerged only at a very late stage after candidates from other groups had been eliminated in a bruising process involving many vetoes.

The wide range of candidacies that emerged before Boutros-Ghali's appointment in 1991 raises further doubts as to any accepted policy of rotation. Nevertheless, the outcome of the voting by the elected members suggests many were open to it being "Africa's" turn. In 1996 there was a strong sense that if Boutros-Ghali was refused a second term, his successor should also be from Africa. That was clearly reflected in the way that member states from other regions held back from offering candidates. But it is uncertain whether this flowed from any sense of a commitment to a principle of rotation rather than a sense of justice.

The practice up to 1996 therefore seems to reveal quite different positions held by at least three different groups of member states. One group asserted that a principle of rotation exists and should be followed strictly. A second group appeared to believe that no principle of rotation binds the Security Council, but they were prepared to vote on an ad hoc basis in a manner that supported wider diversity. A third group rejected any principle of rotation and supported the freedom to champion the best candidate from any region.

This history now needs to be weighed up, however, in light of the developments in 1996–1997 in the Open-Ended High-Level Working Group on the Strengthening of the United Nations System, which led to the General Assembly agreeing that 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."²⁵ This is the first formal mention of regional rotation, but the resolution also introduced another new principle to which "due regard" must be given: "gender equality". It is hard to read into the 1997 decision a conclusion that either of these factors should necessarily trump the other. Nor is it possible, on the language approved by the General Assembly, to claim that either of these principles trumps the third principle that was introduced – that of "best candidate". It seems likely, therefore, that there will continue to be disagreement on the matter, including on the interpretation of the words approved in resolution 51/241 and on the weight to be given to the various principles. If gender equality has indeed been elevated to the same level as regional rotation, and given that there has never been a female Secretary-General, this principle may carry more weight in the future.

²⁵ GA Res. 51/241 (22 August 1997), para. 59.

The Deputy Secretary-General

The possibility of appointing a Deputy Secretary-General arose in the discussions of the Working Group in 1996 and 1997. There was strong support in theory, but no formal agreement when the report of the Working Group was finalized in mid-1997, primarily due to disagreement over whether there should be a single deputy or several.

The issue was promptly resolved by Kofi Annan a few months later. His report "Renewing the United Nations: A Programme for Reform" included a proposal for the appointment of a single Deputy Secretary-General.²⁶ The Deputy Secretary-General was to be a staff member, appointed by the Secretary-General for a period not to exceed his own term of office. Remuneration was to be set at the midpoint between the Secretary-General and the next most senior position in the system. The position was to be established on the basis that the Deputy would derive authority by delegation from the Secretary-General and, as a result, would not be elected, appointed or confirmed by the General Assembly.

A further more detailed report outlined the job description, which included: assisting in leading and managing the operations of the Secretariat; acting for the Secretary-General during his absences from headquarters; ensuring intersectoral and interinstitutional coherence of activities that cross functional sectors; assisting with public awareness and contact with member states; representing the Secretary-General at conferences and functions; overseeing UN reform; harmonizing the work of the United Nations on the economic and social side with its work in the field of peace and security; and helping the Secretary-General elevate the leadership of the United Nations as a leading centre for development policy and development assistance.²⁷ In 1997 the General Assembly established the post of Deputy Secretary-General as proposed by the Secretary-General.²⁸

The first person to hold this position, Louise Fréchette, was appointed in March 1998. She later announced that she would leave before the expiry of her second term (which commenced with Annan's own reappointment) and she retired on 31 March 2006. The Secretary-General subsequently appointed his Chef de Cabinet, Mark Malloch Brown, as Deputy Secretary-General. It was initially unclear whether this new appointment was for a limited term to coincide with the Secretary-General's own term

²⁶ UN Doc. A/51/950 (14 July 1997).

²⁷ UN Doc. A/51/950/Add.1 (7 October 1997).

²⁸ GA Res. 52/12B (19 December 1997).

of office – as was envisaged when the office was created. However, Malloch Brown subsequently confirmed that he would be stepping down at the same time as Annan.

This is an interesting issue because the established linkage between the two posts raised questions about the nature of the “top team”. The independence of the Secretary-General with respect to the appointment of the Deputy Secretary-General is clearly established. However, that does not preclude the possibility that some aspirants for the post of Secretary-General, wishing to enhance the attractiveness of their candidacy, might find it useful to present – at least behind the scenes – not only their own candidacy but also that of a “running mate”. Clearly such a “package” approach would increase the ways in which a balance of skills, rotation, and gender could be achieved.

Evolution of the process in 2006

The circulation by Canada of an informal paper in February 2006,²⁹ calling attention to the lack of transparency and inclusiveness of the selection process, triggered a meeting of the General Assembly’s Ad Hoc Working Group on Revitalization of the General Assembly. The momentum for convening this meeting, however, developed quite slowly. The President of the General Assembly seemed reluctant to add this issue to the already difficult set of reform problems confronting the United Nations in 2006. Eventually, however, he requested the Co-Chairs of the Ad Hoc Working Group to convene a meeting of the group, which took place on 19 April 2006, to discuss the question of the role of the General Assembly in the selection of the Secretary-General.

By contrast, in the same period the Security Council had been quite active. In March, under the presidency of Argentina, and again in April, under the presidency of China, the Security Council began a discussion of the possibility of some wider role in the selection process for UN member states not represented on the Council. Argentina, China, Britain, France, and Japan all made public statements during this period expressing openness to some review of the process. Council members agreed that the President of the Council should meet with the President of the General Assembly to discuss the issue.

The first of these meetings was held on 18 April 2006. At the meeting the following points were canvassed by Chinese Ambassador Wang

²⁹ Canadian Non-Paper on the Process for the Selection of the Next Secretary-General.

Guangya, who then held the rotating presidency. First, preliminary agreement had been reached to start the process in June or July with a view to completing the selection by September or October. Secondly, agreement had been reached on further increasing transparency and interactions with the General Assembly, but the Council would continue to recommend only one candidate. Thirdly, measures that the Council *might* consider included ongoing informal briefing meetings between the two Presidents. Finally, candidates *might* be encouraged to present to regional groups or to informal external events.

The President of the General Assembly, Swedish Foreign Minister Jan Eliasson, briefed the Co-Chairs of the Ad Hoc Working Group and informally circulated a note of his conversation with the President of the Security Council.³⁰ The meeting of the Working Group on 19 April 2006 was essentially an initial discussion of the topic. Interventions were for the most part cautious. It was notable, however, that a number of important opinion leaders, such as Canada and India, spoke forcefully of the need for real change in 2006. India suggested repealing the 1946 resolution requesting that only one name be recommended by the Security Council and in its place adopting a decision that perhaps three names should be recommended, leaving the final choice to the General Assembly. The discussion left many delegations with a growing sense, after the debate, that much more was required than had been suggested by the Security Council.

In May 2006 NAM delegations in New York met to discuss the Indian approach. Elements of a draft resolution were prepared; the most significant element envisaged was a proposed operative paragraph that would have decided that the Security Council "will proffer two or more well qualified candidates for the consideration of the General Assembly".³¹

The issues raised by the draft NAM resolution, and the prospect of it being voted through the General Assembly by the 116 NAM members, led to many private discussions among Council members, including discussion at meetings of the permanent members. While there seemed to be a range of views within the permanent five regarding their respective willingness to accord a greater role for the General Assembly and greater transparency, a firm position seemed to be shared by all five that the General Assembly could not dictate to the Security Council whether it recommended one or more candidates.

³⁰ This and other documents are available at the Security Council Report Website www.securitycouncilreport.org.

³¹ Thalif Deen, "South Seeks Authority to Decide on Next UN Chief", *Inter Press Service*, 19 May 2006.

The elected members of the Council, while generally more sympathetic to finding effective options for wider involvement of the General Assembly, seemed in many cases to sympathize with the permanent five on this specific point. At the end of May the Council agreed on the text of a draft letter that was transmitted to the President of the General Assembly. The letter carefully signalled on the one hand a willingness to pursue cooperation – within certain parameters – but it also demonstrated a degree of firmness and Council unity. The letter underlined the fact that the Charter assigned different roles to the Council and the Assembly on the question of the selection of the Secretary-General. It confirmed a desire to work closely with the General Assembly “in a spirit of transparency and dialogue”, keeping the Assembly informed through its President. It also noted that member states may present candidates at any stage of the process, but emphasized that in early July the Council would start “the process of consideration of candidacies”.³²

The process actually commenced on 24 July 2006 with a first “straw ballot”. An innovation was that there would now be three possible categories of vote: “encourage”, “discourage”, and “no opinion”. But the Council followed past practice in that it did not at this early stage differentiate the votes of permanent and non-permanent members. Although supposedly secret, the results were available to the media almost immediately. The ballot established two clear front runners, Ban Ki-moon (South Korea) and Shashi Tharoor (India), but it was not sufficiently conclusive for the two other candidates to be persuaded to withdraw. Inevitably the discussion amongst Council members and outsiders turned to speculation about when additional candidates would emerge.

In the General Assembly, the issue of how best to conduct the appointment, and the role of the Assembly in it, became the subject of fitful but difficult discussions through the summer. Despite some ongoing sabre-rattling by the NAM, the appetite for a vote receded. In part this seemed to reflect a concern by the Asian members of NAM that a divisive vote in the General Assembly could prejudice Asian candidates’ chances. In addition, with India putting its weight behind Tharoor’s candidacy, the initiative was left without a major sponsor. After a marathon negotiating session over the Labor Day weekend in New York, agreement was finally reached on a modest set of reforms which were approved as resolution 60/286 in the dying hours of the Assembly’s Sixtieth Session on

³² Letter from the President of the Security Council addressed to the President of the General Assembly (2 June 2006).

8 September 2006. This repeated key elements of resolution 51/241 (1997) and resolution 11(I) (1946). But it also emphasized “the need for the process to be inclusive of all Member States” and clarified the role for the President of the General Assembly, who was actively encouraged to consult General Assembly members to identify candidates. As in 1997, it was envisaged that the President would present the results of such consultation to the Security Council. Potential candidates were encouraged to come forward with sufficient time to interact with member states and requested “to present their views to all States members of the General Assembly”.

Further straw polls in the Security Council were held on 14 and 28 September, as the field of candidates grew to seven. The entry into the race of Vaira Vīķe-Freiberga, President of Latvia, reinforced the absence of consensus on the rotational principle. Her candidacy – only the third ever by a woman (following Vijaya Lakshmi Pandit of India in 1953 and Gro Harlem Brundtland of Norway in 1991) – also brought the gender equality question more sharply to the fore.

The Council agreed that a fourth poll, scheduled for 2 October, would use differentiated ballots to indicate potential vetoes. This produced a decisive result, with Ban the only candidate who did not receive a “discourage” from a permanent member. This result precipitated withdrawal of the other candidates and the Council moved to a formal session where it recommended by acclamation a single candidate in a resolution on 9 October. Ban Ki-moon was formally appointed by the General Assembly in resolution 61/3 on 13 October 2006.

Conclusion

While there was minimal change in the appointment process in 2006, the existence of a debate in the General Assembly and elsewhere contributed to a more sensitive approach on the part of the Security Council. This included an incremental approach and regular briefings of the President of the General Assembly. While still short of what had been envisaged by the General Assembly in resolution 51/241 (1997), it provided time for candidates to present their case to states outside the Security Council and to civil society. In this sense it was a more open process than 1996. At the same time, the incremental approach frequently meant uncertainty for candidates and anxiety for those outside the Security Council.

As in 1996, the eventual winner in 2006 had been a candidate from the first “straw poll”. This seems to rebut conventional wisdom that a winner

will only emerge from the shadows at the end of the process. Candidates who held back until September 2006 gained no advantage; South Korea, by contrast, started its campaign early and maintained a vigorous and very professional diplomatic campaign. It is also noteworthy that the result in 2006 was achieved with only four such polls. This was a departure from 1996 and indeed from most previous appointments, suggesting a less contentious atmosphere in the Council.

Any such developments remain provisional, however, as the Council's practices remain *ad hoc*. It remains to be seen whether the General Assembly will move in the future to further develop the modest changes agreed so far, especially given that most of what was agreed in 2006 essentially reflected existing practice, including meetings of candidates with regional groups and briefings of the General Assembly President. What happened in 1997 is an important lesson. Resolution 51/241 clearly mandated the United Nations to take up the appointment issue again, before it came time to consider a successor for Annan. But momentum was lost and delegations failed to take up the issue until 2006. By then, of course, the appointment decision was again already at hand. And, once again, there were too many competing demands on delegations for sufficient time to be allocated to do justice to the issue. Moreover, the same calculations about impact on candidates came to the fore and the same interests of the permanent members were brought into play. The challenge for those interested in further reforming the appointment process will be how to maintain momentum outside of an appointment year.

PART II

Maintaining peace and security

Relations with the Security Council

JAMES COCKAYNE AND DAVID M. MALONE

In his 1986 Cyril Foster Lecture at Oxford University, Javier Pérez de Cuéllar argued that in discharging his responsibilities the Secretary-General must be aware that the “idealism and hope of which the Charter is a luminous expression have to confront the narrow dictates of national policies”.¹ The Secretary-General must walk a fine line between effective cooperation and apparent collusion with the Security Council in particular. Past incumbents have all learned – the hard way – when they have either crossed the limits of tolerance of one of the permanent members of the Council, or cleaved so close that they have sacrificed legitimacy in the eyes of their broader constituency among the member states. This requires the Secretary-General to come to terms with the geopolitical realities of the day – even as he or she attempts to reshape them. In the absence of such realism, the independent authority the Secretary-General wields may be perceived by member states as a threat, rather than as a resource, inevitably producing attacks, resistance, and even vilification – while putting at risk the effectiveness and credibility of the organization as a whole.

The seeds of tension in relations between the Secretary-General and the Security Council lie in Articles 98 and 99 of the UN Charter. As other chapters explore in more detail, these Charter provisions establish an independent political role for the Secretary-General, alongside his or her role as chief administrative officer of the organization.² Article 99 is particularly significant, giving the Secretary-General a right of notice that has been parlayed over the years into the basis for initiative independent of the Security Council.³ This gives the position an independence – and a consequent

¹ The lecture is reproduced as Javier Pérez de Cuéllar, “The Role of the UN Secretary-General”, in Adam Roberts and Benedict Kingsbury (eds.), *United Nations, Divided World: The UN's Roles in International Relations*, 2nd edn. (Oxford: Clarendon Press, 1993).

² See especially chapter 2 by Shashi Tharoor in this volume.

³ On the history of art. 99, see Report of the Preparatory Commission of the United Nations (23 December 1945), Chapter VIII, section 2, paras. 8–17 (included in the appendix to this volume p. 244).

authority and importance – in international affairs that it would otherwise lack. The partnership between Secretary-General and Security Council is consequently, in many cases, unstable and uneasy. The Secretary-General must be in constant informal consultation with members of the Security Council, both to maintain their confidence and to establish the “specified – and perhaps even the implied – limits, directions, and parameters” of their preferences.⁴ The challenge for the Secretary-General is to maintain sufficient cooperation with the Council to be effective, but not to become so cooperative that they are perceived by other members of the organization as, in the derisive term used of Kurt Waldheim, a “head waiter”.⁵ In this chapter we explore how the various Secretaries-General have attempted, with mixed success, to walk this tightrope.

In the first section, we explore how the Secretaries-General contended during the Cold War with the challenges of bipolarity, often seeking to use their political independence as a means to mediate the opposed positions of the superpowers. Such actions risked undermining the authority of the office if the support of one superpower were lost, or if the Secretary-General himself became the subject of a Cold War dispute. The second section examines relations between the Secretary-General and the Council as the Cold War thawed, producing a unipolar system. Pérez de Cuéllar made the most of the thaw, but both Boutros Boutros-Ghali and Kofi Annan experienced serious difficulties in their working relationship with Washington. Both, perhaps as a result, sought to maximize their influence through norm entrepreneurship.⁶

In a concluding third section, we examine the challenges that may confront the Secretary-General in relations with the Security Council. In particular, the assertiveness of the United States has on the one hand seen it bypass the Council in actions such as the invasion of Iraq, while on the other hand strengthening the role of the Council in “legislating” for all states on international challenges such as terrorism. From 2003, this had produced a growing backlash that may lead to a new bipolarity in UN affairs between the United States and the Group of 77 developing states (G-77).⁷

⁴ Thomas M. Franck and Georg Nolte, “The Good Offices Function of the UN Secretary-General”, in Adam Roberts and Benedict Kingsbury (eds.), *United Nations, Divided World: The UN's Roles in International Relations*, 2nd edn. (Oxford: Clarendon Press, 1993), p. 174.

⁵ Kenneth W. Stein, *Heroic Diplomacy: Sadat, Kissinger, Carter, Begin, and the Quest for Arab–Israeli Peace* (New York: Routledge, 1999), p. 121.

⁶ See chapter 7 by Ian Johnstone in this volume.

⁷ Though we consider various examples, Iraq, which has been on the Security Council's agenda since 1980, provides a particularly useful lens to chart many of these developments.

Cold War Secretaries-General: balancing the superpowers

The superpower rivalry of the Cold War fundamentally altered the environment in which the provisions of the Charter operated, paralysing institutions such as the Military Staff Committee and colouring relations between the Secretary-General and the Security Council. The independence of the Secretary-General offered a resource to both the United States and the Soviet Union – if that independence was exercised in line with their preferences, creating high-risk opportunities for the Secretary-General to balance the contending interests of the superpowers. Each Secretary-General lived with the possibility that their efforts to exercise political independence would instead attract the hostility of one of those superpowers.

Despite his unspectacular reputation, the first Secretary-General, Trygve Lie, laid the foundations of the independence of the office. When the Council considered its first case – an Iranian complaint against the continued presence of Soviet troops – Lie presented a legal opinion on the interpretation of the Charter at odds with the dominant view in the Council. While the Council did not accept his views, it accepted his right to present them, providing an early signal of its willingness to afford the Secretary-General a political role perhaps beyond what had originally been contemplated. Lie also played an important, though not uncontroversial, part in attempting to broker a solution over the question of Chinese representation in the Council in 1949–1950, demonstrating the potential utility of the office to the superpowers and the Security Council. Lie went even further when he travelled to the capitals of the “Big Four” to push his own *20-Year Program for Achieving Peace through the United Nations*, which included novel proposals for the international control of nuclear energy.⁸ Although his proposal met with little success, he offered a vision involving the use of the office as a platform for far-ranging strategic management of collective security.

Lie’s downfall, however, was hastened by his support for Council intervention in Korea. After bringing the Korean invasion to the notice of the Council using his Article 99 powers, Lie told the Council it had a “clear

A more sustained effort to distil the saga of the Council’s dealings with Iraq is offered in David M. Malone, *The International Struggle over Iraq: Politics in the UN Security Council 1980–2005* (Oxford: Oxford University Press, 2006).

⁸ See Trygve Lie, *Memorandum of Points for Consideration in the Development of a 20-Year Program for Achieving Peace through the United Nations*, Truman Library, President’s Secretary’s File.

duty” to act against North Korean aggression.⁹ With the Soviets absent from the Council in protest against the presence of the Nationalist Chinese in the Chinese permanent seat, the Council authorized a US-led military intervention against North Korea. In response, the Soviet Union vetoed a resolution in the Council recommending Lie for a second term at the end of 1951. The United States announced it would veto anyone *other* than Lie, leaving the Council unable to nominate a candidate for the post. The General Assembly voted 46 to 5 (the Soviet bloc voting against, with 8 abstentions) to “extend” Lie’s term by three years, but the Soviet Union refused to recognize his authority after the expiration of his first term, claiming that there was no legal basis for the General Assembly resolution. Ironically, however, it was not Soviet opposition to his ties to the United States that resulted in Lie’s resignation in November 1952, but rather US opposition to alleged communist infiltration of the United Nations, after Senator Joseph McCarthy accused Lie of hiring “disloyal” US citizens. At both turns, Lie learned the hard truth that a Secretary-General’s effectiveness – and even, in the extreme case, his tenure – depends on good relations with the permanent members of the Security Council.

Dag Hammarskjöld further enlarged the scope of action enjoyed by those in the office, particularly through his negotiation of the release of seventeen US airmen from Communist Chinese custody in 1955. This episode established the so-called “Peking Formula” allowing the Secretary-General a free hand in the implementation of a peace and security mandate, once called in by a political organ.¹⁰ It also paved the way for the establishment of the UN Emergency Force (UNEF) in response to the Suez Crisis in 1956. The Security Council met to discuss Israel’s invasion of the Sinai and British and French occupation of the Suez Canal Zone, but was unable to adopt a decision because of British and French vetoes. In response, the General Assembly, acting under the “Uniting for Peace” resolution adopted during the earlier Korean crisis, requested Hammarskjöld to submit a plan within forty-eight hours “to secure and supervise the cessation of hostilities” after British, French, and Israeli military action to seize control of the Suez Canal.¹¹ Setting a pattern of creative use of limited resources – particularly military resources – Hammarskjöld, in partnership with General Assembly President Lester Pearson, secured the creation of UNEF. UNEF effectively resolved the

⁹ See Trygve Lie, *In the Cause of Peace: Seven Years with the United Nations* (New York: Macmillan, 1954), pp. 323–333.

¹⁰ See Brian E. Urquhart, *Hammarskjöld* (New York: Knopf, 1972), pp. 100–105; see also Urquhart’s chapter 1 in this volume. ¹¹ GA Res. 998 (ES-I) (4 November 1956).

crisis and created the template for “Chapter VI½” peacekeeping, which served the United Nations well into the 1990s. Despite British and French chagrin at Hammarskjöld’s role in their humiliation, they were not prepared to veto the reappointment to office in 1957 of a figure of genuine world stature (with crucial support in Washington).

Hammarskjöld was self-conscious about the need to read between the lines of the Charter, and address the vacuum left by Security Council inaction. On reappointment, he told the General Assembly that

it is in keeping with the philosophy of the Charter that the secretary-general be expected to act . . . without . . . guidance [from the main UN organs], should this appear to him necessary in order to help in filling a vacuum that may appear in the systems which the Charter and traditional diplomacy provide for the safeguarding of peace and security.¹²

Hammarskjöld’s declaration provided a recognition that the Secretary-General offered a unique possibility for navigating the bipolar tensions that constantly threatened to paralyse collective action during the Cold War. Following that approach, when the Council failed because of super-power rivalry to approve a resolution mandating stronger intervention in the Jordan–Lebanon crisis of 1958, Hammarskjöld announced that he would nevertheless increase the number of UN troops on his own initiative, and “accept the consequences”.¹³

Hammarskjöld’s creativity and activism came at a price. He lost support in the United States over his attempts to prevent McCarthyism undermining the Secretariat in the early 1950s, and again for his firm rejection of US actions in Guatemala in 1954 – though he won back much of this support with his Peking success in 1955. After riling the British and French over the Suez Canal, French resentment grew even greater after his involvement in a French clash with newly independent Tunisia over Bizerte (see chapter 1 in this volume).¹⁴ It was in Moscow that tolerance for Hammarskjöld’s creativity ultimately caused most tension.

Hammarskjöld collided with the limits of Moscow’s tolerance in his handling of the crisis in Congo. He used Article 99 to draw matters in the Congo to the Council’s attention; in resolution 143 the Council gave Hammarskjöld the green light to send a peacekeeping force.

¹² GAOR, 825th meeting, 11 June 1958, para. 86.

¹³ SCOR, 837th meeting, 22 July 1958, p. 4.

¹⁴ Brian E. Urquhart, “The Role of the Secretary-General”, in Charles William Maynes and Richard S. Williamson (eds.), *US Foreign Policy and the United Nations System* (New York: W.W. Norton, 1996), p. 220.

Hammar skjöld established close control of the operation, repeatedly returning to the Council for supporting resolutions. But the Soviet Union soon decided that he was excessively favouring US interests. Recalling Soviet hostility to Lie, Soviet Chairman Nikita Khrushchev publicly accused Hammar skjöld at the 1960 General Assembly of “doing the dirty work” of the West in the Congo.¹⁵ The Soviet Union called for the replacement of the Secretary-General by a troika, with one representative for the Western states, one for the socialist states, and one for the non-aligned states.¹⁶ Khrushchev meanwhile promised Hammar skjöld a particularly uncomfortable redundancy package:

If [the Secretary-General] himself cannot muster the courage to resign, in, let us say, a chivalrous way, we shall . . . ensure the Secretary-General will be taken and conveyed in a cart, wearing nothing but a shirt, holding a torch of burning wax weighing two pounds; then taken, in the said cart, to the Trusteeship Council, where, on a scaffold that will be erected there, the flesh will be torn from his breasts, arms, thighs and calves with red-hot pincers, burnt with sulphur, and, [into the wounds] poured molten lead, boiling oil, burning resin, wax and sulphur melted together and then his body drawn and quartered by four horses, and his limbs and body consumed by fire, reduced to ashes and his ashes thrown to the winds.¹⁷

Hammar skjöld was defiant, declaring that “I would rather see the office of Secretary-General destroyed through strict adherence to the principle of independence and impartiality, than drift on the basis of compromise.”¹⁸ The matter became moot when he was killed in a plane crash while flying to meet Katanga secessionists in Northern Rhodesia the following year.

After Hammar skjöld’s untimely death, his successor, U Thant, adopted a more low-key approach, focusing on the resolution of more localized disputes where superpower interests were not so clearly at loggerheads. In part, this may have been because his initial appointment as Acting Secretary-General was conditioned upon his acceptance of eight principal advisers representing various regions and ideologies.¹⁹

Thant’s tenure continued the development of the Secretary-General’s “good offices”,²⁰ built on a broad interpretation of Article 99. He began

¹⁵ GAOR, 869th meeting, 23 September 1960, paras. 141–142.

¹⁶ GAOR, 882nd meeting, 3 October 1960, para. 40. See chapter 1 by Brian E. Urquhart in this volume. ¹⁷ GAOR, 882nd meeting, 3 October 1960, para. 30.

¹⁸ GAOR, 871st meeting, 26 September 1960, para. 9.

¹⁹ See Howard H. Lentner, “The Political Responsibility and Accountability of the United Nations Secretary-General”, *Journal of Politics*, vol. 27, no. 4 (1965), p. 841.

²⁰ See chapter 5 by Teresa Whitfield in this volume.

by building on the initial work of Hammarskjöld in assisting the resolution of a Thai–Cambodian border dispute. He brokered a peaceful, but subsequently much criticized, solution to the dispute between Indonesia and the Netherlands over West New Guinea, involving a referendum on the future of the territory. His most notable good offices success came through Ralph Bunche’s quiet resolution of the question of Bahrain’s independence, an initiative undertaken without a specific Council mandate, but later approved by it.²¹ A divided Council acquiesced in his establishment of an observer force in Yemen. At first less successful in inducing the Council to resolve conflicts on the Indian subcontinent, Thant’s shuttle diplomacy in 1965 played a key role in bringing about the resumption of normal relations between Pakistan and India through Soviet mediation.²² His good offices also formed an integral part of the settlement negotiated by Cyrus Vance (for the United States) and José Rolz-Bennett (for the Secretary-General) in Cyprus in 1967, though that failed to produce any lasting resolution – the dispute remains on the Council’s agenda today. Perhaps the clearest example of his use of the office to mitigate superpower rivalries came with his intervention in the Cuban Missile Crisis to encourage talks between the superpowers. This met with a favourable response from both London and Moscow; their UN representatives later signed an unprecedented joint letter to thank him for his efforts.²³

But Thant’s successes were overshadowed by his swift – and much criticized – decision to remove UNEF from the Suez/Sinai at Egyptian request, without formal approval from the General Assembly or Security Council. When the Six Day War followed, Thant was accused of “poltroonery”, and of being variously “a thief in the night” and a “wet noodle”.²⁴ His secret attempts to broker negotiations between Washington and Hanoi during the Vietnam War were ultimately rejected by the Johnson Administration, giving him reduced traction in Washington.²⁵

Thant’s successor, the Austrian Waldheim, was even more circumspect in striking an independent position on peace and security issues. He rarely intervened in disputes within the Council, and consequently had

²¹ See Erik Jensen, “The Secretary-General’s Use of Good Offices and the Question of Bahrain”, *Millennium*, vol. 14, no. 3 (1985), pp. 335–348.

²² Brian E. Urquhart, *A Life in Peace and War* (New York: Harper & Row, 1987), pp. 202–207.

²³ Ramses Nassif, *U Thant in New York, 1961–1971: A Portrait of the Third UN Secretary-General* (London: C. Hurst & Co., 1988), chapter 3.

²⁴ Quoted in Urquhart, *A Life*, p. 213.

²⁵ See US Department of State, *Foreign Relations of the United States 1964–1968*, vol. III, Vietnam, June–December 1965.

the support of all permanent members, except China, for a third term. Revelations after he left office that Waldheim had misrepresented his military service during the Second World War served to underline the laxity of the Security Council in vetting candidates for appointment, doing little to enhance the authority of the office.

There were, however, a number of important innovations during Waldheim's tenure. Against the wishes of many member states, Waldheim placed the issue of terrorism on the agenda of the General Assembly in September 1972 – the first time a Secretary-General had taken such a step. Waldheim also attempted to mediate between warring parties in a number of disputes: Cyprus, Vietnam, India–Pakistan, the two Yemens, the Arab–Israeli dispute, the Soviet invasion of Afghanistan, and the Iran–Iraq War. When Iraq invaded Iran in 1980, Waldheim swiftly called for Security Council consultations, while simultaneously offering his good offices. But the Council, briefed by Waldheim, offered only a weak statement endorsing the Secretary-General's position; the reaction was described by Cameron Hume, himself a serving senior member of the US Foreign Service, as “exceptionally limp”.²⁶ In the absence of an alignment of political interests, the Secretary-General had limited ability to prompt the Council to action.

Waldheim's successor, Pérez de Cuéllar, demonstrated in his deft handling of the Iran–Iraq case how a Secretary-General might, over time, help to develop that very alignment of political interests.²⁷ Pérez de Cuéllar was something of a compromise candidate for the position. The United States and China exchanged vetoes of their favoured candidates (Waldheim and Salim A. Salim of Tanzania) until the President of the Security Council at the time, Olara Otunnu of Uganda, asked informally which candidates on a slate the permanent members would not veto. Pérez de Cuéllar was the only candidate acceptable to all delegations, and was quickly appointed.

Without seeking or obtaining any explicit support from the Security Council, the new Secretary-General reappointed a Personal Representative, former Swedish Prime Minister Olof Palme, to help nudge

²⁶ Cameron R. Hume, *The United Nations, Iran and Iraq: How Peacemaking Changed* (Bloomington, IN: Indiana University Press, 1994), p. 38.

²⁷ Although his attempts to bring the parties to the negotiating table were not immediately successful, Pérez de Cuéllar's efforts influenced the organization of the Madrid conference in October 1991. His strategy for Central America also proved relevant: see Marrack Goulding, “The UN Secretary-General”, in David M. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (Boulder, CO: Lynne Rienner, 2004), pp. 273–274.

Iran and Iraq toward compromise. The activities of such high-level mediators sometimes created no more than the illusion of diplomatic movement. But Palme, an energetic and acute operator (later assassinated in his own country when re-elected as Prime Minister), engaged actively with both parties. Despite quickly concluding that the situation was not "ripe" for settlement, Palme had laid the groundwork for more proactive intervention by the Secretary-General at a later date.²⁸ In 1983 Iran appealed repeatedly to the Security Council to investigate Iraqi use of chemical weapons in the conflict. The Council eventually established an investigatory team whose report assiduously avoided assigning blame.²⁹ Perhaps in response, when allegations of abuses in the conduct of conventional warfare arose the next year, both Iran and Iraq turned not to the Council, but to the Secretary-General. Pérez de Cuéllar agreed to establish an investigatory team, both on the grounds of humanitarian concern and because he sensed that with such teams in place "it might be feasible to construct a basis for dialog between the two countries and, possibly, to persuade Iran to restore contact with the Security Council."³⁰

In 1987, shortly after his reappointment, Pérez de Cuéllar challenged the permanent members of the Council to cooperate with each other to promote a settlement of this deadlocked but spreading crisis.³¹ What was needed, he argued, was a "meeting of the minds".³²

His timing was perfect. The United States was looking for fresh approaches to the conflict, particularly as costs to shipping in the Persian Gulf rose and after the embarrassment of the Iran-Contra affair. The Soviet Union was also open to a new approach, with Mikhail Gorbachev announcing new policies of *glasnost* and *perestroika*: the first hint of the Cold War's thaw. In *Pravda* and *Izvestia* on 17 September 1987, Gorbachev called for "wider use of . . . the institution of UN military observers and UN peace-keeping forces in disengaging the troops of warring sides, observing ceasefires and armistice agreements."³³ This alignment of interests soon led to cooperation by the permanent members, discreetly fostered by Britain, both on the Iran-Iraq dispute and more broadly.

²⁸ Warren Christopher *et al.*, *American Hostages in Iran: The Conduct of a Crisis* (New Haven, CT: Yale University Press, 1985), p. 98. ²⁹ UN Doc. S/16433 (26 March 1984).

³⁰ Javier Pérez de Cuéllar, *Pilgrimage for Peace: A Secretary-General's Memoir* (New York: St. Martin's Press, 1997), p. 137.

³¹ On this episode, see also Goulding, "The UN Secretary-General", p. 273.

³² UN Press Release SG/SM/3956 (13 January 1987).

³³ Mikhail Gorbachev, "Reality and Safeguards for a More Secure World", *Pravda and Izvestia*, 17 September 1987, reprinted as UN Doc. A/42/574-S/19143 (18 September 1987).

The Secretary-General played a similar role in brokering an outcome on Afghanistan. Pérez de Cuéllar had served as Waldheim's Special Representative on Afghanistan following the Soviet invasion. He worked throughout his tenure to forge a multilateral solution to the conflict, eventually brokering a treaty signed on 14 April 1988 by the Soviet Union, the United States, Afghanistan, and Pakistan. The Soviet Union withdrew 115,000 troops in February 1989; although conflict continued within Afghanistan, Pérez de Cuéllar's strategy proved at least a formal success.

A unipolar world: the new “core duty” of smooth cooperation with the United States

The end of the Cold War signalled the rise of a much more proactive and expansive practice within the Security Council. The success of the United States under President George H.W. Bush in assembling an impressive coalition to drive Iraqi troops out of Kuwait under a Chapter VII mandate suggested the possibility of reviving the original concept of the Council as a global watchdog policing a collective security system. Infused with a sense of optimism, the Council mandated an increasingly ambitious set of peacekeeping, peacebuilding, administrative, and legal activities, frequently delegating tasks to the Secretary-General and his staff. At the same time, the political space available to the Secretary-General seemed to expand as the restrictions of bipolarity faded.³⁴

This created new challenges: when the performance of delegated mandates went awry – in Somalia, or in the Oil-for-Food Programme – the Council could easily cast blame on the Secretary-General. Moreover, as the Council's unity frayed over the 1990s, so the difficulty of a Secretary-General satisfying it increased. Within Washington, the Secretary-General's independence came to be viewed not as a potential asset but as an obstacle to the United States using the Council to achieve its preferred foreign policy outcomes.

Already in the ashes of the 1991 Gulf War, Pérez de Cuéllar confronted the decision of the United States and its allies to undertake unilateral military intervention in northern Iraq to protect Kurdish refugees from Saddam Hussein's repressive regime (Operation Provide Comfort). Asked whether a Western military presence could be established under UN authority without Iraqi consent, he replied “No. No. No. We have to

³⁴ Cf. Boutros Boutros-Ghali, “Secrétaire général de l'ONU: grandeurs et servitudes d'un mandat unique”, *Revue générale de droit international public*, vol. 104 (2000), pp. 107–141.

be in touch first of all with the Iraqis.”³⁵ At the same time, though, he seemed prepared to look the other way if Western forces chose to act alone, so long as the United Nations was not asked to use force: “if the countries involved do not require the United Nations flag, then that is quite different.”³⁶ In this way, Pérez de Cuéllar – along with China and Russia – turned a blind eye to Western military action taken without Council authorization, setting a precedent for much Western military unilateralism over the subsequent decade.³⁷

This acquiescence in unilateral enforcement was replicated by Boutros-Ghali, who argued in a letter to Congressional leaders that US bombing of Iraqi military and nuclear facilities in 1993 was justified by a “mandate” from the Security Council to enforce the ceasefire agreement.³⁸ Yet on other issues, Boutros-Ghali pushed back much harder, notably in his characterization of the Council’s focus on Bosnia and Herzegovina as “the rich man’s war”.³⁹ Boutros-Ghali’s relationship with the Council was not improved by his reliance on an intermediary, Chinmaya Gharekhan (a widely respected former Indian Ambassador); a number of member states considered it a signal of his aloof “pharaonic” style.⁴⁰ This was particularly grating given the attention that his predecessor, Pérez de Cuéllar, had paid to cultivating direct relationships with Council members.⁴¹ Others, however, did understand the value of delegating delicate tasks to ultimately dispensable special envoys, in part to insulate the office of the Secretary-General from any fallout.⁴²

Boutros-Ghali’s relations with the Council deteriorated over the course of his tenure. At the first meeting held by the Security Council at

³⁵ James Bone and Robin Oakley, “Secretary-General Clashes with West over Forces for Northern Iraq”, *The Times* (London), 18 April 1991.

³⁶ Leonard Doyle, “West and UN Shamed into Aiding the Kurds”, *Independent* (London), 18 April 1991.

³⁷ See James Cockayne and David M. Malone, “Creeping Unilateralism: How Operation Provide Comfort and the No-Fly Zones in 1991 and 1992 Paved the Way for the Iraq Crisis of 2003”, *Security Dialogue*, vol. 37, no. 1 (2006), p. 123.

³⁸ “Letter to Congressional Leaders Reporting on Iraq’s Compliance with UN SCRs”, *Weekly Compilation of Presidential Documents*, vol. 29 (19 January 1993), p. 67. Boutros-Ghali’s comments suggested that resolution 678, read with resolution 687, gave Security Council members ongoing authorization for the use of force. That was an argument the United States and Britain would make use of on a number of later occasions.

³⁹ Goulding, “The UN Secretary-General”, p. 276.

⁴⁰ See chapter 8 by Adekeye Adebajo in this volume.

⁴¹ Goulding, “The UN Secretary-General”, pp. 275–276.

⁴² See, e.g., Maggie Farley, “UN’s Annan Seeks to Prevent an Assault on Fallouja”, *Los Angeles Times*, 5 November 2004, p. A7.

the level of Heads of State and Government on 31 January 1992, the Council invited the Secretary-General to prepare an “analysis and recommendations on ways of strengthening and making more efficient . . . the capacity of the United Nations for preventive diplomacy, for peacemaking and for peace-keeping”.⁴³ In response, Boutros-Ghali offered *An Agenda for Peace*, which called for a more proactive, assertive approach to peacekeeping, declaring famously that “the time of absolute and exclusive sovereignty has passed”.⁴⁴ Boutros-Ghali’s proposals for increased UN military capacity, financed by levies on international arms sales and air travel, were unsurprisingly met with a lukewarm response in Washington, with some even describing him – not without irony – as the “New Hammarskjöld”.⁴⁵ For a time, however, it seemed that the United States might be prepared to implement many of his notions of a more muscular peacekeeping through the Security Council, as part of its efforts to create a “New World Order”. Boutros-Ghali and the United States cooperated on Somalia, for example, until a disastrous unilateral US military action led to the infamous Black Hawk Down incident in Mogadishu, with the deaths of eighteen US Rangers. Washington unfairly blamed the United Nations; Boutros-Ghali’s efforts to set the record straight enraged the White House.

Worse still, when Boutros-Ghali pressed the Council to intervene in Rwanda just a few months later, the United States resisted strongly, largely because of the negative domestic impact of the Mogadishu incident. Throughout its handling of Rwanda, the Council seemed content to leave a very hot potato in the Secretary-General’s hands, delegating to the Secretariat the task of developing “options” for a military response to the crisis, which it simply ticked off on in a disengaged and disastrously inattentive manner. Such a pattern of passing the buck is not uncommon: a similar approach was taken by the Council to Indonesia’s invasion of East Timor in 1974–1975.⁴⁶

⁴³ Security Council Summit Statement Concerning the Council’s Responsibility in the Maintenance of International Peace and Security, UN Doc. S/23500 (31 January 1992), available at documents.un.org.

⁴⁴ *An Agenda for Peace: Preventive Diplomacy, Peacemaking, and Peace-keeping* (Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992), UN Doc. A/47/277-S/24111 (17 June 1992), available at www.un.org/Docs/SG/agpeace.html, para. 17.

⁴⁵ Stanley Meisler, “Dateline UN: A New Hammarskjöld?”, *Foreign Policy*, no. 98 (Spring 1995), p. 180.

⁴⁶ The Council tasked a reluctant Waldheim with appointing a Special Representative to achieve an Indonesian withdrawal, but provided little political support for the effort: see

By 1995, Boutros-Ghali was forced to issue the *Supplement to An Agenda for Peace*, offering a radically less ambitious framework for developing peace operations.⁴⁷ Yet the damage had been done. At the end of his first term, the United States refused to support him for a second. Washington had tired of Boutros-Ghali's cerebral but autocratic approach to the job, deemed insufficiently sensitive to Washington's requirements. His other displays of independence and his inability to communicate well with the US public and political world were all held against him, and he was branded an "obstacle to reform".⁴⁸ Although ten Security Council members sponsored the resolution nominating Boutros-Ghali for a second term and fourteen voted in favour of it, the United States vetoed the resolution.

Having lost faith in Boutros-Ghali, a political figure in his native Egypt, the United States turned to a UN insider, then head of the Department of Peacekeeping Operations, Kofi Annan. Annan's relationship with the United States was rocky, as Edward C. Luck explains in chapter 11 of this volume. After weathering early differences over the payment of almost \$1 billion in dues owed by the United States to the United Nations, Annan was attacked by political leaders in Washington in 1999 in retaliation for his independent stance over US-Iraqi military confrontation and US intelligence infiltration of UNSCOM, the UN Special Commission tasked with monitoring Iraqi disarmament. This soon evolved into a concerted effort to discredit Annan. The United Nations, never particularly adept at "spin", and Annan himself, notoriously averse to confrontation, were ill-equipped to fight back. In part for these reasons Washington sidelined the United Nations in its handling of the military crisis over Kosovo, although UN operational staff were tasked with key roles in the post-conflict transition.⁴⁹

At the same time, Washington's irritation with Annan and his decision to stand his ground elicited a sympathetic response from the vast majority of other member states, which saw him cleaving to the impartiality

Kjell Skjelsbæk, "The UN Secretary-General and the Mediation of International Disputes", *Journal of Peace Research*, vol. 28, no. 1 (February 1991), pp. 106–107.

⁴⁷ Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, UN Doc. A/50/60-S/1995/1 (3 January 1995).

⁴⁸ For a self-regarding but lucid account of this deteriorating relationship, see Boutros-Ghali's autobiography, Boutros Boutros-Ghali, *Unvanquished: A US–UN Saga* (New York: Random House, 1999).

⁴⁹ Ben Barber, "US Asks UN to Implement, Not Broker, Peace Deal", *Washington Times*, 14 May 1999.

that lies at the heart of his functions. The pattern of the United States versus the rest was repeated once more. Support for Annan was significant, propelling Annan and the organization to the Nobel Peace Prize a year later. That upswing in Annan's fortunes, accompanied as it was by a thaw in relations with Washington (perhaps in part for his generally supportive position when confronted with the aftermath of the Kosovo intervention), won him an early reappointment in 2001.

It was a temporary respite. Annan's assertive opposition to US and British action against Iraq in 2003 without Security Council authorization was soon followed by attacks over Annan's management of the Oil-for-Food Programme and efforts to embarrass him through allegations against his son, Kojo.⁵⁰ A temporary respite came in early 2004, when the White House turned to Annan's representative in Iraq, Lakhdar Brahimi, for help in local political management, but faded later in the year when Annan described US and British military action against Saddam Hussein as "illegal".⁵¹ "We're beyond anger", a senior US official stated.⁵² While Colin Powell, the departing US Secretary of State, strongly endorsed Annan's record overall, the Administration as a whole equivocated for a time over calls in the United States for Annan's resignation. Annan moved to patch up relations with the United States in late 2005 and early 2006, notably mandating his new pinch-hitter, Mark Malloch Brown, to work more directly with US Congressional figures. The *Financial Times* echoed much of the world's media, editorializing that "the witch-hunt against Kofi Annan and the United Nations over the oil-for-food scandal is, quite simply, a scandal all on its own."⁵³

In commenting on Boutros-Ghali's autobiography, State Department Spokesman James P. Rubin stated that he had neglected a Secretary-General's core duty: "smooth cooperation with the United States".⁵⁴ At the time, it seemed fair to suppose Rubin's comment was made tongue-in-cheek; today, that would be far from clear.

While it is perfectly legitimate for Washington to press the incumbent to support US policy (other countries do the same), the Secretary-General needs to maintain substantive integrity in order to command

⁵⁰ Editorial, "The Verdict on Kofi Annan", *New York Times*, 30 March 2005.

⁵¹ Kofi Annan, interview with Owen Bennett-Jones, *BBC World Service*, 16 September 2004, news.bbc.co.uk/1/hi/world/middle_east/3661640.stm.

⁵² Warren Hoge, "US and UN Are Once Again the Odd Couple Over Iraq", *New York Times*, 14 November 2004.

⁵³ Editorial, "Destroying the UN: US Should Worry About the Witch-Hunt Against Kofi Annan", *Financial Times*, 4 December 2004.

⁵⁴ Hubert B. Herring, "Diplomacy and Betrayal", *New York Times*, 31 May 1999.

respect among the membership as a whole. Hammarskjöld's stature derived from exactly such independence and impartiality. Standing his or her ground is all a Secretary-General can do. He or she cannot be seen to be attacking member states, particularly powerful ones, too pointedly, even when the facts would support such an attack. The Secretary-General jousts with Washington (when unavoidable) with one hand tied behind his back. Still, as Annan's shift of strategy in early 2005 – moving to engage constructively with Congress and other US interlocutors – suggested, there may be an emerging recognition at the United Nations that the support of the overwhelming majority of member states cannot substitute for a constructive working relationship with today's supreme power.

A new type of bipolarity at the United Nations?

The challenge for the Secretary-General in dealing with the Security Council has always been to maintain credibility with member states even when confronting some of them; this requires obtaining cooperation without offering collusion. In the current political climate, that challenge is perhaps as great as it has ever been. The Secretary-General must find a way to work with Western states rattled by terrorism and other security challenges, such as nuclear proliferation, and with developing countries organized at the United Nations under the umbrellas of the G-77 and the NAM, mostly preoccupied with securing a higher priority for development issues.⁵⁵

In the wake of the Security Council's deadlock over Iraq and the revelations of the Volcker Inquiry into the Iraq Oil-for-Food Programme, Annan championed a UN reform agenda calling for greater attention to peacebuilding, human rights, the humanitarian imperative, and a UN management overhaul.⁵⁶ But with G-77 and NAM resentment of Security Council activism provoking concern that greater responsibility and accountability for the Secretary-General could lead to a dilution of the General Assembly's control over UN activities and programmes, reform discussions faltered. The traditionally consensual pattern of Assembly decision-making on budget and management issues frayed, with unpredictable and possibly ominous consequences.⁵⁷ On 28 April 2006 the Assembly divided over whether to proceed with management reforms

⁵⁵ See chapter 8 by Adekeye Adebajo in this volume.

⁵⁶ See especially *In Larger Freedom: Towards Development, Security, and Human Rights for All*, UN Doc. A/59/2005 (21 March 2005), available at www.un.org/largerfreedom.

⁵⁷ See Editorial, "Making the UN Work", *New York Times*, 25 April 2006.

considered critical by the largest donor states, but opposed by much (though not all) of the G-77 and China.⁵⁸

As G-77 resistance to Annan's management reform proposals in 2006 demonstrated, a new strain of scepticism of and resistance to US power has emerged at the United Nations. This may entrench a new form of "bipolarity", pitting these forces against each other, with the Security Council and the General Assembly acting out the conflict as proxies. Brian E. Urquhart recognized a decade ago that "the secretary-general often finds himself faced with the necessity of taking actions . . . that will be disliked or contested by one government or another, as he is compelled to make practical interpretations of the Delphic utterances of the inter-governmental organ concerned – most often the Security Council."⁵⁹

Tension between these two power bases is likely to be even stronger where the Secretary-General is charged with implementing decisions of the Security Council made under Chapter VII of the Charter – as has increasingly been the case in recent years. Protests at the Council's efforts to "legislate" for all of the UN membership, such as in the various resolutions on terrorism, are often accompanied by claims that the General Assembly presents a more universal and therefore more legitimate forum for collective action. While Annan tried hard to stay aloof from this dynamic, his own reform proposals ran aground upon it.

These tensions recall earlier flare-ups that risked making the Secretary-General hostage to disputes between member states. In October 1990, the NAM sought to head off any authorization of the use of force against Iraq by asking for the Secretary-General to play a mediating role in the crisis. While the permanent members accommodated this initiative in resolution 674 (1990), several of them perceived this NAM effort as a direct challenge to the leadership of the permanent members within the Council.

Actual responsibility of the Secretary-General for management failures and policy mistakes is not always easy to distinguish from convenient scapegoating of the incumbent by member states unwilling to assume their own responsibilities. Thus, while Annan and his Secretariat team certainly deserved much of the criticism heaped on them by the Volcker Inquiry, considerably less attention was paid to the at least equally scandalous failures of oversight of the Oil-for-Food Programme by the Security Council and its "661 Committee".⁶⁰ Consequently, Annan

⁵⁸ GA Res. 60/253 (28 April 2006).

⁵⁹ Urquhart, "The Role of the Secretary-General", p. 214.

⁶⁰ A notable exception is James Traub, "Off Target", *The New Republic*, vol. 232, no. 6 (2005).

himself took much of the fire.⁶¹ The Oil-for-Food scandal points to “an unclear demarcation of roles and responsibilities between the Council, the 661 Committee (overseeing the programme) and the Secretariat”.⁶² Such failures to cooperate are all the more problematic at a time of tension between the Council and the General Assembly.

The Secretary-General needs to do more than pursue management reform along the lines initiated by Annan; what is required is a transformation of the culture throughout the organization. The Secretary-General sets the tone of that management, with its political tenor being determined by the relationship with the Security Council. Without the necessary cooperation of the permanent members, little of consequence can be achieved. At the same time, as the tasks with which the Security Council charges the operational arms of the UN family become more complex, the Secretary-General in turn needs an effective, responsible administration.

Responsibility for healthy relations thus lies also with the Council. The vicious personal attacks of recent times mounted on international public servants of undoubted integrity – Annan, weapons inspectors Hans Blix and Mohamed ElBaradei, for example – are embarrassingly similar to the campaign of intimidation mounted by Khrushchev against Hammarskjöld almost half a century ago. Nothing more undermines the effectiveness and legitimacy of international public servants caught between contradictory positions of parties to conflict, member states, international staffs, civil society, and commentators. More civility would better serve the United Nations and also allow it to attract a high calibre of personnel, today by no means a given.

For the Secretary-General, little can be more important than active cooperation and support from and with the Security Council, in particular the permanent members, and above all, of course, Washington. The permanent members themselves also need to demonstrate more sensitivity to sentiment among non-Council members. Without improvement in these areas, the many things asked of a Secretary-General – as institutional leader, moral beacon, global norm innovator, and *über*-mediator – are next to impossible. And bereft of a credible Secretary-General, the United Nations can only drift into decline and growing irrelevance as member states squabble.

⁶¹ Most infamous was Norm Coleman, “Kofi Annan Must Go”, *Wall Street Journal*, 1 December 2004.

⁶² “Annan Stresses ‘Vital Importance’ of UN Reforms in Wake of Oil-for-Food Report”, *UN News Service*, 8 September 2005.

Good offices and “groups of friends”

TERESA WHITFIELD

The peacemaking function of the Secretary-General is conducted both in fulfilment of mandates entrusted to him by the Security Council – the “unstable and uneasy” relationship analysed by James Cockayne and David M. Malone in chapter 4 of this volume – and action outside such mandates, in the somewhat nebulous territory of “good offices”. This chapter explores an important means by which the Secretary-General may enhance his or her ability to influence the resolution of conflicts: the creation of informal and issue-specific small coalitions of states known as “groups of friends”.

The interaction with groups of friends highlights, as do other chapters in this volume, the tension between the fragile independence of the Secretary-General and the interests of the UN member states. Success has come when the Secretary-General has been able to engage the support, political leverage, and resources of friends behind a sustained peace effort. But it is not guaranteed. As an auxiliary device, a group of friends will not be able to overcome underlying conditions adverse to the resolution of a conflict; and in situations in which the interests of the states involved prioritize other issues – such as their own influence in a conflict environment or the bottom line of one or other of the conflict parties – over a settlement, their involvement may complicate rather than facilitate the Secretary-General’s diplomacy.

Like other work the author has published on the subject of friends – “Groups of Friends”, in David M. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (Boulder, CO: Lynne Rienner, 2004), pp. 311–324 and “A Crowded Field: Groups of Friends, the United Nations and the Resolution of Conflict”, an Occasional Paper of the Center on International Cooperation: Studies in Security Cooperation (Volume I), New York University, June 2005 – this chapter draws on work in progress for a forthcoming book, *Friends Indeed? The United Nations, Groups of Friends, and the Resolution of Conflict* (Washington, DC: United States Institute of Peace Press, 2007).

Good offices, means, and resources

The concept of good offices is not itself mentioned in the UN Charter. It is, perhaps, implied within Article 33(1), which lists "other peaceful means of their own choice" among measures available to states to achieve the peaceful settlement of disputes, especially if read in conjunction with Article 99, which gives the Secretary-General a measure of discretion in areas of peace and security. As the phrase has come to be used within the United Nations, it can, however, very helpfully mean almost anything. A Secretary-General can undertake good offices with or without a specific mandate, on the basis of the moral authority he derives from the Charter and with the somewhat ephemeral legitimacy of the United Nations behind him. His public advocacy may bring attention to neglected conflicts and crises; his quiet diplomacy may breach differences between conflicting parties and build consensus among external actors on a path forward. While he may represent a powerful voice when acting with the support of a united Security Council, however, he is otherwise left to work, as Kofi Annan put it in 1999, "only with tools of his own making".¹

Commanding none of the obvious sources of leverage represented by military force or ready access to financial resources, successive Secretaries-General have relied instead on two principal sets of "tools": senior officials designated to act as their envoys or representatives, and states motivated to provide backing and encouragement to their efforts. The advantages of the former are obvious: trusted officials acting on behalf of the Secretary-General can be charged with tasks that vary from the conveying of a targeted message to full-fledged negotiation or the management of a complex peace operation. The use of such officials enables the United Nations to project its diplomacy across the globe while simultaneously providing a degree of protection of the authority vested in the person and office of the Secretary-General. But without the implicit or explicit support of the latter a Secretary-General and those who act on his behalf will be able to achieve little.

The use of groups, rather than well-disposed individual states or friendly ambassadors, as a deliberate "resource" to strengthen the Secretary-General's weak hand can be traced back to Dag Hammarskjöld's use of advisory committees to support him in the creation and management of

¹ Kofi Annan, Address to the Council on Foreign Relations, UN Press Release SG/SM/6865 (19 January 1999).

the first peacekeeping operations.² Such committees were put in place for both the United Nations Emergency Force (UNEF), established in 1956 to help stabilize the situation in the wake of the Suez Crisis, and the much larger and more complex United Nations Operation in the Congo (ONUC). They represented a deliberate effort by Hammarskjöld to gather like-minded states around him to improve his ability to steer controversial operations through the General Assembly, in the case of UNEF, and the Cold War rivalries in the Council over the Congo. But unlike the groups of friends developed in the 1990s, created to support the Secretary-General's peacemaking, the creation of the advisory committees included consultation with the General Assembly and Security Council and, in the case of UNEF, was mandated by a resolution.³ They were, moreover, made up of troop contributors to the operations rather than states selected for their political or other leverage over a particular issue; in addition, although their meetings were private, records of the meetings were kept, circulated, and – perhaps inevitably – leaked to the parties concerned.

Groups of states to support the Secretary-General's good offices and peacemaking occurred more frequently following the end of the Cold War, when cooperation between Russia and the United States allowed the five permanent members of the Security Council to act on the basis of consensus. This facilitated the work of the United Nations in helping to bring an end to conflicts in southern Africa, south-east Asia, and Central America, but also removed barriers to other configurations of states, evident in the proliferation of groups of all kind. These took shape as friends "of the Secretary-General", friends of particular conflicts or peace processes, as well as in a variety of "core" and "contact" groups. Indeed, as many different actors – other international and regional organizations, individual states, ad hoc groups, and NGOs – became involved in conflict management, a central challenge for the Secretary-General became accommodating the United Nations to the varying demands that were made of it. This put greater emphasis than ever on the personal diplomacy of the Secretary-General. It also led to the emergence of new roles for the Secretary-General and his officials and new relationships to the wide variety of group mechanisms with which they were faced.

² See Hammarskjöld's discussion of permanent missions and the advisory committees as "means and resources": Dag Hammarskjöld, "The International Civil Servant in Law and in Fact (Lecture Delivered to Congregation at Oxford University, 30 May 1961)", in Wilder Foote (ed.), *Servant of Peace: A Selection of the Speeches and Statements of Dag Hammarskjöld, Secretary-General of the United Nations 1953–1961* (New York: Harper & Row, 1962), pp. 346–347. ³ See, e.g., UN Doc. A/1001 (7 November 1956).

Friends of the Secretary-General: early days

The first “friends” of the Secretary-General to use the name, those formed for El Salvador, emerged as a brainchild of Secretary-General Javier Pérez de Cuéllar’s personal representative, Alvaro de Soto, in part as a means to maintain the engagement of countries (Colombia, Mexico, Spain, and Venezuela) that were like-minded in their concern to reach a negotiated settlement of the conflict but had no direct stake in its outcome. Each had a history of engagement in attempts to end the conflict – the three Latin American states within the context of the Contadora Group, established by foreign ministers from these countries and Panama in 1983 – and good contacts with the conflict parties. Nevertheless, all were inclined to favour a leading role for the United Nations. Pérez de Cuéllar was directly involved at key moments of negotiations that ran from 1990–1992 and found support and encouragement from the friends at the head of state level, as well as from their ambassadors in New York. The friends themselves, meanwhile, developed relationships of solidarity and even complicity with de Soto that helped ensure their commitment to the process.⁴

The El Salvador group exemplified the functional benefits that can be derived from a group of friends. It brought leverage over the parties to the Secretary-General and his representatives; legitimacy to a privileged involvement in the peace process to the friends themselves; a measure of equilibrium to the parties to the conflict (the Salvadoran insurgents saw in the friends a counterweight to a US-dominated Security Council while the government came to appreciate the friends as a “cushion” between itself and the UN Secretariat); and coordination, resources, and informal guarantees to the process as a whole.⁵ During implementation of the agreements reached in early 1992 the involvement of the friends – now reconstituted as a group of “four plus one” to include the United States – ranged from the provision of security to guerrilla leaders and diplomatic support to successive heads of the United Nations mission in El Salvador, to the funding of peace-related programmes and the management of the issue of El Salvador within the Security Council and General Assembly.

⁴ Alvaro de Soto, “Ending Violent Conflict in El Salvador”, in Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (eds.), *Herding Cats: Multiparty Mediation in a Complex World* (Washington, DC: United States Institute of Peace Press, 1999).

⁵ See Michael Doyle, “War Making, Peace Making and the United Nations”, in Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (eds.), *Turbulent Peace: The Challenges of Managing International Conflict* (Washington, DC: United States Institute of Peace Press, 2001), p. 541.

Quite properly, the contribution made by the friends to the peace process in El Salvador was formally acknowledged by Kofi Annan as he closed the door on verification of the agreements in December 2002.⁶

The success of the group of friends in El Salvador and the utility of core groups of ambassadors in the implementation of peace agreements in Cambodia and Mozambique led to the mechanism's rapid multiplication. Between 1992 and 1995 groups of friends were mobilized in Haiti, Georgia, Western Sahara, Guatemala, and Tajikistan.⁷ With the exception of the group on Tajikistan, the groups were – as in El Salvador – small in number (four–six), and both closed and informal in their working practices. They met variously in New York, their members' capitals, and in the field, and fulfilled very different functions.

Less auspicious circumstances than those in El Salvador contributed to the mixed performance of these groups, but were not the only factor. The powerful group on Haiti, for example, at first worked closely with the Secretary-General but was dominated, and at times divided, by positions taken by the United States. The Haitian process as a whole failed to sow the seeds of anything resembling a sustainable democracy; over a long engagement the Secretary-General's capacity to provide effective leadership gradually diminished and the group revealed itself to be more effective in influencing the United Nations than it was the authorities in Port-au-Prince. The groups on Guatemala and Tajikistan, formed by the parties and the Secretariat, respectively, were largely positive in the support they provided to the Secretary-General and his representatives and their contribution to the respective peace processes. Other groups formed on the initiative of member states, however, prioritized their own relationship with the parties over the settlement pursued by the Secretary-General. Indeed, positions taken by members of both the friends of Western Sahara and the friends of Georgia actively contributed to the stalemate in which these conflicts remained mired.

In the case of Western Sahara the group of friends was formed to preserve interests of the key external actors in the region: the United States, France, and Spain. Each prioritized their bilateral relations with Morocco and Algeria, which were clearly separate from the goal pursued by the United Nations: the implementation of a referendum to give effect to the population's right to self-determination. Suspicion of the incompatibility

⁶ Report of the Secretary-General, *The Situation in Central America*, UN Doc. A/57/384/Add.1 (17 December 2002).

⁷ Only the Haiti group was constituted as friends "of the Secretary-General" from the outset.

of the two approaches perhaps lay behind Boutros Boutros-Ghali's decision to turn down a suggestion from the United States that the group be constituted as friends "of the Secretary-General".⁸ However, as Boutros-Ghali's own view – made clear to the Security Council in informal consultations in December 1995 – was that he had never believed that a referendum would happen, it is unlikely that the constitution of the friends as "his" would have made much difference.⁹

Meanwhile, progress towards settlement of the conflict between Georgia and Abkhazia was not helped by divisions among the friends. Although the Secretariat worked hard to ensure the utility of the group – in this instance, pushing it to reconstitute itself as friends "of the Secretary-General" for Georgia in 1997 – Western states (Britain, France, Germany, and the United States) were indeed friends of Georgia, staunchly opposed to the aspirations of Abkhaz forces one "friend" would describe as a "repellent secessionist regime".¹⁰ Although Russia itself was both a friend and "facilitator" of the peace process, it was primarily a regional hegemon with complex and abiding interests of its own. These contributed to its role as the protector of Abkhazia and proved largely resistant to the influence of both Boutros-Ghali and Annan.

Among those working closely with the Secretary-General, by the mid-1990s concern had begun to grow that friends' groups had their drawbacks. Frustrated with being "bossed about" by the United States on Haiti, and with friends of Georgia whose interests undermined any hope of impartiality on the conflict in Abkhazia, officials within the Secretariat began to wonder whether, in some instances, groups of friends were not themselves part of the problem. In early 1995, in the *Supplement to An Agenda for Peace*, written with the credibility of the United Nations battered by the failures on Somalia, the Balkans and Rwanda, Boutros-Ghali assumed a headmasterly tone. In establishing such a group, he advised, it is necessary to "maintain a clear understanding of who is responsible for what . . . The members of the 'Friends' group have agreed to support the Secretary-General at his request. If they take initiatives not requested by the Secretary-General there is a risk of duplication or overlapping of efforts which can be exploited by recalcitrant parties."¹¹

⁸ Telephone interview, Edward Walker, 2 August 2004.

⁹ Interview, UN official, 12 November 2002. Boutros-Ghali hoped that the conflict could be resolved through some form of autonomy arrangement. ¹⁰ Interview, 13 May 2003.

¹¹ Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, UN Doc. A/50/60-S/1995/1 (3 January 1995), paras. 83–84.

In many respects, it was a little too late to regain control of the phenomenon that “friends” represented, but the attempt reflected a change in relations between the Secretary-General and the Security Council as well as differences in the personalities of Pérez de Cuéllar and Boutros-Ghali. Caution on the future of friends would find an echo in a suggestion submitted by the departing Under-Secretary-General for Political Affairs, Marrack Goulding to the incoming Secretary-General, Kofi Annan, in 1997. He recommended that a clear distinction be made between friends selected by the Secretary-General and self-appointed contact groups, in effect dropping any pretence that the Secretary-General was “in charge” of the latter mechanism, and with it the idea that the states engaged in it were, in a reliable sense, “friends”.¹² The suggestion was not acted on. But the extraordinary proliferation of peace efforts in the years that followed contributed to the creation of new groups of all kinds.

New challenges, new groups

A natural evolution away from peace processes in which the Secretary-General had a clear lead inevitably led to a move away from groups of “friends of the Secretary-General” as they had been conceived in the early 1990s. In their place came a proliferation of groups, both within the framework of the United Nations and beyond it. Resolution of conflicts during the Cold War had often been helped by the strings that might be pulled by powerful states on the Security Council. But they were followed by a series of conflicts in weak, new states – principally in Africa, the Balkans, and the former Soviet Union – where freedom from the former colonial or metropolitan power unleashed a series of contending forces that the traditional tools of the United Nations were poorly suited to address. These conflicts were characterized by multiple non-state armed actors, many of them undisciplined or criminal in nature; a preponderance of civilian rather than combatant victims; massive movements of refugees and of the internally displaced; increasingly complex (though widely varying) conflict-sustaining economies; the presence of spoilers; and a ready access to weapons of all kinds and particularly small arms.

New groups and mechanisms that sought to respond to the challenges these conflicts represented were established as a result of initiatives taken

¹² Marrack Goulding, Internal Report to the Secretary-General on “Enhancing the United Nations’ Effectiveness in Peace and Security”, June 1997, mimeo.

by the Secretary-General and other UN officials, member states, and even the parties to a conflict themselves. Friends were formed to address conflicts as diverse as Angola and Kosovo, Guinea-Bissau and Iraq. They were joined by core groups, contact groups and troikas, the Quartet on the Middle East, a discreet Quint on Kosovo, and the disappointing "six plus two" on Afghanistan, as well as a slew of monitoring mechanisms established within peace agreements as a means of engaging key external actors in their implementation.

Some groups, particularly those on conflicts high on the international agenda (notably Kosovo and Iraq), remained little more than occasional talking shops, while other, smaller mechanisms were more operationally involved. Collectively, however, the groups formed an important element of the emerging system of global security governance, developing as part of a surge in conflict prevention, conflict management, and post-conflict peacebuilding activities. This was a product of many factors, including a shift in attitude on the part of the developed world towards conflicts in far-flung places and normative changes with respect to the toleration of violence and the abuse of human rights. The popularity of groups of friends, however, also reflected the emergence for some states of conflict resolution as a desirable foreign policy goal in its own right.¹³ A peculiar feature of the groups was that states had little to lose from participation even in an unsuccessful mechanism; for domestic audiences in particular the appearance of making a contribution was almost as significant as actually doing so.

Viewed from the United Nations, the groups' existence highlighted both the operational limitations of the Security Council and its surprising resilience in the face of a world transformed since 1945. The workload of the Council was so heavy, and the composition established by the Charter so evidently unrepresentative, that groups in some cases brought welcome expertise and flexibility to its deliberations. In other instances groups maintained – or were kept at – a greater distance from the decision-making process, either to work more confidentially with the Secretary-General and his representatives, or because their purpose was more generally directed to providing a forum for the engagement of interested states from the region.

¹³ On this point, see Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (New York: Atlantic Monthly Press, 2003), p. 111. On more general post-Cold War conflict trends, Human Security Centre, *Human Security Report 2005: War and Peace in the 21st Century* (New York and Oxford: Oxford University Press, 2005) is an invaluable resource.

The more informal structures could be divided into two broad categories: the ad hoc mechanisms created or encouraged by the Secretary-General and other UN officials directly involved in peacemaking, often as a result of the particular diplomatic style and preferences of the individuals involved, and the multiple groups formed to address conflicts in Africa. The former included low-key and informal structures on Afghanistan, Colombia, Cyprus, East Timor, and Myanmar (Burma) directly informed by the Secretariat's experience with earlier groups in Central America, Haiti, and elsewhere, as well as the complexities of the conditions presented by the situations of deep intractability with which they were now faced. The latter, in contrast, reflected an emerging approach to African peace and security broadly shared within the international community, as its representatives struggled to find in their interventions an appropriate balance between African ownership and international partnership. It was in this context that Annan offered his public encouragement, most notably in the Africa Action Plan adopted in July 2002 by the Group of Eight (G-8) industrialized nations, of the creation of groups as a means of marrying the influence and resources of international actors to the legitimacy and expertise available within the continent.¹⁴

The inability of a number of the African groups not specifically anchored to the implementation of a peace agreement to realize the hopes that were placed in them reflected the complexity of African conflicts themselves, but also fundamental problems underlying the engagement of both neighbouring countries and external actors motivated by their own interests, or lack of them, in the outcome of a given conflict. They also exposed the limits of the Secretary-General's influence in these areas. These problems were exacerbated by the tendency of states to push for inclusion in available mechanisms even under circumstances in which they had little to offer. Neighbouring states might have favoured stability in the country in conflict but, in the absence of stability on their terms, they often opted for increased instability rather than stability on the

¹⁴ This specifically endorsed Annan's proposal to establish "contact groups and other similar mechanisms to work with African countries to resolve specific African conflicts". Africa Action Plan, available at www.g7.utoronto.ca. In 1998 Annan had noted that "The establishment of contact groups of interested countries, whether in the form of groups of 'Friends', or a special conference as in the case of Liberia, can be effective in mobilizing international support for peace efforts": Report of the Secretary-General, *The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*, UN Doc. S/1998/318 (13 April 1998).

terms of others. Under such circumstances they threatened to fulfil roles that were not far distant from spoilers. Meanwhile, donors and other powerful states reacted with caution to the proposition of "be-friending" countries (such as Guinea-Bissau) headed by widely discredited leaders and in which they had no immediate security interests.

The Secretary-General's effort to form a Committee of Friends of Somalia in early 2002 was illustrative of both these points. States from the region, widely considered more "enemy" than "friend" by many Somalis, pressed for inclusion, while the big powers on the Security Council, haunted by the events of the early 1990s and unsure how to engage with a country lacking any of the structures associated with a state, steered well clear of any heavy lifting. Somalia remained friendless, and the Secretariat fell back instead on a large contact group, whose make up closely reflected that of an earlier group of External Actors on Somalia that met periodically in New York.¹⁵

At the same time, it was in recognition of the importance to any peace effort of a united international community that the Secretary-General sought to cultivate international frameworks favourable to peacemaking, even when he had no clear lead of the effort. In the early 2000s Annan and his Personal Representative Terje Rød-Larsen played a central role in the creation and orchestration of the Middle East Quartet, for example, despite the obviously subordinate status of the United Nations, the European Union, and Russia to the United States within the peace process. UN officials also actively encouraged the formation of an international contact group on Liberia that came to be chaired by the Economic Community of West African States (ECOWAS) and the European Union. This played a helpful role in coordinating international pressure to secure the departure of President Charles Taylor in mid-2003 and later expanded its brief to the countries of the Mano River Basin. In some instances, such as southern Sudan, the United Nations was gradually able to engage with an intricate peace process from which the political sensitivities of the conflict parties had excluded it. During a slow opening towards international involvement, the role played by an informal troika of interested states (Britain, Norway, and the United States) in support of a regional mediation led by Kenya was akin to that of a group of friends. Regular communication with the troika during negotiations facilitated the capacity of the United Nations to take up the baton when it launched the UN Mission in Sudan in 2005.

¹⁵ A smaller group of donor states was convened by Norway.

The Secretary-General in the driving seat

Opinions within the Secretariat have been divided as to whether a group of friends should be essentially self-selecting or identified by the Secretary-General. Those with a more proactive view of the potential for friends to serve the purposes of the Secretary-General have preferred a mix of the two that has depended on careful preparation of the terrain, often through numerous meetings with representatives of potential friends, before a group as such is formed. Wariness of too overt a "selection" process, on the other hand, stems from the diplomatic sensitivity associated with the Secretary-General's distinction between those states that may be his "friends" on a particular issue and those that, by implication, are not.

In this respect, the experience of the group of friends of Angola formed in 1999 was a bad one. By that stage Angola had sunk back into full-blown civil war and past failures had eroded the capacity of the United Nations to exercise leverage over either side. The Secretary-General decided to form a group of friends to counter the weight of the troika of Portugal, Russia, and the United States, whose support for the government was perceived to be driving UN policy on Angola. The hope was to exert collective pressure on both the government and the rebel group UNITA (Union for the Total Independence of Angola) to resume the peace process. An uncontrolled process of selection within the Secretariat, however, and an unseemly push for membership by states that had little to offer, allowed the group to grow to nearly twenty members. In this format it met infrequently and achieved little. When the Angola dossier passed to Ibrahim Gambari, then the Secretary-General's Special Adviser on Africa, he took the diplomatically uncomfortable step of culling the group to a somewhat more manageable, if still unwieldy, eleven. (In the end, of course, the limits of the influence of external actors within Angola's conflict were demonstrated by its rapid conclusion after the killing of UNITA's Jonas Savimbi in early 2002.)

A better example of the creation of a group and its capacity to support the Secretary-General on a long-neglected conflict was provided by East Timor. Like Western Sahara, this was a case of botched decolonization that had languished on the UN agenda since the 1970s. The Security Council had condemned the territory's violent annexation by Indonesia in 1975 and then studiously ignored it. Discussions on East Timor between Indonesia and Portugal, chaired by the Secretary-General, began in 1983 and continued, in a somewhat desultory manner, for the next fifteen years.

Their utility was seriously hindered by Indonesia's refusal to countenance any attention to the positions of pro-independence East Timorese, a position rooted in the conviction that a solution would come from concessions made by Portugal. Occasionally the idea of creating of group of friends was raised by one or other member states, but Francesc Vendrell, Director of the Asia and Pacific Division in the Department of Political Affairs for much of the 1990s, always cast it aside, conscious that any configuration of interested states would have been just "a pressure group on Portugal".¹⁶ In early 1999, however, the situation changed dramatically.

During the latter part of 1998, Vendrell had taken to "nagging" representatives of a number of countries to pay more attention to East Timor.¹⁷ Change within Indonesia precipitated by the departure of President Suharto promised movement within the tripartite talks brokered by the United Nations. Exactly how much was not evident until late January 1999, when President B.J. Habibie suddenly announced that if the Timorese rejected a proposed autonomy plan, he would let the territory go. The Secretary-General moved rapidly to ensure unified support from member states, creating a two-tier structure of a large support group, designed to be as inclusive as possible, and a smaller steering committee, or core group. That its members – Australia, Britain, Japan, New Zealand, and the United States – had already been meeting in distinct combinations for several months lent the group the appearance of being self-selecting, belying its careful crafting. Two permanent members of the Security Council were joined by states with a strong regional interest in East Timor's future, prepared to commit a substantial amount of diplomatic capital and resources to the UN effort. The core group met frequently and confidentially with the Secretariat and also conferred in Jakarta and at the capital level.

The core group, like the Secretariat, was unprepared for the violence that followed the popular consultation held in August 1999. Nevertheless, the trust that had developed among its members and strong support from their capitals proved an invaluable asset to Annan, who spearheaded efforts to build consensus for a prompt response to the crisis by the Security Council and to overcome Indonesian reluctance to an intervention. In the months that followed the continuing engagement of the core group would also help sustain support for the territory's transition to the independent state of Timor-Leste in 2002.

¹⁶ Interview, Francesc Vendrell. 16 November 2003.

¹⁷ Interview, Stewart Eldon, 14 November 2002.

Like East Timor, Cyprus had long been on the peacemaking agenda. Indeed it has the dubious distinction of representing the most long-standing good offices assignment with which the Secretary-General is still faced. Over the decades, obstacles have included bitter divisions between the two sides, the support that each received from their respective mother countries, Greece and Turkey, and the reluctance of the United States and other powers to put pressure on either. This hesitation reflected a Cold War preoccupation not to risk divisions on the NATO alliance's southern extremity and, in the post-Cold War period, a degree of resignation to the status quo in Cyprus in the face of more pressing concerns elsewhere. In the absence of credible regional and international engagement, successive Secretaries-General struggled to move the process forward from a stalemate tolerable to the parties towards a solution that would require concessions from both sides on core issues ranging from sovereignty and political equality to territory and security.

Direct talks between Glafcos Clerides (outside the framework of the UN talks recognized as the President of the Republic of Cyprus) and Rauf Denktash, the self-proclaimed President of the Turkish Republic of Northern Cyprus – both wily, British-trained lawyers – were held in 1994 and again in 1997, but little was gained. In the summer of 1999, however, the confluence of a number of different elements raised hopes that more favourable conditions were developing. These included the adoption by the Security Council of a resolution providing clear parameters for negotiation,¹⁸ rapprochement between Greece and Turkey, and the prospect of the enlargement of the European Union by up to ten new members, including Cyprus. Recognizing a moment of unique opportunity, Annan appointed Alvaro de Soto his Special Adviser and embarked on an effort to resolve the long-standing problem of Cyprus of an unprecedented scale.

De Soto's experience of friends' groups in El Salvador and elsewhere had left him keenly aware of the benefits to be gained from the leverage of key interested states, but also of the risks posed by a proliferation of would-be mediators or by a group too formally constituted. As he began to work on Cyprus he viewed the bevy of special envoys – from Australia, Britain, Canada, Finland (then holding the Presidency of the European Union), Germany, Russia, Sweden, and the United States – already in place with some trepidation.¹⁹ He chose not to recommend to the Secretary-General a "group" of friends, as to do so would have involved a large and incoherent structure or potentially damaging exclusion. Instead

¹⁸ SC Res. 1250 (29 June 1999).

¹⁹ Interview, Alvaro de Soto, 12 June 2003.

he worked closely with layers of unspecified "friends of the Secretary-General", as well as with the European Union. These friends, as Annan would acknowledge, provided "advice as well as diplomatic and practical support . . . avoiding the temptation to duplicate or supplant my efforts".²⁰ Britain and the United States were the Secretary-General's closest partners and as such were specifically asked by Annan, as David Hannay, Britain's Special Representative would write, to "respect the UN's independence and impartiality and . . . accept at every stage that the UN was in the lead".²¹ They did this with remarkable consistency, largely because they thought the United Nations offered the only possible chance of a success. That this was thwarted by Greek Cypriot rejection of the UN plan for Cyprus in April 2004 provided a sober reminder of the limits of even a carefully managed process, strongly backed by the coordinated support of powerful states and multilateral actors.

The stark contrast between Cyprus and Colombia demonstrates the extent to which a clearly structured process may affect the potential utility of groups of friends. The Secretary-General's contribution to the peace process pursued by President Andrés Pastrana between 1999 and 2002 – in reality, a series of dialogues and talks, limited almost exclusively to procedural questions and fitfully undertaken through separate channels to the country's two largest guerrilla groups – was constrained by a number of factors. These included the lack a defined mandate and a deep-seated ambivalence among Colombian actors (the government no less than the guerrillas) towards UN involvement. This began in late 1999 when Annan appointed Jan Egeland his Special Adviser for International Assistance to Colombia in response to a request from the Colombian government that specifically precluded the United Nations assuming a "political" role. Although the "discreet facilitation" developed by Egeland, a seasoned Norwegian diplomat with extensive experience of peace processes, was exactly that, his efforts were never able to overcome either the weakness of the process itself or the ambivalence towards it of the United States, the principal international actor in Colombia.

Egeland tried to break the historic isolation of the Colombian guerrillas in order to build confidence among the parties. One of the means by which he sought to do this was through encouragement of the creation of groups of friends. He was motivated in part by his own positive experience

²⁰ Report of the Secretary-General on His Mission of Good Offices in Cyprus, UN Doc. S/2003/398 (1 April 2003), para. 149.

²¹ David Hannay, *Cyprus: The Search for a Solution* (London: I.B. Taurus, 2005), p. 119.

of friends in Guatemala, where the role played by Norway, under his leadership, had been notable. He believed that friends might help persuade the guerrillas of the advantages that interaction with the outside world could bring, while also edging them towards greater respect for humanitarian principles in their conduct of the war. The existence of a group, or groups, could also be helpful as a means to coordinate the interests and initiatives of individual states and strengthen the slowly emerging role of the Secretary-General.²²

In practice, the initiative was one that led to the creation of a variety of different mechanisms that were unable to maintain their coherence. Numerous states with conflicting goals, experience, and expectations of what could be achieved pressed for involvement. The groups suffered from pressure placed on them by the lack of political will among the parties to the conflict, as well as contradictions in the role played by ambassadors accredited to the Colombian government yet somehow professing “friendship” of guerrilla organizations. For a time a group supporting the talks with the smaller of the two insurgencies, the National Liberation Army (ELN), appeared to be making headway; disarray among the facilitators of talks with the larger Revolutionary Armed Forces of Colombia (FARC), however, exemplified the risks of a group that did not know what it was doing interacting with conflict parties who did not know what they wanted from it. The process broke down in early 2002.

The United Nations continued to maintain discreet communication with guerrilla leaders, but the friends of the past had largely fragmented. Instead a number of individual states and other actors undertook initiatives of different kinds. In this confused environment the competition and division among the external actors were exploited by the various parties to the conflict. The Secretary-General’s good offices role became a lightning rod for criticism by the Colombian government and an increasing distraction from the role the United Nations played in the areas of human rights, humanitarian assistance, and development. In early 2005 Annan decided that his offices should be, for the time being, be brought to an end.²³

Towards conclusions

This chapter has argued that, under certain circumstances, a small group of friends or equivalent mechanism may greatly assist the Secretary-General

²² Interview, Jan Egeland, 15 January 2004.

²³ Senior UN Officials Meet with High Level Delegation from Colombia, UN Press Release SG/SM/9688 (25 January 2005).

in the conduct of his good offices by focusing diplomatic efforts and other resources on conflicts to which too little, or too confused, attention is being paid. Groups may reinforce and multiply the limited leverage that the Secretary-General or his or her representative brings to the table, with the involvement of interested states from the region and elsewhere increasing the international credibility of the effort. They can help coordinate action within the Security Council and provide the Secretary-General with assistance of all kinds. Friends may be able to provide information, expertise, and resources with a speed and flexibility that is difficult to achieve within the UN system. While donor coordination will involve a much wider pool of actors than those represented on a group of friends – as is suggested by the country-specific mechanisms proposed for the Peacebuilding Commission – a well informed group of friends may represent an important nucleus of such efforts, improving the strategic coordination of international engagement.

Yet the creation of even an informal group of friends is not without its problems. A Secretary-General may be reluctant to distinguish between states that are friends and those that are not. Individual national interests may not be consistent with the efforts of the Secretary-General and may actually undermine them. In addition, the increasingly crowded arena within which UN peacemaking takes place brings with it problems of its own. Many states press for membership in mechanisms whose efficacy is likely to be undermined by a large and unwieldy structure. The Secretary-General can risk being consumed by the diplomacy of process, rather than engaging more directly with the conflict in question.

A group of friends, like mediation itself, will not be a panacea. It may have potential as an auxiliary device to the Secretary-General's good offices, but it will not on its own create or impose the conditions for peace. Indeed, there will be situations when the mix of states with interests may lead a Secretary-General armed only with the "tools of his own making" to opt for a different one.

The bully pulpit

QUANG TRINH

I have indicated [the war in Iraq] is not in conformity with the UN Charter, from our point of view and from the Charter point of view it was illegal.

Kofi Annan¹

The UN Secretary-General's gratuitous comments were an extraordinarily undiplomatic and inappropriate intervention from a world figure who is supposed to be a neutral servant of the international community.

James Phillips and Nile Gardiner²

Since at least Dag Hammarskjöld's time, the Secretary-General of the United Nations has played an important role in the UN's mission to maintain international peace and security, whether as a result of delegated power or through individual initiative. Chapter 4 by James Cockayne and David M. Malone in this volume examined the activities of all the Secretaries-General in front-line work and behind-the-scenes diplomacy in this sphere. Chapter 5 by Teresa Whitfield in this volume looked more closely at a particular form of diplomacy employed by the Secretary-General: the "group of friends". Without a doubt, *action* has been a large part of the Secretary-General's armoury in helping to maintain international peace and security. But what about *words*? To what extent can and should the Secretary-General make use of the "bully pulpit" of the office in this context?

In the very delicate environment following the US-led invasion of Iraq in March 2003, Kofi Annan's September 2004 pronouncement on the

The author is indebted to Simon Chesterman for his insights and advice on earlier drafts of this chapter.

¹ "Excerpts: Annan Interview", *BBC News*, 16 September 2004, available at news.bbc.co.uk/2/hi/middle_east/3661640.stm.

² James Phillips and Nile Gardiner, "Kofi Annan's Iraq Blunder", WebMemo #567, *The Heritage Foundation*, 17 September 2004, available at www.heritage.org/Research/InternationalOrganizations/wm567.cfm.

legality of the war in Iraq generated a predictably severe reaction from the United States and its allies in the “coalition of the willing”.³ That reaction illustrates the risks inherent in what the Secretary-General chooses to say, particularly in public, about matters of peace and security. In the light of that experience, it was a bold move for the Secretary-General to issue the report entitled *In Larger Freedom*.⁴

Among other things, *In Larger Freedom* presented the Secretary-General’s position on several of the most controversial issues arising from the use of force by states. It drew on principles articulated in the earlier report Annan had commissioned from the High-Level Panel on Threats, Challenges, and Change.⁵ *In Larger Freedom* concluded that: imminent threats are fully covered by Article 51 of the Charter regarding the use of force in self-defence against an armed attack;⁶ genocide, ethnic cleansing, and other such crimes against humanity should be regarded as threats to international peace and security;⁷ and that states must “embrace” the responsibility to protect, which should be acted on when necessary, including enforcement action by the Security Council if necessary.⁸ The report also recommended minimum criteria for the Security Council to adopt for the purposes of authorizing and endorsing the use of military force.⁹

In Larger Freedom was a prelude to the extensive reform agenda considered at the September 2005 World Summit. Some boldness was perhaps necessary to provide momentum for reform. Nevertheless, for the Secretary-General to purport to set the agenda for debate on the use of force is remarkable, given that it is usually the preserve of member states and the representative organs of the United Nations.¹⁰ Yet this was not the first time the Secretary-General had attempted to deal with a case of normative uncertainty: it followed both the comment about the legality of the war in Iraq, and the much earlier, more ambiguous, comments about the NATO bombings of Kosovo during March 1999.

³ “Iraq War Allies Rebuff UN Chief”, *BBC News*, 16 September 2004, available at news.bbc.co.uk/2/hi/middle_east/3661736.stm.

⁴ *In Larger Freedom: Towards Development, Security, and Human Rights for All*, UN Doc. A/59/2005 (21 March 2005), available at www.un.org/largerfreedom.

⁵ *A More Secure World: Our Shared Responsibility* (Report of the High-Level Panel on Threats, Challenges, and Change), UN Doc. A/59/565 (1 December 2004), available at www.un.org/secureworld.

⁶ *In Larger Freedom*, para. 124; cf. High-Level Panel Report, para. 188.

⁷ *In Larger Freedom*, para. 125; cf. High-Level Panel Report, para. 202.

⁸ *In Larger Freedom*, para. 135; cf. High-Level Panel Report, para. 203.

⁹ *In Larger Freedom*, para. 126; cf. High-Level Panel Report, para. 207.

¹⁰ See chapter 10 by James Traub and chapter 11 by Edward C. Luck, both in this volume.

Such pronouncements by the Secretary-General raise questions about the proper role of the office in contributing to the norms governing the use of force by states. It may be true, to some extent, that the Secretary-General holds “a symbolic role, embodying the higher aspirations of the [United Nations] and the world community, speaking as the conscience of the earth when necessary in public recommendations and reports.”¹¹ However, the statements outlined above suggest that, in the sphere of international peace and security, the Secretary-General may be moving beyond symbolism.

This chapter will examine the extent to which the Secretary-General can and should assert a normative role with respect to the use of force by states. It will also examine whether such a role is appropriate given the Secretary-General’s other functions. The first section briefly outlines the Secretary-General’s norm-shaping capabilities, and explores the significance to be attached to what a Secretary-General says. The second section examines the contexts in which a Secretary-General may be required to resolve normative dilemmas. The manner in which such dilemmas have manifested in practice is considered in the third section. As this practice demonstrates, pragmatic and diplomatic constraints limit the role the Secretary-General can play, especially in relation to the use of force by states. Those constraints and the possibilities for action are discussed in the fourth section.

Sound bites

There is no longer any serious question that the Secretary-General is an independent actor within the United Nations system. Chapter 4 in this volume by Cockayne and Malone shows how this issue has largely been settled by, if nothing else, the extensive repertoire of interpretation and practice by the first seven Secretaries-General. The problem that remains is defining the limits of that independence, the subject of part IV in this volume.

Shashi Tharoor’s chapter 2 in this volume noted how the Secretary-General’s public role provides a “platform and a straitjacket”.¹² That public role brings with it various pressures and expectations (some self-driven, some external) for incumbents not only to proclaim agreed truths but also, on occasion, to suggest the direction in which member states

¹¹ Catherine Tinker, “The Changing Role of the United Nations Secretary-General”, *ASIL Proceedings*, vol. 86 (1992), p. 311. ¹² See chapter 2 by Shashi Tharoor in this volume.

need to progress in order to give effect to those truths in the real world. As Ian Johnstone explains in chapter 7, such normative “entrepreneurship” is illustrated in particular by the emergence of the new concept of the “responsibility to protect”.¹³

The drafters of the Charter opted not to give primacy to the interpretation of the Charter by any single organ of the United Nations. Instead, it was recognized at the San Francisco Conference that in “the course of the operations from day to day of the various organs of the Organization, it is inevitable that each organ will interpret such parts of the Charter as are applicable to its particular functions.”¹⁴ The International Court of Justice (ICJ) has affirmed this as the proper approach to interpreting the Charter, noting that “each organ must, in the first place at least, determine its own jurisdiction.”¹⁵ As the head of the Secretariat – one of the principal organs of the United Nations – the Secretary-General’s interpretations of the Charter, including provisions regarding international peace and security, are therefore to be accorded some normative weight. That much is clear in theory.

When the use of force by states is concerned, however, theory is often sacrificed at the altar of practice. Tharoor’s chapter 2 observed that the Secretary-General’s pronouncements on the legality of the military action over Kosovo and in Iraq had even less impact on the conduct of member states than the Pope’s strictures on lay Catholics.¹⁶ But this merely challenges us to question the yardstick by which we assess the effectiveness of the Secretary-General. Shaping global discourse may, in the context of international peace and security, be of tremendous value even if it in fact fails to affect the decision-making of some member states.

Whenever states use force against one another, international law, politics, and morality usually collide in a manner that provokes heated debate about the relevant norms governing the behaviour of states. Almost inevitably, that debate raises questions about the effectiveness of the United Nations and the rules governing the use of force under the Charter. The controversy surrounding the invasion of Iraq in 2003 is therefore far from a new phenomenon. What makes Iraq significant is that the Secretary-General, after being pressed, expressed a clear judgement about the legality of this particular use of force. The Secretary-General’s

¹³ See chapter 7 by Ian Johnstone in this volume.

¹⁴ See *United Nations Conference on International Organization*, vol. 13 (1945), pp. 633–634, 653–654, 709–710, 831–832.

¹⁵ *Certain Expenses of the United Nations (Advisory Opinion)* (1962) ICJ Reports 151, p. 168.

¹⁶ See chapter 2 by Shashi Tharoor in this volume.

reluctance to offer a view – and the firestorm provoked when he finally did so – suggests that both he and the member states attribute significant weight to such pronouncements.

To underline this point, we can compare the emphatic legal assessment regarding Iraq to the Secretary-General's more ambiguous appraisal of NATO's 1999 intervention in Kosovo. In the latter instance, we can discern the Secretary-General's studious avoidance of any easily-quoted, bright-line assessment of legality. Instead, Annan noted of Kosovo that it was "tragic that diplomacy has failed"; stated that "there are times when the use of force may be legitimate in the pursuit of peace"; but affirmed the primary role of the Security Council in maintaining international peace and security and therefore the need for the Security Council to be "involved in any decision to use force."¹⁷ Although there was no explicit statement here regarding the legality of NATO's use of force, one can detect that the conclusion being offered is that the action was not lawful – even if some, perhaps including Annan himself, might have viewed it as legitimate.¹⁸ In such a sensitive area of diplomacy, however, the form of the Secretary-General's statements clearly trumps substance.

Simon Chesterman's Introduction to this volume notes that states tend to be most enthusiastic about the independence of the Secretary-General when his decisions have coincided with their national interests. A notable example of this is the British Foreign and Commonwealth Office's attempt to support its legal justification for the Iraq war by relying on Boutros Boutros-Ghali's appraisal of the US and British attack on Iraq in January 1993. Boutros-Ghali had said: "So, as Secretary-General of the United Nations, I can say that this action was taken and conforms to the resolutions of the Security Council and conforms to the Charter of the United Nations."¹⁹ Britain's use of the Secretary-General's interpretation in such circumstances is arguably self-serving. However, this reliance on the words of the Secretary-General does suggest that member states place some emphasis on what the Secretary-General says.

Finally, the Security Council itself appears to acknowledge that the Secretary-General is in a position to make valid judgements about violations of international law to which attention must be paid. In a 2001 resolution, the Security Council invited the Secretary-General "to refer to

¹⁷ UN Press Release SG/SM/6938 (24 March 1999).

¹⁸ See also chapter 11 by Edward C. Luck in this volume.

¹⁹ Quoted in British Foreign and Commonwealth Office, "Note from the Foreign and Commonwealth Office: Iraq: Legal Basis for the Use of Force", available at www.publications.parliament.uk/pa/cm200203/cmselect/cmfaif/405/3030407.htm, para. 7.

the Council information and analyses from within the United Nations system on cases of serious violations of international law".²⁰

Filling normative vacuums

Javier Pérez de Cuéllar wrote after he left office that the Secretary-General "should have no part in any diplomatic deal or undertaking which ignores the principles of the Charter or relevant pronouncement of the competent organs of the UN."²¹ The two separate strands of Pérez de Cuéllar's neat principle, in isolation from each other, provide self-evident rules of conduct for any Secretary-General: of course the Secretary-General should not ignore the principles of the Charter, and of course he or she should not ignore a relevant pronouncement of the competent organs.

When the two strands of Pérez de Cuéllar's principle are taken together, as a cumulative formula, however, they beg important questions.²² First, what if member states have taken different views on what should be done and the competent organ has made no decision, or only an ambiguous one? Is the Secretary-General entitled to rely on his or her Charter authority and "Charter principles" to take action? Secondly, what if a position taken by a representative organ appears to impede the Secretary-General's functions when he or she has been asked to bring about a settlement or to help maintain order? Does the Secretary-General's international responsibility to bring about the settlement or to help maintain order justify disregarding or subordinating the position taken by the representative organ? And, thirdly, what if the decision of the competent organ is considered by the Secretary-General to be contrary to the Charter? May the Secretary-General disregard that decision and follow the "higher law" of the Charter? These three problems involve the Secretary-General in different forms of conflict with the organ making the decision: potentially encroaching upon the powers of the organ (the first problem), or overriding what a representative organ has decided (the second and third problems).

A fourth type of problem might see the Secretary-General taking sides in disputes over clear violations of the Charter.²³ Must the

²⁰ SC Res. 1366 (30 August 2001), para. 10.

²¹ Javier Pérez de Cuéllar, "The Role of the UN Secretary-General", in Adam Roberts and Benedict Kingsbury (eds.), *United Nations, Divided World: The UN's Roles in International Relations*, 2nd edn. (Oxford: Clarendon Press, 1993), p. 133.

²² A similar set of questions as those that follow were raised in Oscar Schachter, "The International Civil Servant: Neutrality and Responsibility", in Robert S. Jordan (ed.), *Dag Hammarskjöld Revisited* (Durham, NC: Carolina Academic Press, 1983), pp. 41–42.

²³ See Schachter, "The International Civil Servant", p. 42.

Secretary-General refrain from taking stands on disputes between member states even though he or she considers that one or the other of the disputants is clearly violating or has violated the Charter? This problem is similar in nature to the first three in that it requires the Secretary-General to make a decision about whether the office is, indeed, an independent “guardian” of the Charter and obliged to act accordingly.

Given the independence of the Secretary-General, it is an insufficient answer to these questions to say that he or she must do nothing, or must simply defer to the representative organs. Closer consideration is needed. In the case of a normative vacuum, for example, there is no problem until a situation arises that requires the vacuum to be filled so that relevant actors, including the Secretary-General, can be guided by relevant norms. When the vacuum needs to be filled in such circumstances, passivity on the part of the Secretary-General is wholly unrealistic.

Doing nothing when there is a lack of norms may not be an option; inaction may well feed the crisis, as in Kosovo, Rwanda, and Darfur. If the vacuum exists because of vagueness in the directives of a representative organ the problem is even more acute: the Secretary-General technically cannot refrain from acting on even vague directives, given the obligation to act imposed by Article 98 of the Charter.²⁴ Some decision about the meaning of the directives, or the determination of some supplementary principles (for instance, to deal with unforeseen circumstances in a peacekeeping operation), will generally be necessary. Recourse may be had to the relevant representative organ for clarification, but this gives rise to its own problems.

To defer to the representative organs is unlikely to be any advance on the original problem – the very inability to decide that led to the vacuum in the first place.²⁵ Examples abound of the Security Council’s inability to pronounce on matters because of the veto power of the permanent members. The failure to decide in these instances can hardly be treated as any sort of judgement on or precedent for the legality of a particular use of force²⁶ or whether a situation is a threat to the peace.

²⁴ Dag Hammarskjöld, “The International Civil Servant in Law and in Fact (Lecture Delivered to Congregation at Oxford University, 30 May 1961)”, in Wilder Foote (ed.), *Servant of Peace: A Selection of the Speeches and Statements of Dag Hammarskjöld, Secretary-General of the United Nations 1953–1961* (New York: Harper & Row, 1962), p. 346.

²⁵ *Ibid.*, p. 345; see also Schachter, “The International Civil Servant”, p. 47.

²⁶ Cf. China’s view that SC Res. 1244 (10 June 1999) in effect – though not expressly – ratified NATO’s use of force in Kosovo: SCOR (LIV), 4011th meeting, 10 June 1999, p. 9.

The General Assembly is little better. With 192 member states it is almost inevitable that there will be a lack of precision in its pronouncements on relevant principles. Its interpretations of the Charter are often as imprecise as the Charter itself.²⁷ This problem drove Annan to lament that

consensus (often interpreted as requiring unanimity) has become an end in itself [in the General Assembly]. It is sought first within each regional group and then at the level of the whole. This has not proved an effective way of reconciling the interests of Member States. Rather, it prompts the Assembly to retreat into generalities, abandoning any serious effort to take action. Such real debates as there are tend to focus on process rather than substance and many so-called decisions simply reflect the lowest common denominator of widely different opinions.²⁸

In cases of obstruction or illegal decision-making by a representative organ, the position is much more difficult. To do nothing is to allow the representative organ to reshape principles at the expense of the Charter; yet tolerating such an outcome hardly advances the purposes and principles of the United Nations. Unlike the problem of a normative vacuum, however, action taken by the Secretary-General to deal with this type of problem requires direct confrontation with the relevant organ. There are at least two objections to engaging in such a confrontation. First, to the extent that the decision is a directive to the Secretary-General, Article 98 of the Charter would appear to foreclose either a refusal to act or a decision to act contrary to the directive. Second, although there may technically be room for the Secretary-General to move if the decision is not a directive, political reality would prevent such manoeuvring. Pronouncements or action contrary to the decision of the representative organ would place the Secretary-General in an untenable position in relation to the representative organ and would therefore be utterly impractical.

Matters are somewhat different in cases of direct disputes between member states. The Secretary-General cannot be an unwanted judge on the merits in those circumstances, though he or she may certainly be asked to adjudicate in such disputes.²⁹ To act as an unwanted judge is antithetical to the diplomatic functions of the office, as will be discussed below. In matters of international peace and security, the Secretary-General should resort to the diplomatic toolbox and try to defuse a

²⁷ Ian Johnstone, "The Role of the UN Secretary-General: The Power of Persuasion Based on Law", *Global Governance*, vol. 9 (2003), p. 445. ²⁸ In *Larger Freedom*, para. 159.

²⁹ As in the still-unique *Rainbow Warrior* arbitration between France and New Zealand.

dispute behind the scenes. Failure in that mission leaves open a possible referral to the Security Council, under Article 99.

The only situation, then, in which the Secretary-General may realistically assert independent judgement is in the context of a normative vacuum. Indeed, there may well be imperatives for him or her to act in such a situation. If we accept that the Secretary-General may act “politically”, then any argument for him or her to remain passive in the face of a normative vacuum must be founded on some principle other than a simple insistence on neutrality. In the following section, we will see that such countervailing principles do exist.

In practice

The debate over the existence, scope, and efficacy of the prohibition on the use of force and its exceptions is an old one, and cannot be examined here. For present purposes, the question is not so much *what* norms govern the use of force, but *how* the Secretary-General has approached these norms in the recent past. This section will consider forays in normative interpretation on the questions of humanitarian intervention, self-defence, interpretation of Security Council resolutions, and the articulation of criteria for Council authorizations to use force.

Humanitarian intervention is one of the most difficult areas in the jurisprudence on the use of force. In the absence of Security Council authorization, there is considerable uncertainty regarding the rules that should govern use of force for humanitarian purposes. Is it illegal? Is it illegal but “legitimate”,³⁰ whatever that may mean? Is it, in fact, lawful? Given the intersection between use of force principles and the moral and legal imperative to protect human rights, it is hard to conceive of an area of international law that has a greater demand for coherence.

As noted earlier, the Secretary-General’s comments regarding the 1999 NATO bombings in Kosovo were studiously ambivalent, though a clear implication was that he regarded the action as inconsistent with the Charter. It cannot be denied, however, that where there is an occurrence – or, perhaps, the risk – of genocide, ethnic cleansing, or crimes against humanity, the tension in the relevant norms greatly complicates the matter. On the one hand, there is an arguably black-and-white prohibition on the use of force; on the other hand, there is a strong imperative to

³⁰ Independent International Commission on Kosovo, *The Kosovo Report* (Oxford: Oxford University Press, 2000), p. 164.

act to prevent or minimize massive human rights violations,³¹ even if there is gridlock in the Security Council.

Invaluable contributions to the legal discourse are provided by *In Larger Freedom's* conclusions, summarized earlier.³² Whether these conclusions are substantively "correct" is beside the point. In steering the course of debate, the Secretary-General has some key advantages: he or she can express a singular view, and that view is informed by the practical responsibilities of managing military and humanitarian missions at an operational level. In contrast, the representative organs represent diffuse, often strategically and politically opposed perspectives, often struggling to present any form of consensus. They are also generally one step removed from the on-the-ground realities of any given situation.

The Secretary-General's recommendations were provocative, but they provided much-needed intellectual leadership on these issues from a UN organ that, in many ways, is closest to the issues. It is worth noting, then, that of all the recommendations regarding the use of force contained in *In Larger Freedom*, this was the one that gained most traction and was accepted by member states at the UN 2005 World Summit.³³

Another major area of controversy over the use of force is the perennial debate concerning the right of self-defence. The various elements of this debate include the exact relationship between Article 51 of the Charter, which authorizes use of force in self-defence in response to an armed attack, and customary international law. Key questions include whether states may respond to "imminent" attacks as opposed to actual attacks, and the extension of the concept of imminent attack to cases of "anticipatory" or "pre-emptive" self-defence.

The very nature of a self-defence argument is that it allows subjective analysis on the part of the state using force. This opens the door to potential abuse. There is almost always an after-the-fact rationalization by the state claiming to have acted in self-defence, followed by intensive analysis, scrutiny, and usually criticism on the part of other states. It remains, therefore, very much the preserve of states. What value, then, is served by the Secretary-General pronouncing, for instance, that imminent threats are fully covered by Article 51?³⁴

The Secretary-General appeared to justify his comments on self-defence on the basis that there "must be agreement on when and how

³¹ See *In Larger Freedom*, para. 202. ³² See above nn. 7–8.

³³ 2005 World Summit Outcome Document, UN Doc. A/RES/60/1 (16 September 2005), available at www.un.org/summit2005, para. 139. ³⁴ See *In Larger Freedom*, para. 124.

force can be used to defend international peace and security,” so that the United Nations can “be – as it was intended to be – a forum for resolving differences rather than a mere stage for acting them out.”³⁵ Yet the urgency to “transform the United Nations into the effective instrument for preventing conflict that it was always meant to be”³⁶ cannot be sufficient to warrant the Secretary-General to opine on the rules governing the use of force, particularly in the sensitive area of self-defence. In the absence of some stronger, more specific imperative for him or her to intervene, the diplomatic costs of taking a position on any of the myriad issues in this field strongly point against the Secretary-General’s intrusion.

Unlike the subjects of humanitarian intervention and self-defence, the Secretary-General’s forays into interpretation of Security Council resolutions are not so unusual, especially where such resolutions must be interpreted before they can be implemented. But Annan’s controversial pronouncement on the legality of the US-led invasion of Iraq highlights the potential difficulties that may arise from this interpretative role.

The two justifications proposed by the states involved in the invasion were essentially that there was authorization under existing Security Council resolutions (argued by the United States,³⁷ Britain,³⁸ and Australia³⁹) and, with less prominence, that the action was an exercise of the right of self-defence (argued by the United States⁴⁰). Annan’s statement that the war in Iraq was illegal appeared to reject both justifications, though the precise reasons for his assessment were not explained at the time.

The basis for the implied rejection of the self-defence argument can now be detected in Annan’s conclusion in *In Larger Freedom* that imminent threats are fully covered by Article 51, and that any threat falling short of imminence – that is, a threat that is merely “latent”, best describing the alleged threat from Iraq – should be referred to the Security Council.⁴¹ The problems with the Secretary-General engaging in such an assessment have already been considered.

³⁵ *Ibid.*, paras. 122–123. ³⁶ *Ibid.*, para. 83.

³⁷ William H. Taft, IV and Todd F. Buchwald, “Preemption, Iraq, and International Law”, *American Journal of International Law*, vol. 97 (2003), p. 557.

³⁸ “Reproduction of Explanation by Attorney-General of the United Kingdom”, *International and Comparative Law Quarterly*, vol. 52 (2003), p. 811.

³⁹ Attorney-General of Australia, “Memorandum of Advice on the Use of Force against Iraq” (18 March 2003), available at www.pm.gov.au/iraq/displayNewsContent.cfm?refx=96.

⁴⁰ Letter from the Permanent Representative of the United States addressed to the President of the Security Council, UN Doc. S/2003/351 (20 March 2003).

⁴¹ See *In Larger Freedom*, para. 125.

The implied rejection of the interpretation of authorization under existing Security Council resolutions is more troublesome. The basis for Annan's position was never fully explained, but it was presumably based on a belief that the interpretation put forward by the United States and its partners was flawed.⁴² Whether the United States and Britain were correct in their understanding of resolutions to which they were parties, it is difficult to see on what basis the Secretary-General might purport to interpret these particular resolutions. First, they did not directly touch on the functions of the Secretary-General himself. Even in terms of the impact on his more abstract interests in post-conflict functions for the United Nations, the Secretary-General's stake in the interpretation of the resolutions was somewhat remote. Secondly, the Secretary-General's comment came in 2004, well after Operation Iraqi Freedom was officially concluded, the United States and Britain had accepted the application of the rules of belligerent occupation to their forces,⁴³ and the Security Council had recognized their status as occupying powers.⁴⁴ In that context, there seems to be little need for the Secretary-General to take any position on the interpretation of the resolutions.

An explanation of why Annan entered the interpretative debate might be found in the earlier comments he made in relation to NATO's use of force in Kosovo. At the time he said that "what is clear is that enforcement actions without Security Council authorization threaten the very core of the international security system founded on the Charter . . . Only the Charter provides a universally accepted legal basis for the use of force."⁴⁵ The interpretative question here was not about principles, however; there was no dilemma that required the Secretary-General's intervention. The underlying norm itself was not at issue – it is agreed that the Security Council must authorize "enforcement" of its resolutions. The question was a textual one concerning whether that authorization existed.

There is nothing in the Charter that prohibits a Secretary-General from venturing a legal opinion about such interpretative disputes; the independence of the office affirmatively gives him or her the freedom to do so. Nevertheless, as indicated earlier, the Secretary-General should generally avoid acting as an unwanted arbiter in direct disputes between

⁴² Cf. the earlier discussion of Boutros-Ghali's appraisal of the January 1993 attacks on Iraq and their conformity with the relevant Security Council resolutions.

⁴³ Letter from the Permanent Representatives of the United Kingdom and the United States addressed to the President of the Security Council, UN Doc. S/2003/538 (8 May 2003).

⁴⁴ SC Res. 1483 (22 May 2003).

⁴⁵ 1999 Report on the Work of the Organization, UN Doc. A/54/1, para. 66.

member states. As Ian Johnstone has warned elsewhere, members of the Security Council “do not typically want the [Secretary-General] to weigh in on interpretative disputes among them. Legal positions taken by [Secretaries-General] are in no way determinative, but they do lend political comfort to those on whose side the [Secretary-General] comes down and can complicate the efforts of those he goes against.”⁴⁶

The principles that actually guide the Security Council’s decision-making on the authorization or endorsement of the use of military force have never been very clear. Such a state of affairs is hardly surprising, given the highly political nature of the Council’s deliberations. Nevertheless, Annan called on the Security Council to increase the transparency of its decision-making in this regard, to increase respect for its decisions. In *Larger Freedom*, broadly endorsing the report of the High-Level Panel, outlined specific principles and recommended that the Council adopt a resolution setting them out and expressing its intention to be guided by them.⁴⁷

The criteria that have been recommended seem reasonable enough: weighing the seriousness of a threat; the proper purpose of the proposed military action; whether means short of the use of force might plausibly succeed in stopping the threat; whether the military option is proportional to the threat at hand; and whether there is a reasonable chance of success. The Secretary-General’s independence means he or she undoubtedly has the ability to venture such opinions. Furthermore, such advice to the Security Council falls broadly within the spirit of Rule 22 of the Security Council’s Provisional Rules of Procedure,⁴⁸ which authorizes the Secretary-General to “make either oral or written statements to the Security Council concerning any question under consideration by it.” The question is whether the Secretary-General *should* enter this domain.

To the extent that these criteria relate to purely military situations, it could be argued that the Secretary-General has only the abstract interest of having greater clarity in the collective security system of the United Nations, and the pragmatic balance is to leave these matters to the Security Council. On the other hand, as outlined earlier, the Secretary-General has an interest in the norms governing use of force in relation to preventing or minimizing humanitarian catastrophes, and there is

⁴⁶ Johnstone, “The Role of the UN Secretary-General”, p. 442.

⁴⁷ In *Larger Freedom*, para. 126.

⁴⁸ Provisional Rules of Procedure of the Security Council, UN Doc. S/96/Rev.7 (21 December 1982), available at www.un.org/Docs/sc/scrules.htm.

presently a tremendous lack of clarity in that area. On that ground, it is easier to see the need for the Secretary-General to enter the debate, to try to obtain clarity.

Whatever the merits of the Secretary-General's recommendations, the Council has shown no particular interest in adopting the principles proposed.

Principles, power, and effectiveness

The choice to enter normative debates is one that a Secretary-General must weigh carefully, lest he or she lose the trust and respect of those upon whom the success of the position depends: the member states, and particularly the permanent members of the Security Council. Nikita Khrushchev's bitter epithet that there are "no neutral men" followed the defeat of the Soviet Union's infamous proposal to replace the Office of the Secretary-General with a troika: three individuals representing the Western states, the Communist Bloc, and the Third World. This so-called "troika proposal" was prompted by Soviet outrage over Hammarskjöld's increasingly active approach to his role, primarily regarding the Congo.⁴⁹ The history of the office of Secretary-General is littered with such tensions and controversies, but the extraordinary consequences of Hammarskjöld's clash with the Soviet Union make it undoubtedly the nadir in relations between member states and the Secretary-General. It surpasses even the woeful precedent of Trygve Lie.

Lie has the dubious honour of being the only Secretary-General to be effectively forced to resign from the office. Lie's stance on the Korean War drew the ire of the Soviet Union and other communist states. When he explicitly approved of bringing North Korea's invasion of South Korea to the Security Council as a matter threatening international peace, he lost whatever trust he had from the Soviet Union.⁵⁰ Difficulties associated with this breakdown in his relationship with the Soviet Union led Lie to resign before the conclusion of his extended term, which was supposed to end on 2 February 1953.

The Soviet Union was not the only permanent member to cause difficulties for the Secretary-General. U Thant is said to have "met steadfast

⁴⁹ See chapter 1 by Brian E. Urquhart in this volume.

⁵⁰ Benjamin Rivlin, "The International Political Climate and the Secretary-General", in Benjamin Rivlin and Leon Gordenker (eds.), *The Challenging Role of the UN Secretary-General: Making "the Most Impossible Job in the World" Possible* (Westport, CT: Praeger, 1993) pp. 10–11.

resistance and scorn on the part of the United States in his efforts to have the United Nations play a role in resolving the war in Vietnam.” Boutros-Ghali had a significantly more personal breakdown in his relationship with the United States because of his decision to stand for another term, despite making it clear at the time of his original appointment that he would serve only for a single term.⁵¹ His final six months in office were tarnished by this “rancorous imbroglio”.⁵²

The key lesson from the tenures of previous Secretaries-General is that an irreparable breakdown in relations between the incumbent and powerful member states is not a fanciful risk. But even if we put the prospect of such a serious rupture to one side, a perceived overstepping by the Secretary-General or a hint of partiality can be seriously damaging to the office.

Madeleine Albright, former United States Ambassador to the United Nations, once acknowledged that the Secretary-General wears three “hats” – “supernegotiator and diplomat”, “manager of the UN system”, and “international policymaker”. But referring to Boutros-Ghali, she also said that “he ought to do more of the first two and less of the third.”⁵³ Essentially, Boutros-Ghali and the United States differed on how they saw the job of the Secretary-General. The concern highlighted by Albright is a common one.

At heart, this clash of views is not really about the law governing what the Secretary-General *can* do. As a matter of law and (more or less) accepted practice, UN Secretaries-General have carved out an autonomous political role within which they can act as “international policymaker”, even in the sphere of international peace and security (for which the Security Council is the organ granted primary responsibility). The clash is about the philosophy that should drive the incumbent’s behaviour, the emphasis that should be placed on private activities versus public activities. Both critics and supporters of the “activist” tradition of the office must contend with this fundamental mismatch of expectations.

One of the criticisms of Secretaries-General who take public stands on issues is that this sacrifices long-term diplomatic effectiveness; by their public political initiatives, they are seen to “undermine whatever political

⁵¹ See Benjamin Rivlin, “Leadership in the UN, 1997 – the Secretary-General and the US: A Symbiotic Relationship Under Stress”, *International Journal*, vol. 52 (1996–1997), pp. 204–205. ⁵² *Ibid.*, p. 202.

⁵³ Barbara Crossette, “Albright Makes Her UN Post a Focal Point”, *New York Times*, 25 November 1994.

usefulness they had in the world community.”⁵⁴ James Barros questions how the public political activities of Lie, Hammarskjöld, and Thant brought about the sort of peaceful settlements that may have justified the political and personal sacrifices they made.⁵⁵ Perhaps somewhat harshly, Barros describes Lie and Hammarskjöld as having become “politically impotent” once they crossed swords with the Soviet Union.

There is a large amount of truth in these criticisms. The Secretary-General is quite often involved in quiet diplomacy as third-party mediator, conciliator, negotiator, and extender of “good offices.”⁵⁶ These activities in the private sphere are very important functions of the office. To perform these functions, the Secretary-General must have the trust of affected states, who must feel confident that he or she is not partisan and is not judging them or likely to work against them.

Private, behind-the-scenes political activity and diplomacy is the style for which Sir Eric Drummond became renowned during and after his tenure as Secretary-General of the League of Nations.⁵⁷ Some appear to lament the loss of this discrete, private approach in the modern age of publicity-seeking Secretaries-General.⁵⁸ It is essentially because of a perceived loss of diplomatic effectiveness that a former UN Assistant Secretary-General presented a powerful case for the Secretary-General to be freed from the responsibility for managing “use of force” operations authorized by the Security Council under Chapter VII of the Charter.⁵⁹

It is difficult to judge the extent to which the tendency of Secretaries-General towards public political action over the years has undermined the effectiveness of the office in the private political sphere. But at the very least, we can say that there is a risk of damage to diplomatic effectiveness. There is also the risk that the Secretary-General’s intervention will exacerbate tense situations if he or she is perceived as partisan. A dramatic illustration of the risks of apparent partisanship was the bombing of the UN compound in Baghdad in August 2003, which killed twenty-two UN personnel, including Sergio Vieira de Mello, Special Representative for Iraq and head of the UN Assistance Mission for Iraq (UNAMI). Some

⁵⁴ James Barros, “The Importance of Secretaries-General of the United Nations”, in Robert S. Jordan (ed.), *Dag Hammarskjöld Revisited* (Durham, NC: Carolina Academic Press, 1983), p. 36. ⁵⁵ *Ibid.* ⁵⁶ See chapter 5 by Teresa Whitfield in this volume.

⁵⁷ See Arthur W. Rovine, “The Secretary-General in World Politics: A Historical Review”, *Journal of International Law and Economics*, vol. 9 (1974), pp. 114–118.

⁵⁸ See, e.g., Barros, “The Importance of Secretaries-General”, particularly pp. 35–37.

⁵⁹ See Giandomenico Picco, “The UN and the Use of Force: Leave the Secretary-General Out of It”, *Foreign Affairs*, vol. 73, no. 5 (September–October 1994), p. 14.

interpreted this event as showing that the image of the United Nations as an impartial actor in Iraq had been compromised by its very presence.⁶⁰

On the one hand, the Secretary-General needs to maintain a viable private sphere of activity. On the other, there is sometimes a need to take a stand publicly, so as to provide the requisite pressure or momentum to steer debate and, perhaps, arrive at acceptable norms. Balancing these somewhat conflicting demands is a dilemma facing each Secretary-General.

Given the potentially high costs to effectiveness in the private sphere, the Secretary-General should be wary of entering such debates, particularly regarding the use of force by states. The unavoidable fact is that the international system is constituted with sovereign states that generally show little wish to be led, in high political matters (including the rights and wrongs of using force), by the Secretary-General.⁶¹ That reality sets the limits to the effectiveness of any independent action by the Secretary-General, regardless of the personal or legal credentials of the incumbent.⁶² These limits must inevitably affect his or her assessment of the overall benefits of intervening, and it is therefore critical that the Secretary-General weigh the potential pay-offs of any action against the diplomatic costs.

The foregoing discussion suggests a number of defensive or *negative* reasons for a Secretary-General to avoid pronouncing on normative issues; silence can be regarded as the best choice for mitigating risk. However, in some circumstances, silence can be regarded as a *positive* choice with strategic advantage. As alluded to above, one of the key assets of any Secretary-General is his or her perceived impartiality or the lack of a vested interest. To have no stake, and to have taken no stand on an issue, can preserve the maximum amount of room for the Secretary-General to negotiate and influence the course of events, particularly where the United Nations can be expected to get involved operationally.

Kofi Annan's early resistance to pressures within the UN Secretariat to say something about the war in Iraq – either for or against its legality – provides a useful illustration. Annan's choice to say very little at that time can be seen to “preserve the one thing that the UN might have realistically brought to the post-conflict phase: a measure of impartiality.”⁶³ More

⁶⁰ Simon Chesterman, “Bush, the United Nations and Nation-Building”, *Survival*, vol. 46, no. 1 (2004), p. 110.

⁶¹ See Alan James, “The Secretary-General as an Independent Political Actor”, in Rivlin and Gordenker (eds.), *The Challenging Role of the UN Secretary-General: Making “the Most Impossible Job in the World” Possible* (Westport, CT Praeger, 1993), p. 37. ⁶² *Ibid.*

⁶³ Chesterman, “Bush, the United Nations and Nation-Building”, p. 109.

importantly, this could be seen as a positive choice, since “it also recognized that the greatest leverage that the United Nations has in such situations is just before it commits to a course of action; once the United Nations is committed, its limited political capital is largely spent.”⁶⁴ It is, however, somewhat difficult to assess what more the United Nations might have achieved than it has so far through UNAMI, had the Secretary-General not pronounced in 2004 that the war in Iraq was “illegal”.

Conclusion

The independence of the Secretary-General is now more or less taken for granted. Positions taken by the Secretary-General are not generally regarded as partisan simply because they happen to align with the views of some members of the United Nations, or challenge the views of others. Perhaps more important than what position is taken by the Secretary-General is the prior question of whether a position must be taken at all. This dilemma is most acute in the context of the use of force – a highly sensitive topic in which states have traditionally preserved a dominant role for themselves, but in which there is increasing pressure on the Secretary-General to speak out.

The diplomatic costs of confrontation between the Secretary-General and member states, particularly the powerful members such as the permanent members of the Security Council, require a measure of caution in the exercise of his or her independence. Purity of principle cannot blind the Secretary-General to the political implications of confronting a member state or taking positions that appear to be directly opposed to the positions of particular members. Quite apart from questions of prudence, however, there may even be strategic advantage in staying silent in certain circumstances.

The test must be one of overriding need for the Secretary-General to enter a particular debate. The Secretary-General must assess the difficulties posed for the performance of his or her functions that arise from the lack of a coherent normative framework. Where he or she and the United Nations as a whole cannot perform their functions effectively, the Secretary-General may provide intellectual leadership and steer debate. Even if no solution is reached, the Secretary-General cannot be faulted for the attempt. This is no legal test; it is a pragmatic one.

⁶⁴ *Ibid.*

Bearing these principles in mind, there will seldom be any necessity for the Secretary-General to enter normative debates over the use of force. Except in the more abstract sense that the UN system will benefit from a clearer set of guidelines in order to reduce the risk of conflict, the Secretary-General has little direct stake in resolving the debate about, for example, what constitutes a valid act of self-defence or whether member states have properly interpreted Security Council resolutions in asserting a right to enforce those resolutions by unilateral use of military force.

The picture changes when use of force intersects with other spheres of interest, particularly the question of preventing or minimizing gross violations of human rights. The Secretary-General, who will eventually bear some responsibility for the peacekeeping and humanitarian missions that will be required to address a humanitarian crisis, has a strong incentive to identify or seek clarity in the relevant norms. It would be irresponsible, and inconsistent with the Secretary-General's duty to uphold the principles of the Charter, for him or her to retreat from the normative debate in this context. Clarity – one way or the other – can only be of benefit to the UN system and the international community. Again, this is not to say that the Secretary-General necessarily has the right answers. But the debate may need to be led firmly, by the UN organ that may have the most at stake at the operational level.

Ultimately, it is a cruel Catch-22 that living up to the ideals of the Charter, and promoting them, may come at a price for the Secretary-General. But the question of trade-offs does not have to be seen as a zero-sum game. The UN system can benefit from the Secretary-General's contributions to normative debate, even in the politically fraught, state-dominated field of use of force. It is simply that the choice to enter particular debates must be carefully weighed. Recent experience suggests that the Secretary-General should take more care in these choices.

PART III

Normative and political dilemmas

The Secretary-General as norm entrepreneur

IAN JOHNSTONE

Secretary-General Dag Hammarskjöld helped invent the concept of armed peacekeeping in 1956 and set out the guiding principles that to this day remain the touchstone of debate about the nature of the enterprise. In 1963 U Thant sent a team of observers to Yemen when civil war broke out – implicitly suggesting that the situation was not purely internal and therefore that UN action would conform to Article 2(7) of the Charter.¹ In 1991 Javier Pérez de Cuéllar stated that Security Council resolution 688 (1991) on the Iraqi repression of Kurd and Shiite populations was “not put in the framework of Chapter VII” and so no UN military or police presence could be deployed there without the consent of the government. In his 1996 *Agenda for Democratization*, Boutros Boutros-Ghali wrote that the work of the United Nations in promoting democracy was consistent with the Charter because the document roots the “sovereign authority of the Member States, and thus the legitimacy of the Organization . . . in the will of their peoples.”²

These are all cases of norm entrepreneurship, a function no Secretary-General has been more conscious of than Kofi Annan. In early 1999 he stated “the end of the Cold War transformed the moral promise of the role of the Secretary-General. It allowed him to place the UN at the service of the universal values of the Charter, without constraints of ideology or particular interests.”³ He played the role adeptly through timely speeches on themes such as human rights, development and the doctrine

¹ UN Charter, art. 2(7) provides that “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter”.

² *An Agenda for Democratization*, UN Doc. A/51/761 (20 December 1996), available at documents.un.org, para. 28.

³ Kofi Annan, Address to the Council on Foreign Relations, UN Press Release SG/SM/6865 (19 January 1999).

of pre-emption; by speaking out on specific crises, such as his double-barrelled statement in September 2002 that any further military action against Iraq required Security Council authorization, but should Iraq continue to defy its obligations the Council “must face its responsibilities”⁴; through his good offices trip to Nigeria in 1998 aimed at facilitating the transition to democracy there;⁵ and by means of his oversight of operational activities, such as peace operations and humanitarian action.

While the Secretary-General’s roles are often divided into administrative, political, and normative functions, that tripartite division is too neat, as the above examples illustrate and as Simon Chesterman suggests in Introduction to this volume. The Secretary-General’s impact on the development of international norms is as much a product of his managerial and political functions as it is the specifically normative role he plays. This chapter argues that precisely because those functions overlap the Secretary-General is well placed to serve as a norm entrepreneur. It begins with a theoretical account of the role of norms and norm entrepreneurs in international politics. Drawing on social constructivist theory and transnational legal process, I identify three phases in a diffuse process: norm creation, norm institutionalization, and norm interpretation. I then illustrate how this process operates by examining Annan’s efforts to develop the still inchoate “responsibility to protect”, and a more concrete norm concerning protection of civilians. The chapter concludes by suggesting that the Secretary-General is likely to be most effective when he uses the United Nations to crystallize emerging understandings among states and non-state actors, rather than striking out in entirely new normative directions.

Norm entrepreneurship in international politics

The study of the impact of norms on state and other actor behaviour is associated with “the constructivist turn” in international relations theory.⁶ Social constructivism emerged as a critique of the insufficient attention the two dominant strands of international relations theory – neo-realism and neo-liberalism – pay to the power of ideas, identities, and norms in

⁴ Kofi Annan, Address to the General Assembly, UN Press Release SG/SM/8378 (12 September 2002).

⁵ See further Ian Johnstone, “The Role of the UN Secretary-General: The Power of Persuasion Based on Law”, *Global Governance*, vol. 9 (2003), p. 441.

⁶ Jeffrey Checkel, “The Constructivist Turn in International Relations Theory”, *World Politics*, vol. 50 (1998), p. 324.

international politics. Constructivists doubt that strategic calculations of interest based on fixed preferences provide a full account of what is going on. They argue that the international system comprises not only material capabilities (military might, economic and natural resources), but also social relationships. The interests and identities of states are defined through a process of social interaction that takes place within a normative context, which itself evolves as a result of that interaction.

Social constructivists define norms as “collective expectations for the proper behaviour of actors with a given identity.”⁷ Their effect is not only to constrain behaviour but also to constitute the identity and shape the interests of actors who engage in the behaviour. This definition captures legal and other sorts of norms (social, moral, and so on), a distinction that international relations theorists do not draw sharply, to the dismay of some lawyers.⁸ It is not my purpose to specify that distinction, but it is relevant to the norm entrepreneurship of the Secretary-General, because legal norms provide a more solid foundation for him or her to pass judgement on behaviour than other types of norms.⁹

A central premise of social constructivist theory is that agent and structure are “mutually constitutive”: the structure of the international system (including the normative structure) affects the identity and interests of actors (such as states); those actors in turn “construct” the social world in which they live. When early social constructivists were criticized for focusing too much on the first half of that equation – how norms affect actors – the notion of norm entrepreneurship was introduced as a way of explaining the second half: how states and other agents create norms and embed them in the fabric of international life.¹⁰

⁷ Peter Katzenstein, “Introduction: Alternative Perspectives on National Security”, in Peter Katzenstein (ed.), *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), p. 5; Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change”, *International Organization*, vol. 52 (1998), p. 887; Audi Klotz, *Norms in International Relations: The Struggle Against Apartheid* (Ithaca, NY: Cornell University Press, 1995); Martha Finnemore, *National Interests in International Society* (Ithaca, NY: Cornell University Press, 1996); Ann Florini, “The Evolution of International Norms”, *International Studies Quarterly*, vol. 40 (1996), p. 363.

⁸ Jutta Brunnée and Stephen Toope, “International Law and Constructivism: Elements of an Interactional Theory of International Law”, *Columbia Journal of Transnational Law*, vol. 39 (2000), p. 19. ⁹ See Johnstone, “The Role of the UN Secretary-General”.

¹⁰ Checkel, “The Constructivist Turn”, p. 340. See also Paul Kowert and Jeffery Legro, “Norms, Identity and Their Limits: A Theoretical Reprise”, in Peter Katzenstein (ed.), *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), pp. 469–483.

In concrete terms, norm entrepreneurs are actors with a cause who mobilize support for that cause and seek to have it crystallized as an accepted standard of behaviour. They are often leaders of powerful states. US Presidents following the Second World War were entrepreneurs in creating a normative and institutional architecture – the United Nations, the Bretton Woods institutions, NATO, and even the European Economic Community – based on ideas they held about world order.¹¹ Franklin D. Roosevelt, Harry S. Truman, and their successors were, in this conception, agents in the creation of institutions that embodied sets of norms, which in turn shaped the conduct of those agents (and their successors). But not all norm entrepreneurs possess as much material power. Indeed, the concept has its origins in the notion of “moral entrepreneurs”: relatively powerless non-state actors with a proselytizing mission.¹² Henri Dunant, founder of the International Committee of the Red Cross and father of international humanitarian law, is a prime example.

International relations and legal theorists have written extensively on how norms impact on international politics. Martha Finnemore and Katherine Sikkink describe a three-stage process. Norms emerge in the first stage when individuals with strong ideas about appropriate behaviour call attention to issues and try to persuade state leaders to embrace the norm. These norm entrepreneurs usually need “organizational platforms” – sometimes NGOs, but often existing international organizations, like the World Bank, the United Nations, or the International Labour Organization (ILO). They use these platforms to induce state actors to endorse their norms, ideally but not necessarily in the form of specific rules. The second stage begins when a “tipping point” is reached and a critical mass of leaders has been persuaded to promote the norm. At that point the norm spreads rapidly in what the authors call a “norm cascade”. This process of international socialization tends to be led by states but also involves networks of individuals, NGOs, and international organizations that pressure targeted actors to adopt new policies and laws. It is largely an exercise in persuasion, rather than coercion, although the persuasion may be reinforced by sanctions and material incentives. In the final stage the norms become internalized: they are “taken for granted”, not contested but rather followed almost automatically. This may happen in the minds of decision-makers, but more importantly the

¹¹ John Ruggie, “The Past as Prologue? Interests, Identity and American Foreign Policy”, *International Security*, vol. 21, no. 4 (1997), p. 89.

¹² Ethan Nadelmann, “Global Prohibition Regimes: The Evolution of Norms in International Society”, *International Organization*, vol. 44 (1990), p. 479.

norms become entrenched in the practices of national and international institutions. And they become universalized through “iterated behaviour and habit”.¹³

Harold Koh’s “transnational legal process” traces a similar pattern. His theory seeks to explain how a sense of legal obligation becomes internalized by actors in international affairs. The central argument is that compliance with the law is not due primarily to external enforcement, but rather – in H.L.A. Hart’s terms – to internal acceptance of the rules. This occurs through a process of “interaction”, “interpretation”, and “internalization”.¹⁴ The process is driven in part by interests: states obey the law because they calculate that it is in their long-term interest to do so, either by enhancing the prospects for cooperation with specific states in the future or by providing the sort of overall stability and predictability that even the most powerful states benefit from. Compliance is also driven by gradual socialization to the values and norms embodied in legal rules: transnational interaction generates a felt sense of obligation that comes with membership and participation in a regime. Koh builds on both sets of insights to explain more precisely how calculations of interests are altered and national identities affected by international law. Interaction with other governmental and non-governmental actors creates an environment in which non-compliance generates frictions that can hinder ongoing interaction and harm a state’s reputation. To avoid those frictions, states internalize the law in domestic legal and political structures. In this way, the law acquires “stickiness”: “as nations participate in transnational legal process, through a complex combination of rational self-interest, transnational interaction, norm-internalization and identity-formation, international law becomes a factor driving their international relations.”¹⁵

Bringing together the analysis of Finnemore, Sikkink, and Koh, norm entrepreneurs impact international politics in three ways. First, they help to create norms. New norms find their genesis in the mind of some individual. The individual is a product of his or her environment, and must operate within that environment, so new norms do not emerge in a vacuum. They take shape through interaction within and between states, and in a transnational process that involves representatives of NGOs, the

¹³ Finnemore and Sikkink, “International Norm Dynamics”, p. 905.

¹⁴ Harold Hongju Koh, “Why Do Nations Obey International Law?”, *Yale Law Journal*, vol. 106 (1997), p. 2659.

¹⁵ Harold Hongju Koh, “Transnational Legal Process”, *Nebraska Law Review*, vol. 75 (1996), p. 196.

private sector, and officials of international organizations, as well as states. International organizations provide a platform for some of that interaction, giving international civil servants substantial influence.¹⁶ At a minimum, they are “incubators of coalitions”¹⁷ and catalysts for the transmission of new ideas in intergovernmental meetings and global conferences.¹⁸ For example, the concept of “sustainable development”, introduced by the World Commission on Environment and Development (the Brundtland Commission), was enshrined at the UN Conference on the Environment and Development (the Earth Summit) in 1992. Similarly, “human development” had its origins in a 1987 UN Children’s Fund (UNICEF) report on structural adjustment “with a human face”, later popularized by the UNDP in its influential Human Development Reports. The Secretary-General can be a central figure in norm creation, as I shall illustrate below, though not always successfully. Annan, for example, recommended adoption of the definition of terrorism put forward by the High-Level Panel on Threats, Challenges, and Change. This was soundly rejected at the World Summit in 2005, and in his 2006 report on a global counter-terrorism strategy Annan abandoned the effort to define the term.¹⁹

The second phase is institutionalization. Norms become internalized within domestic legal systems, bureaucratic routines, and political processes. They also become institutionalized in international organizations. For example, UNICEF adopted a policy of insisting that all its practices be guided by the Convention on the Rights of the Child.²⁰ The norms may also become institutionalized in organizational structures, leading to the creation of new bureaucratic units whose function is to advance the norm. An example of this is the Secretary-General’s appointment of a Representative for Internally Displaced Persons

¹⁶ For a powerful account of the autonomous role of officials in international organizations, see Michael Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Ithaca, NY: Cornell University Press, 2004).

¹⁷ Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, MA: Harvard University Press, 1995).

¹⁸ Louis Emmerij, Richard Jolly, and Thomas G. Weiss, *Ahead of the Curve? UN Ideas and Global Challenges* (Bloomington, IN: Indiana University Press, 2001), p. 80.

¹⁹ Report of the Secretary-General, *Uniting Against Terrorism: Recommendations for a Global Counter-Terrorism Strategy*, UN Doc. A/60/825 (27 April 2006).

²⁰ A norm may also be adopted in a less binding form, such as a declaration that purports to enunciate emerging legal principles. Thus the UN General Assembly adopted a declaration on “the right to development” in 1986. The United States and other Western countries did not support it at the time but, at the Vienna Conference on Human Rights in 1993, the right was reaffirmed in art. 5 of the consensus-based declaration that came out of that event.

(IDPs) in 1992, who drafted a set of “Guiding Principles” designed to reinforce and fill gaps in relevant human rights, humanitarian, and refugee law as they applied to IDPs. The job description of the Emergency Relief Coordinator was expanded to include ensuring that the needs of IDPs were more effectively addressed within the inter-agency framework. In 2001 a new IDP unit was established in the UN Office for Coordination of Humanitarian Affairs (OCHA), which was upgraded to the Inter-Agency Internal Displacement Division in July 2004 with staff seconded from six UN humanitarian and development agencies, the Representative of the Secretary-General for IDPs, and representatives of the NGO community.

The third phase is interpretation. Interpretation may be explicit, in the form of judicial or quasi-judicial opinions given by authoritative bodies tasked with dispute settlement. It may also take the form of public statements made by organization officials. In his first report on the Congo crisis in 1960, for example, Hammarskjöld described the breakdown of institutions in the country as a “threat to peace and security”, an implicit judgement that action under Chapter VII of the Charter would be justified.²¹ When the United States and Britain launched air-strikes against Iraq in January 1993, Boutros-Ghali stated: “The raid yesterday, and the forces that carried out that raid, have received a mandate from the Security Council, according to resolution 678, and the cause of the raid was the violation by Iraq of resolution 687 concerning the cease-fire. So, as Secretary-General of the United Nations, I can say that this action was taken and conforms to the resolutions of the Security Council and conforms to the Charter of the United Nations.”²² This statement was referred to in the letter the Ambassador of the United States sent to the President of the Security Council on 20 March 2003 setting out the legal case for military action against Iraq.²³ Another example occurred when the United States threatened to veto the extension of the peace operation in Bosnia and Herzegovina unless the Security Council exempted US peacekeepers from the jurisdiction of the International Criminal Court. The Secretary-General sent a letter to US Secretary of State Colin Powell objecting that the demand would undermine both the cause of international criminal

²¹ UN Doc. S/4389 (18 July 1960).

²² Quoted in British Foreign and Commonwealth Office, “Note from the Foreign and Commonwealth Office: Iraq: Legal Basis for the Use of Force”, available at www.publications.parliament.uk/pa/cm200203/cmselect/cmfaif/405/3030407.htm, para. 7.

²³ Letter from the Permanent Representative of the United States to the United Nations addressed to the President of the Security Council, UN Doc. S/2003/351 (20 March 2003).

justice and the institution of peacekeeping.²⁴ This reinforced the objections of many Council members to the US initiative, forcing it to back away from a blanket exemption to a one-year deferral of investigations and prosecution, which was renewed once in 2003 but not again in 2004.²⁵

Implicit interpretation may also take the form of political and operational activities. Those with responsibility for managing the activities are “norm entrepreneurs” if they must interpret the mandate given by intergovernmental bodies and exercise their discretion in carrying them out. Thus, for example, electoral assistance engaged in by international organizations like the United Nations, the Organization of American States, the Organization for Security and Cooperation in Europe, and the European Union are implicit interpretations of the right to political participation.²⁶ When Annan departed from Nigeria after a visit aimed at facilitating the transition to civilian rule there, he spoke of the importance of a speedy return to democracy. In view of the successful transition, culminating in the election of President Olusegun Obasanjo in May 1999, the Secretary-General’s trip could be seen as a significant step in reinforcing the sense of an emerging entitlement to democratic governance.²⁷ Pérez de Cuéllar shaped thinking about the scope of peacekeeping by making human rights verification one of the central functions of the UN operation in El Salvador.²⁸ This reinforced the notion that protection and promotion of human rights were properly within the competence of the Security Council and paved the way for more intrusive justice- and governance-related activities that came later.

It is important to stress that these three phases are not strictly sequential, nor are the lines between them sharp. Consistent with both social constructivism and transnational legal process, the process is dynamic. It occurs partly through discourse and deliberation, in which actors promote, defend, explain, and justify their positions – which, on a constructivist understanding, is how international law functions.²⁹ But norm

²⁴ Letter from the Secretary-General to US Secretary of State Colin Powell (3 July 2002).

²⁵ SC Res. 1422 (12 July 2002); SC Res. 1487 (12 June 2003). One of the arguments put forward by Canada when the deferral was not renewed in 2004 is that it was *ultra vires* the Security Council since it was not directed at a threat to international peace and security, the threshold for action under Chapter VII of the UN Charter.

²⁶ Gregory H. Fox, “The Right to Political Participation in International Law”, *Yale Journal of International Law*, vol. 17 (1992), p. 539.

²⁷ See Johnstone, “The Role of the UN Secretary-General”.

²⁸ See also chapter 5 by Teresa Whitfield in this volume.

²⁹ See Friedrich Kratochwil, “How Do Norms Matter?”, in Michael Byers (ed.), *The Role of Law in International Politics* (Oxford: Oxford University Press, 2000), pp. 35–68; Brunnée

entrepreneurship also occurs through practices and institutionalization. The political and operational activities of international organizations give content to inchoate norms. And these activities lead to institutional reforms that further embed the norms and impact future practice.³⁰

Kofi Annan as norm entrepreneur

As Shashi Tharoor explained in chapter 2 of this volume, the role of the Secretary-General is loosely defined in Articles 97–101 of the Charter.³¹ His or her managerial role is based on Articles 97 and 98; a political role can be inferred from Articles 98 and 99. The normative role is not specified, but Article 7 designates the Secretariat as one of the principal organs of the United Nations, giving it equal responsibility for promoting the purposes and principles set out in Articles 1 and 2. There is thus language in the Charter that opens space for the Secretary-General to play the role of norm entrepreneur. Moreover, the implied powers doctrine stipulates that an international organization has whatever powers are necessary for it to perform its functions effectively. As the International Court of Justice put it in the *Reparations Case*, “under international law, the [United Nations] must be deemed to have those powers which, though not expressly provided by the Charter, are conferred upon it by necessary implication as being essential to the performance of its duties”.³² Thus the Secretary-General’s normative role can be inferred from his position as head of one of the principal organs of the United Nations.

The functioning of the three-phase process outlined above is well illustrated by the role of Annan in generating the “responsibility to protect” norm and giving it life through the “protection of civilians” mandates in peace operations.³³ He has done this in part by using the “bully pulpit” to

and Toope, “International Law and Constructivism”; Chayes and Chayes, *The New Sovereignty*.

³⁰ It should be stressed that the normative process is not always or necessarily a force for good. If norms are defined as appropriate behaviour, then standards of “appropriateness” are all-important. The institutionalization of norms in international organizations can lead to undesirable behaviour if the bureaucracies interpret key terms in a manner that subverts the spirit of the norm: Barnett and Finnemore, *Rules for the World*, p. 100. They give the example of UNHCR’s reinterpretation of the word “voluntary” in “voluntary repatriation” to mean objectively safe from UNHCR’s point of view, rather than refugee consent.

³¹ See chapter 2 by Shashi Tharoor in this volume.

³² *Reparation for Injuries Suffered in the Service of the United Nations (Advisory Opinion)* (1949) ICJ Reports 174, p. 182.

³³ Ian Johnstone, “Dilemmas of Robust Peace Operations”, in Center on International Cooperation, *Annual Review of Global Peace Operations 2006* (Boulder, CO: Lynne

give speeches on human rights, beginning with a powerful statement he made at the Summit of the Organization of African Unity (OAU) in 1997.³⁴ As Quang Trinh observes, the Secretary-General cannot speak out on every event of international significance, especially when the interests of powerful states are engaged.³⁵ Yet that pulpit can be effective when the Secretary-General taps into normative trends, like the growing support for so-called humanitarian intervention. The term “responsibility to protect” was coined by the International Commission on Intervention and State Sovereignty (ICISS), which was itself a response to the challenge laid down by the Secretary-General in the famous speech he made before the General Assembly in September 1999: “the core challenge to the Security Council and to the United Nations as a whole in the next century is to forge unity behind the principle that massive and systematic violations of human rights . . . cannot be allowed to stand”.³⁶ The sentiment had been expressed in earlier speeches surrounding the Kosovo crisis, and was repeated later as international debate about the legality and legitimacy of the action picked up. Annan later established the High-Level Panel on Threats, Challenges, and Change, which reaffirmed the “emerging norm”, and he then endorsed it again in his own report to the World Summit in 2005, *In Larger Freedom*.³⁷

The responsibility to protect principle was affirmed in the World Summit Outcome Document, though only after a rancorous and inconclusive debate about the scope of the responsibility and on precisely

Rienner, 2006), pp. 2–17. See also Victoria Holt, “The Responsibility to Protect: Considering the Operational Capacity for Civilian Protection”, Henry L. Stimson Center Discussion Paper (January 2005).

³⁴ On the topic of human rights the Secretary-General said: “I am aware of the fact that some view this concern as a luxury of the rich countries for which Africa is not ready. I know that others treat it as an imposition – if not a plot – by the industrialized West. I find these thoughts truly demeaning: demeaning of the yearning for human dignity that resides in the heart of every African . . . So I say to you, my brothers and sisters: that human rights are African rights”: Secretary-General Calls for Efforts to Unleash African “Third Wave” Based on Democracy, Human Rights, Sustainable Development, UN Press Release SG/SM/6245/Rev.1 (2 June 1997).

³⁵ See chapter 6 by Quang Trinh in this volume.

³⁶ Kofi Annan, Address to the General Assembly, UN Press Release SG/SM/7136 (20 September 1999); International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (International Development Research Centre, Ottawa, December 2001), available at www.iciss.ca.

³⁷ *A More Secure World: Our Shared Responsibility* (Report of the High-Level Panel on Threats, Challenges, and Change), UN Doc. A/59/565 (1 December 2004), available at www.un.org/secureworld, para. 202; *In Larger Freedom: Towards Development, Security, and Human Rights for All*, UN Doc. A/59/2005 (21 March 2005), available at www.un.org/largerfreedom.

whom it fell. The High-Level Panel argued that, when governments were unable or unwilling to fulfil that responsibility, it fell on the Security Council, and recommended the adoption of a set of guidelines or criteria to be taken into account in deciding whether and how to exercise it. An early draft of the document that came out of the 2005 World Summit included a paragraph on the responsibility of the Security Council to act under Chapter VII when necessary.³⁸ The United States objected to this language on the grounds that it implied a legal obligation.³⁹ Responding to US and other objections,⁴⁰ the final Outcome Document simply states that the international community is “prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case by case basis”.⁴¹ There is no appeal to adopt guidelines or criteria for humanitarian intervention, although the declaration “stresses the need for the General Assembly to continue consideration of the responsibility to protect . . . bearing in mind the principles of the Charter of the United Nations and international law”. Despite the watered down language, this was the first time a UN meeting had formally endorsed the concept. While the responsibility to protect is not hard law, it does reflect an emerging consensus that “humanitarian intervention”, at least when authorized by Council, is warranted and may be expected.

Meanwhile, the Secretary-General and Secretariat had been producing a series of reports on “protection of civilians”, which for the most part avoided broad statements about humanitarian intervention but

³⁸ Draft Outcome Document, UN Doc. A/59/HLPM/CRP.1/Rev.2 (5 August 2005), available at www.reformtheun.org, para. 118.

³⁹ As Ambassador Bolton put it in a letter to the President of the General Assembly: “we agree that the host state has a responsibility to protect its population from such atrocities, and we agree in a more general and moral sense that the international community has a responsibility to act when the host state allows such atrocities. But the responsibility of the other countries in the international community is not of the same character as the responsibility of the host, and thus we want to avoid formulations that suggest that the other countries are inheriting the same responsibilities that the host has . . . [T]he obligation/responsibility discussed in the text is not of a legal character . . . We do not accept that either the United Nations as a whole, or the Security Council, or individual states, have an obligation to intervene under international law”: Letter from Ambassador John Bolton, Permanent Representative of the United States to the United Nations (30 August 2005), available at www.reformtheun.org.

⁴⁰ US amendments are marked on the 5 August draft, in a document dated 08/17/05 with the words “OD US Version #2” handwritten at the top. This and other documents are available at www.reformtheun.org.

⁴¹ 2005 World Summit Outcome Document, UN Doc. A/RES/60/1 (16 September 2005), available at www.un.org/summit2005, para. 139.

addressed the operational responsibilities that fell on peacekeepers, humanitarian actors, and human rights workers. The concept was introduced in 1998 in the Secretary-General's report on "The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa", where protecting civilians was described as a "humanitarian imperative".⁴² That was followed by two Security Council resolutions and a number of presidential statements, and then another resolution adopted in late April 2006.⁴³ The combined effect of these instruments is to set out standards of behaviour expected of host governments, other parties to a conflict, other states, and international organizations, including the Security Council itself when it adopts peacekeeping mandates. They signify an emerging norm, founded on humanitarian and human rights law, which Annan had been promoting since 1998 with considerable success.

Thus Annan was engaged in promoting a broad "responsibility to protect" and a more focused "protection of civilians" norm in the operational activities of the United Nations. He was not the most influential norm entrepreneur in this exercise – the ICISS and Canadian, British, and other like-minded governments were. But timely speeches gave impetus to the responsibility to protect and kept it alive when intergovernmental interest was waning. He tapped into a growing normative movement, precipitated by humanitarian tragedies that he had himself witnessed and been involved in as head of the Department of Peacekeeping Operations before becoming Secretary-General. He helped to push the norm to a "tipping point", which it may have reached at the 2005 World Summit.

The second phase, institutionalization of the norm, has its roots in three important reports issued on the failures in Rwanda and Srebrenica, two by the United Nations and one by the OAU. The Secretary-General commissioned the two UN reports, one by an independent group and the other internal. The Srebrenica report of 1999 found that the problems UN peacekeepers faced in Bosnia – and the fall of the safe area in Srebrenica – were due not just to inadequate means and mandate, but to the whole ideology of peacekeeping.⁴⁴ The UN Independent Inquiry on

⁴² UN Doc. S/1998/318-A/52/871 (13 April 1998).

⁴³ SC Res. 1265 (17 September 1999); SC Res. 1296 (19 April 2000); UN Doc. S/PRST/2002/6 (15 March 2002); UN Doc. S/PRST/2002/41 (20 December 2002); UN Doc. S/PRST/2004/46 (14 December 2004); UN Doc. S/PRST/2005/25 (21 June 2005); SC Res 1674 (28 April 2006).

⁴⁴ Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica, UN Doc. A/54/549 (15 November 1999), para. 505.

Rwanda and the OAU's Report of the Panel of Eminent Personalities on Rwanda drew similar conclusions.⁴⁵ These findings led to the appointment of the Panel on UN Peace Operations, which produced a report (the Brahimi Report) with a number of doctrinal and institutional recommendations geared towards better protection of civilians. For example, the Report stated that "peacekeepers – troops or police – who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic UN principles".⁴⁶

Meanwhile, the "protection of civilians" reports and resolutions described above led to a number of institutional innovations. The Secretary-General recommended and the Security Council called for better integration of human rights and humanitarian concerns in peace operations.⁴⁷ Developing policy for the protection of civilians became a principal function of the Office for the Coordination of Humanitarian Affairs. An "Aide-Memoire" was adopted by the Security Council as "a practical tool that provides a basis for improved analysis and diagnosis of key protection issues during deliberations on peacekeeping mandates".⁴⁸ In December 2003 a ten-point plan of action on protection of civilians was presented to the Security Council⁴⁹ and then at the end of November 2005 Annan established a "systematic data-collection mechanism" to assist the Security Council in its decision-making and analysis.⁵⁰ At the same time, he called for a more "systematic partnership with regional and other intergovernmental organizations in the field of protection of civilians in armed conflict".⁵¹ These steps, combined with implementation of the Brahimi Report recommendations on capacity at UN Headquarters and in the field (such as the establishment of "protection units"), indicate that the emerging norm is becoming institutionalized in the United Nations, with the goal of influencing the way peace operations go about their business.

⁴⁵ Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda, UN Doc. S/1999/1257 (15 December 1999); Rwanda: The Preventable Genocide (Organization of African Unity, International Panel of Eminent Personalities, Addis Ababa, 2000).

⁴⁶ Report of the Panel on United Nations Peace Operations (Brahimi Report), UN Doc. A/55/305-S/2000/809 (21 August 2000), available at www.un.org/peace/reports/peace_operations, para. 62.

⁴⁷ UN Doc. S/PRST/1999/6 (12 February 1999); UN Doc. S/1999/957 (8 September 1999), paras. 57–59; UN Doc. S/2005/740 (28 November 2005), para. 31.

⁴⁸ UN Doc. S/PRST/2002/41 (20 December 2002). The Aide-Memoire was adopted in March 2002 as UN Doc. S/PRST/2002/6 (15 March 2002) and updated in December 2003: UN Doc. S/PRST/2003/27 (15 December 2003).

⁴⁹ UN Doc. S/2004/431 (28 May 2004), para. 6.

⁵⁰ UN Doc. S/2005/740 (28 November 2005), para. 51.

⁵¹ *Ibid.*, para. 41.

At the interpretation phase, the Secretary-General plays a “norm entrepreneur” role in a number of ways. He or she does so explicitly by passing judgement on the behaviour of states and other actors when they violate the norm. Thus in his monthly reports on the situation in Darfur, Annan regularly blamed the government of Sudan, the janjaweed militias, and the opposition rebel groups for violence against civilians.⁵² Even more important, interpretation of the norm is implicit in how the Secretary-General carries out peace operation mandates given by the Security Council. Since late 1999, seven UN peace operations have been authorized under Chapter VII “to protect civilians under the imminent threat of physical violence”, often qualified by the words, “within the mission’s capabilities and areas of deployment”.⁵³ Considerable discretion on how to implement the mandate is necessarily delegated to the Secretariat and peacekeepers in the field (the Security Council oversees but does not manage day-to-day operations). In the Democratic Republic of the Congo, for example, peacekeepers in the ongoing MONUC operation engaged in “robust” action in the east of the country, largely in the name of protecting civilians. This was based on an expansive reading of the mandate, which included preemptive action in certain circumstances on the grounds that some of the armed groups were a constant threat to civilians.⁵⁴

But the Congo operation also illustrates the dilemmas associated with the responsibility to protect civilians in peace operations.⁵⁵ A mandate without adequate capacity can generate expectations that will not be fulfilled. The qualifying words “within the limits of the mission’s capabilities and areas of operations” are aimed at lowering expectations, but is it reasonable to suppose that all concerned – including vulnerable populations – will read the fine print? Removing civilian protection language from resolutions altogether is no solution, because the mere presence of a

⁵² See, e.g., UN Doc. S/2006/218 (5 April 2006); UN Doc. S/2006/148 (9 March 2006); UN Doc. S/2005/825 (23 December 2005).

⁵³ See SC Res. 1270 (22 October 1999) on Sierra Leone; SC Res. 1299 (19 May 2000) on the Democratic Republic of the Congo; SC Res. 1509 (19 September 2003) on Liberia; SC Res. 1528 (27 February 2004) on Côte d’Ivoire; SC Res. 1542 (30 April 2004) on Haiti; SC Res. 1545 (21 May 2004) on Burundi; SC Res. 1590 (24 March 2005) on Sudan. Three non-UN operations have been given similar mandates. See SC Res. 1464 (4 February 2003) on both the French-led Operation Licorne and ECOWAS in Côte d’Ivoire; and SC Res. 1564 (18 September 2004) on the African Union (AU) in Darfur. A compilation of the precise language in these resolutions can be found in Holt, “The Responsibility to Protect”.

⁵⁴ Center on International Cooperation, *Annual Review*, pp. 73–80.

⁵⁵ For a discussion of the doctrinal implications of the protection of civilians mandate, see Ian Johnstone, “Dilemmas of Robust Peace Operations”, pp. 2–17.

peace operation generates expectations. After Rwanda and Srebrenica, peacekeepers cannot simply stand by as civilians are massacred, claiming that action to protect them is not in their mandate. On the other hand, if peacekeepers are going to be held responsible for every death they fail to prevent, the number of countries willing to contribute troops or police may decline dramatically. Another dilemma arises when protective action in one location leads to reprisals against civilians elsewhere, a deeply disturbing pattern that was seen in the Democratic Republic of the Congo. A third dilemma relates to timing and scale. Taking on the spoilers only after they have done their worst is no help to civilians who die while all other measures are first exhausted. And yet pre-emptive action can provoke a reaction, and there are limits to how far most peace operations can escalate – a reality that ruthless warlords can manipulate to their advantage.

These dilemmas have prompted concern in the Secretariat and among troop-contributing countries about an unqualified protection of civilians mandate. But that does not undermine the argument that the Secretary-General is well placed to function as a norm entrepreneur; if anything it reinforces it. Acutely conscious of operational constraints, the note of caution he or she injects into debates about protection mandates can actually help the norm develop in a viable way. Adopting expansive versions of a norm in intergovernmental conferences will not lead to behavioural changes if the norm is impossible to implement. At this third interpretation–implementation phase of the normative process, the Secretary-General's function is to help render existing norms operational.

Conclusion

In all three phases identified here the Secretary-General is one participant in a complex discursive and deliberative process, involving a multitude of actors – some more influential than others. He or she is not a normative free agent, like Henri Dunant, able to promote any standard of behaviour he believes in. The Secretary-General is embedded in and constrained by the political and institutional context in which he operates, and participates in normative processes that he does not control. And yet that embeddedness is also a source of influence. If the United Nations is an “organizational platform”, then the Secretary-General has a privileged place on that platform. He is consulted by governments and his words carry weight, especially on matters that fall within his operational responsibilities, like the protection of civilians. Beyond that, he is at the

centre of what Ramesh Thakur calls “a sensitive communications network”, in which he speaks not only to governments but also to civil society representatives and business leaders.⁵⁶

But when the Secretary-General stretches too far from accepted understandings, his norm entrepreneurship is destined to fail. The definition of terrorism is one example. The proposal for intervention criteria is another. The recommendations on weapons of mass destruction made in *In Larger Freedom* may be a third, in view of the fact that the World Summit was completely silent on the matter after dropping eight carefully crafted paragraphs.⁵⁷ As David Kennedy points out in chapter 9 of this volume, there are many issues on which no normative consensus exists; an attempt by the Secretary-General to manufacture such consensus is futile.⁵⁸

What this suggests is that the Secretary-General succeeds best when he or she joins emerging normative trends – usually first promoted by a group of states or powerful non-state actors – rather than trying to generate new norms out of whole cloth. Here the distinction between legal and other norms is important. Legal norms are easier to identify than social or moral norms, especially when in treaty form. Moreover, legal norms by definition embody shared understandings because their origins can be traced to state consent. And their power depends in part on how well they cohere with the broader normative environment in which they are situated.⁵⁹ Thus the Secretary-General is likely to be most effective when he or she makes the case for normative change by building on – and stretching – prevailing interpretations of international law; when he or she taps into evolving understandings of the law and uses the United Nations as a vehicle for crystallizing those understandings. Ultimately, a Secretary-General’s “norm entrepreneurship” must be aimed at advancing the values embodied in the Charter in light of changing circumstances, within the constraints of what the political traffic will bear.

⁵⁶ Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect* (Cambridge: Cambridge University Press, 2006).

⁵⁷ See the Draft Outcome Document.

⁵⁸ See chapter 9 by David Kennedy in this volume.

⁵⁹ As Ann Florini puts it, “No norm exists in a vacuum. The social relationship in which states are enmeshed depend on a web of shared normative understandings about what behaviour is acceptable. Any new norm must fit coherently with other existing norms”: Florini, “The Evolution of International Norms”, citing Thomas M. Franck, *The Power of Legitimacy Among Nations* (Oxford: Oxford University Press, 1990).

Pope, pharaoh, or prophet? The Secretary-General after the Cold War

ADEKEYE ADEBAJO

This chapter examines the role of the Secretary-General as the “face” of the United Nations, focusing specifically on the two African Secretaries-General: Boutros Boutros-Ghali (1992–1996) and Kofi Annan (1997–2006). Though I characterize Boutros-Ghali and Annan respectively as “the pharaoh” and “the prophet”, every Secretary-General has exhibited such traits, as well as those of a third and more common metaphor of being a sort of “Pope”. Through these three lenses, the chapter examines the major achievements and failures of Boutros-Ghali and Annan, as well as the reaction of key actors at the United Nations to the efforts of both men to achieve their objectives in the areas of peace and security, socio-economic development, and “humanitarian intervention”. Since both Africans occupied the post for the fifteen years after the end of the Cold War, this is also a study of the role of the Secretary-General in the post-Cold War era. This period saw tremendous changes in the geopolitical landscape, including the collapse of the Communist Bloc and the rise of a unipolar world, the eruption of conflicts in the Balkans and Africa, and an increase in the membership of the United Nations from 159 to 192. All of these transformations had an impact on the United Nations in general but led, in different ways, to greater attention being paid to the role of its Chief Administrative Officer.

Another reason to focus on the two African Secretaries-General concerns the importance of the United Nations to Africa and vice versa. The need to strengthen the role of the United Nations in keeping Africa’s peace and promoting economic development on the continent is clear: nearly half of UN peacekeeping missions in the post-Cold War era have been in Africa, including its largest and most complex missions; most of

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the socioeconomic and humanitarian efforts of the United Nations tend to be focused on Africa. Sub-regional offices of the United Nations have been established in West Africa, the Great Lakes, and Central Africa, as well as peacebuilding offices in Liberia, Guinea-Bissau, and the Central African Republic (CAR). In 2006 nearly 90 percent of UN peacekeepers were deployed in Africa.¹ If the post-Cold War world offered an opportunity for the United Nations to live up to the promise of its Charter, Africa continues to serve as its proving ground.

The three lenses used to examine the role of the Secretary-General help organize this chapter. The next section provides a brief background to Boutros-Ghali and Annan. The following three sections examine their roles as Pope, pharaoh, and prophet. As Shashi Tharoor and others in this volume have observed, the Secretary-General has frequently either sought or been driven to play a kind of secular Pope in leading debates and pushing the organization to act in support of its Charter principles. In addition, however, the different incumbents have, to varying degrees, sought to play the role of “stubborn pharaoh” by asserting the independence of the office and the Secretariat – sometimes leading to clashes with powerful member states. Third, since the organization has a Third World majority and North–South issues have come to fill the void left by East–West politics at the United Nations, every Secretary-General since the age of decolonization has had to portray himself as a kind of southern prophet, championing the development and security interests of the weak against the powerful.² These different roles have – like the tension between being secretary or general that runs through this volume – complicated the lives and the legacies of each Secretary-General, though most obviously in the two African post-Cold War incumbents.

Boutros-Ghali and Annan

The Egyptian scholar-diplomat, Boutros Boutros-Ghali, served as Secretary-General between 1992 and 1996. Having obtained a doctorate in international law from the Sorbonne in Paris, taught at Cairo University for twenty-eight years, and published widely in law and politics journals, Boutros-Ghali was the most intellectually accomplished Secretary-General in the history of the post. A Coptic Christian from a rich family, he had acquired a deep sense of *noblesse oblige* and a

¹ See Adekeye Adebajo and Helen Scanlon (eds.), *A Dialogue of the Deaf: Essays on Africa and the United Nations* (Johannesburg: Jacana, 2006).

² See also chapter 4 by James Cockayne and David M. Malone in this volume.

commitment to public service. Like Dag Hammarskjöld, the Swedish diplomat who occupied the office between 1953 and 1961,³ Boutros-Ghali was aloof and often impatient with people who were less intelligent than he. UN staff came to refer to their Egyptian boss as “the Pharaoh”, due to his authoritarian leadership style.

Kofi Annan, a citizen of Ghana, was appointed Secretary-General in 1996 under controversial circumstances. The United States stood alone among the fifteen Security Council members in vetoing Boutros-Ghali’s reappointment. Washington and London then launched a manipulative campaign on behalf of Annan, arguing that continued support for Boutros-Ghali suggested to the world that there was no qualified black African candidate. Paris assumed a typically Gallic cultural arrogance, posturing about Annan’s lack of fluency in French. Eventually everyone agreed to Boutros-Ghali’s departure and Annan became the first Secretary-General from black Africa.

At the time of his appointment, Annan was widely regarded as a competent administrator who had climbed up the UN system after a thirty-year career that spanned the fields of finance, personnel, health, refugees, and peacekeeping. He was charming and affable, and, like the Burmese Secretary-General, U Thant, unflappably calm. Annan seemed, at first, like Hammarskjöld, to be painfully shy and somewhat uncomfortable in the glare of the media cameras. He appeared to be better suited to the discreet role of a faceless bureaucrat than the high-profile role of a prophetic statesman. But Annan’s mild-mannered side masked a tough interior and a quiet determination to achieve his goals. Where Boutros-Ghali was arrogant and cerebral, Annan was affable and charming. Where Boutros-Ghali was seen by his staff as an aloof, pompous pharaoh, Annan was regarded at the United Nations as an accessible, philosophical prophet. But while even Boutros-Ghali’s worst enemies conceded that he was an intellectual, even Annan’s best friends did not sell him as a scholar. Annan and his Swedish wife, Nane, soon became regular New York socialites. The introverted Boutros-Ghali avoided the social limelight.

After his appointment, Annan received a universally positive press from a fickle Western media, many of which slavishly reflected their governments’ views. But very little was known about this enigmatic figure outside UN circles where he had acquired an almost unblemished reputation for being a competent civil servant with an impressive grasp of

³ See generally Peter Wallensteen, *Dag Hammarskjöld* (Stockholm: The Swedish Institute, 2004); Brian E. Urquhart, *Hammarskjöld* (New York: Knopf, 1972).

complex details. Since he spent much of his career in the UN bureaucracy, Annan was seen by many as a creature of the system. He started off cautiously and his reforms were methodical rather than revolutionary, continuing the reduction of staff began under his predecessor and initiating efforts at better coordination among UN departments.

In the Byzantine world of UN politics, various informal interest groups battle each other for plum posts. Annan appeared to have little patience for this kind of intrigue, believing instead in a charmingly antiquated version of meritocracy in this world of egocentric godfathers and “equitable geographical distribution”. He also seemed to have made few political enemies in his ascent to the top: a truly impressive feat in the often ruthless political environment of jostling chiefs who jealously guard their bureaucratic fiefdoms. A further quality that characterized Annan’s career was loyalty: he moved some of his closest and most competent advisers from his days as Under-Secretary-General for Peacekeeping – including Iqbal Riza, Shashi Tharoor, and Elisabeth Lindenmayer – to senior positions in his new office. By 2005 strains appeared in these relationships, however, with the replacement of the septuagenarian Riza by the former head of the UN Development Programme, Mark Malloch Brown, another old friend of Annan, leading to the controversial departure of Lindenmayer, one of Annan’s most trusted aides.

The secular Pope

It was Joseph Stalin who famously asked: “How many battalions does the Pope have?” What is true of the pontiff in Rome is also true of the inhabitant of the thirty-eighth floor of New York’s UN Headquarters. With no UN standing army, the Secretary-General must depend entirely on member states to provide the troops and resources needed to fulfil the mandates entrusted to him. It is the moral authority and skills at stitching together “coalitions of the willing” and building consensus among the Great Powers that often gets the job done. Every Secretary-General has few other resources in his armoury than the moral authority of the position.⁴

Boutros-Ghali played the secular Pope in bluntly condemning the double standards of powerful Western powers in selectively authorizing

⁴ See, for example, Thomas M. Franck and Georg Nolte, “The Good Offices Function of the UN Secretary-General”, in Adam Roberts and Benedict Kingsbury (eds.), *United Nations, Divided World: The UN’s Roles in International Relations*, 2nd edn. (Oxford: Clarendon Press, 1993).

UN interventions in “rich men’s wars” in Europe while ignoring Africa’s “orphan conflicts”. His enduring legacy to the United Nations will be *An Agenda for Peace*, a landmark document published in 1992 on the tools and techniques of peacemaking, peacekeeping, and peacebuilding for a post-Cold War era. The Security Council had asked the Egyptian scholar-diplomat to present it with such a text in January 1992. In true professorial style, Boutros-Ghali spent forty hours meticulously going through countless drafts of the text. His *Agenda* called for “preventive deployment”, a rapid reaction UN force to enable action without the need to seek new troops for each mission, heavily armed peace-enforcers for dangerous missions, and the strengthening of regional peacekeeping bodies to lighten the burden on the United Nations.⁵ As well as advancing theory, Boutros-Ghali’s tenure also saw a rise and fall in the practice of UN peacekeeping in Bosnia and Herzegovina, Cambodia, Haiti, Rwanda, and Somalia. At its peak in 1994, the United Nations deployed 75,000 peacekeepers to seventeen trouble spots at an annual cost of \$3.6 billion. During the previous four decades, the United Nations had deployed only thirteen peacekeeping missions.⁶

Similar to the Peruvian Secretary-General Javier Pérez de Cuéllar’s focus on human rights, Kofi Annan was perhaps the most moralistic and proselytizing UN Secretary-General: an irony for a self-declared “pragmatist” Christian. Annan consistently spoke out forcefully on human rights issues. In East Timor in 1999 he pushed strongly for an international force to stop the abuses of militias against civilians who had voted for independence from Indonesia. At the United Nations General Assembly that year, following the controversial Kosovo intervention, Annan presented himself as the champion of “humanitarian intervention” in noting: “the core challenge to the Security Council and the United Nations as a whole in the next century is to forge unity behind the principle that massive and systematic violations of human rights – wherever they take place – cannot be allowed to stand.”⁷

Leader after leader from the South lined up in the General Assembly after Annan’s 1999 speech to condemn an idea that they saw as a threat to

⁵ *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping* (Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992), UN Doc. A/47/277-S/24111 (17 June 1992), available at www.un.org/Docs/SG/agpeace.html.

⁶ Marrack Goulding, *Peacemonger* (London: John Murray, 2002), p. 18.

⁷ Quoted in Ian Johnstone, “The Role of the UN Secretary-General: The Power of Persuasion Based on Law”, *Global Governance*, vol. 9 (2003), pp. 450–451. See also chapter 6 by Quang Trinh in this volume.

their sovereignty and their own hold on power. Algerian President Abdelaziz Bouteflika criticized the concept of “humanitarian intervention” for its potential to legitimize abuses by powerful states against weaker ones. Theo-Ben Gurirab, Namibia’s foreign minister and president of the General Assembly at the time, publicly criticized Annan’s views at a diplomatic reception. At the African Union (AU) summit in Addis Ababa in July 2004, Annan also called for an end to dictatorships in Africa in the full glare of all the assembled continental leaders. He often advocated for African countries to cut their military expenditure and to adopt economic reforms. Annan spoke out frequently on the need for an interdependent world to tackle “problems without borders”: AIDS, refugees, poverty, terrorism, and weapons of mass destruction. The Ghanaian is the only living Secretary-General to have been awarded the Nobel Peace Prize, which he shared with the organization in 2001 (Hammarskjöld was awarded it posthumously in 1961).

Annan’s promotion of humanitarian intervention in cases of gross human rights abuses and his publishing of reports on Rwanda and the Balkans critical of the United Nations cannot be separated from some sense of responsibility that he felt at the lacklustre reaction of the UN Secretariat and its member states to these tragedies. Though he did not publicly admit it, the fact that he championed the issue of “humanitarian intervention” and the political risks he incurred to place it on the international agenda, suggest that these experiences at least left some emotional scars that the painfully private and usually unruffled diplomat would probably never openly admit.⁸

The stubborn pharaoh

Attempts by a Secretary-General to play the role of “stubborn pharaoh” have occasionally met with fatal resistance from powerful members of the Security Council. Both the hapless Norwegian Trygve Lie and the heroic Swede Dag Hammarskjöld were damaged by Russia. China cast sixteen vetoes to prevent Kurt Waldheim’s bid for a third term in 1981. The United States vetoed Boutros-Ghali’s reappointment in 1996, while its Congress fatally wounded Annan in 2005. The permanent five veto-wielding Security Council members have often appeared to prefer office-holders that were more “secretary” than “general”. As Brian E. Urquhart once put it: “political differences dictate a search for a candidate who will

⁸ See further chapter 10 by James Traub in this volume.

not exert any troubling degree of leadership, commitment, originality, or independence.”⁹

No other Secretary-General did more to bolster the independent role of the Secretary-General in world politics than the second holder of the office, Dag Hammarskjöld. He reduced the Secretariat's budget and reorganized the institution to make it more efficient. After the Korean War, Hammarskjöld flew to China in 1955 to secure the release of captured US airmen who had served under the UN flag. Using what became known as the “Peking Formula”, he distanced his role as UN Secretary-General from the hostile resolutions of the General Assembly, and eventually succeeded in his mission. Hammarskjöld was also the first Secretary-General to invoke Article 99 of the Charter in 1960, convening the Security Council to discuss the Congo crisis. He kept close to the diplomatic position of African governments at the United Nations and encouraged largely African peacekeepers to deploy to the mission. Hammarskjöld thus effortlessly combined the roles of southern prophet and stubborn pharaoh.¹⁰

Of the two African Secretaries-General, Boutros-Ghali was seen as a pompous pharaoh for breaking tradition by not attending the informal meetings of the Security Council, which he found tedious. He often annoyed permanent representatives trying to get through their briefs in meetings with him by cutting them off in mid-sentence to inform them that he had previously talked to their foreign ministers or presidents. Boutros-Ghali also frequently scolded African ambassadors in New York for not keeping properly abreast of matters concerning their continent.¹¹ Stanley Meisler described the Egyptian scholar-diplomat as “the most stubbornly independent secretary-general in the half-century history of the United Nations.”¹² Senior US politicians like Jeane Kirkpatrick and Richard Armitage accused Boutros-Ghali of trying to become “chief executive officer of the world”. Irresponsible officials eventually turned him into a bogeyman, blaming Boutros-Ghali for everything from the death of US soldiers in Somalia, to the failure to protect “safe havens” in Bosnia, to obstruction of reform within his own bureaucracy. Boutros-Ghali thus became a pawn in a chess-game that resulted in the end of his reign. He was particularly scapegoated for the Somali débâcle in 1993,

⁹ Brian E. Urquhart, *A Life in Peace and War* (New York: Harper & Row, 1987), p. 223. On the selection process, see chapter 3 by Colin Keating in this volume.

¹⁰ See also Brian E. Urquhart's account of this incident in chapter 1 and the discussion of the Peking Formula in chapter 10 by James Traub, both in this volume.

¹¹ Stanley Meisler, “Dateline UN: A New Hammarskjöld?”, *Foreign Policy*, vol. 98 (Spring 1995), p. 186. ¹² *Ibid.*, p. 181.

a fiasco that had been entirely planned and directed from the Pentagon. Bosnia's failures were largely due to European *realpolitik* and US policy vacillations. Anglo-French pressure prevented Boutros-Ghali from ordering air-strikes against the Serbs, as they argued that this would have put their own troops in harm's way. But the pugnacious US Ambassador to the United Nations, Madeleine Albright, accused the United Nations of "betrayal", and when Boutros-Ghali complained about the "vulgarity" of her language, it was clear that relations between these two strong personalities had reached a head: the time was fast approaching when an irresistible force would confront an immovable object.

Boutros-Ghali's tenure witnessed the most far-reaching reform in the history of the organization. The Washington-backed American, Joseph Connor, was made Under-Secretary-General for Management in 1994 and cut the UN bureaucracy from 12,000 to 9,000 while freezing the UN budget, saving \$100 million a year. Departments were slashed by a third, new performance criteria were introduced, and increased computerization cut down on the organization's notorious paper-load. Boutros-Ghali also appointed more US citizens to top positions than any of his predecessors. But fact became irrelevant in a silly season of populist electioneering. The Clinton Administration – notorious for a reactive foreign policy and led by a President obsessed with short-term polls – failed to defend the United Nations but instead joined the criticisms of UN profligacy. Albright boosted her own chances of winning bipartisan support for her bid to become the first female Secretary of State by acting as President Bill Clinton's willing executioner, personally delivering Boutros-Ghali's head to a bloodthirsty US Congress.

During his tenure in office, Boutros-Ghali displayed a fierce and often courageous independence, insisting, for example, on maintaining a veto over air-strikes in Bosnia. As he noted: "If one word above all is to characterize the role of the Secretary-General, it is independence. The holder of the office must never be seen as acting out of fear of, or in an attempt to curry favour with one state or group of states."¹³ Boutros-Ghali consistently complained about the undemocratic nature of the Security Council. He chastised his political masters in the Council for turning the United Nations into an instrument of parochial national interest over Iraq and Libya, and he berated them for their lack of political will in dumping impossible tasks in Bosnia and Rwanda on the United Nations without providing it with the resources to do the job. Boutros-Ghali criticized

¹³ Quoted in Johnstone, "The Role of the UN Secretary-General", p. 443.

Washington relentlessly for refusing to pay its \$1.3 billion debt to the United Nations while domineeringly seeking to set its agenda. In his bitter 1999 memoirs, *Unvanquished*, the Egyptian's indictment of the United States in blocking UN action to halt the genocide in Rwanda in 1994 is devastating.¹⁴ Though Boutros-Ghali focused much of his venom on the United States, however, he often failed to point out in similar detail some of the shortcomings of other powerful members of the United Nations. For example, France, the closest ally of this Sorbonne-educated intellectual who led La Francophonie after 1996, gets off particularly lightly for its training and arming of Hutu death squads before Rwanda's 1994 genocide.

The southern prophet

As indicated earlier, every UN Secretary-General has to pay careful attention to the "global South" and its economic and security priorities in order to maintain the support of the vocal majority in the General Assembly. The NAM was founded in 1961 and most of its members are part of the Group of 77 (G-77) developing countries, set up in 1964 in the context of the first UN Conference on Trade and Development (UNCTAD). The G-77 continues to dominate the UN agenda. The African Group at the United Nations was created in 1958 and soon made its presence felt on decolonization and anti-apartheid issues. NAM states led the expansion of the Security Council and the Economic and Social Council (ECOSOC) beginning in 1963. While the five veto-wielding members of the Security Council carried the big stick, it was the General Assembly that drove norm-building and set the political tone of the organization.¹⁵

Both Boutros-Ghali and Annan were in a sense prophets of *Pax Africana*, expanding peacekeeping into the continent. Ironically, it was the North African Boutros-Ghali – whose country is usually accused by black Africans of having its body in Africa and heart and head in the Middle East – that was seen as the more genuinely committed to African conflicts.

¹⁴ Boutros Boutros-Ghali, *Unvanquished: A US–UN Saga* (New York: Random House, 1999).

¹⁵ See Ali Mazrui, *Towards a Pax Africana: A Study of Ideology and Ambition* (Chicago: Chicago University Press, 1967); David M. Malone and Lotta Hagman, "The North–South Divide at the United Nations: Fading at Last?", *Security Dialogue*, vol. 33, no. 4 (2002), pp. 399–414; Sally Morphet, "Multilateralism and the Non-Aligned Movement: What Is the Global South Doing and Where Is It Going?", *Global Governance*, vol. 10 (2004), pp. 517–537; Ali Alatas, "Towards a New Strategic Partnership between Asia and Africa" (Keynote address at the Institute of Defence and Strategic Studies conference, *Bandung Revisited: A Critical Appraisal of a Conference's Legacy*, Singapore, 15 April 2005).

This was despite the fact that Annan came from Ghana, the country led by Kwame Nkrumah that had carried the torch of pan-Africanism and blazed the independence trail in black Africa in 1957. Many senior Africans at the United Nations (both in the Secretariat and in permanent missions) distrusted Annan and doubted his conviction on African issues.

Boutros-Ghali was steeped in the intricacies of Third World diplomacy having served as Egypt's minister of state for foreign affairs for fourteen years between 1977 and 1991 under the autocratic regimes of Anwar Sadat and Hosni Mubarak. He had a profound and intuitive grasp of the global South and was deeply involved in both the Arab-Israeli dispute and the politics of the OAU. (Boutros-Ghali was in fact recommended for the post of UN Secretary-General at the OAU summit in Abuja, Nigeria, in June 1991 – almost accidentally, by Gabonese autocrat Omar Bongo.¹⁶) Boutros-Ghali was thus more cautious than Annan in pushing a human rights agenda that he knew many sovereignty-obsessed governments in the South would oppose. Annan, in contrast, spent more than thirty years in the UN “machine” before becoming Secretary-General, serving mostly in Western capitals like New York and Geneva. He returned to Ghana for two years in 1974 to head the Ghana Tourist Development Company, but left in frustration at heavy state control and the corruption of the profligate regime of General Kutu Acheampong. Annan's feel for African politics was thus less sure than Boutros-Ghali's.

As Secretary-General, Boutros-Ghali often expressed the Southern criticism that the rich North was too focused on peace and security issues and did not pay enough attention to socioeconomic development.¹⁷ In response to the criticism of his *An Agenda for Peace* from the Southern majority in the General Assembly, he produced *An Agenda for Development* a year later. Boutros-Ghali also organized a series of UN conferences that focused on social and economic issues such as the Rio Conference on Environment and Development in 1992, and the World Summit for Social Development in Copenhagen in 1995. Critics in the South accused Kofi Annan of not standing up to the United States when it used the United Nations to spy on Iraq and violated the Charter by raining down bombs on Kosovo, Sudan, Afghanistan, and Iraq without the approval of the Security Council. James Jonah, the Sierra Leonean former Under-Secretary-General for Political Affairs, once described the difference between the two men

¹⁶ Boutros-Ghali, *Unvanquished*, p. 7.

¹⁷ Marrack Goulding, “The UN Secretary-General”, in David M. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (Boulder, CO: Lynne Rienner, 2004).

thus: "If the Security Council tells Boutros to jump, he will ask 'Why?' If the Council asks Annan to jump, he will ask 'How high?'"¹⁸

But as Ibrahim Gambari, Nigeria's Ambassador to the United Nations between 1990 and 1999 and later Under-Secretary-General for Political Affairs, noted: "It would be very unwise for any Secretary-General to antagonize the only superpower left in the world."¹⁹ Annan's supporters argued that the enduring lesson of Boutros-Ghali's departure was not to confront directly the world's sole superpower. Trained in the United States at the elite Massachusetts Institute of Technology (MIT) and Macalester College, Annan never quite shook off the impression of being indebted to Washington, which almost single-handedly ensured his ascent to the top UN job. Unlike Boutros-Ghali, whose appointment was based on support from the OAU, the choice of Annan was built on a solid Anglo-Saxon foundation.

Some Africans criticized Annan for not being "African" enough; for not identifying enough with the continent; and for not promoting African candidates to top UN posts in the way senior officials from other regions promoted their own candidates. Boutros-Ghali, in contrast, was often accused of practising cronyism through packing the United Nations with Egyptian nationals. It has often been said that Annan's transitional team did not contain a single African. Annan himself was said to be reluctant to attend African diplomatic summits or to meet regularly with African ambassadors for informal lunches at the United Nations.²⁰ To some, Annan's apparent discomfort with his African identity suggested a certain insecurity: even as he tried to get away from his roots through what sometimes appeared to be an affected English accent, his Ghanaian intonations came through strongly as if to remind him that he could not escape his ancestry. He sometimes showed a superficial understanding of Africa, describing a traditional society where people sit under a tree and talk, referring nebulously to Africa's spirit of forgiveness and reconciliation.²¹ He often employed similar stereotypes of Africa as an undifferentiated continent of conflicts with views that one would find in many parts of the often Afro-pessimistic Western media. As Annan said: "If you mention Africa today, people see it as a continent in crisis . . . nobody wants to invest in a bad neighbourhood."²²

¹⁸ Interview with James Jonah, New York, May 1997.

¹⁹ Interview with Ibrahim Gambari, New York, January 2000. ²⁰ Confidential interviews.

²¹ Philip Gourevitch, "The Optimist", *New Yorker*, 3 March 2003, p. 50.

²² Quoted in Henry Louis Gates, Jr., "Tricky Situation: A Conversation with Kofi Annan", *Transition*, vol. 10, no. 2 (2001), p. 114.

Annan annoyed African diplomats during the Rwandan genocide of 1994 by casually telling *Le Monde* that the reason African countries were not contributing troops was because they “probably need their armies to intimidate their own populations.”²³ (African troops were, in fact, made available but the West, particularly the United States, dragged its feet on providing the promised logistics to transport them to Rwanda.) When Annan ran into trouble with his US critics in 2004 and 2005, it was mostly Western loyalists, rather than senior Africans at the United Nations, to whom he turned for help, holding a famous “secret” dinner in the home of former US Ambassador to the United Nations, Richard Holbrooke.²⁴

One lingering accusation that Annan was not able to shake off was that, while serving as Under-Secretary-General for peacekeeping in 1994, he did not respond appropriately to a cable warning of an impending genocide in Rwanda. Much controversy still remains over Annan’s failure to report the contents of a January 1994 cable from Canadian UN force commander, General Roméo Dallaire, warning of the impending genocide and asking for authorization to take military action to forestall it, to Boutros-Ghali and the Security Council. An independent inquiry published by the United Nations in December 1999 criticized Annan and his deputy, Iqbal Riza, for this shortcoming.²⁵ As the genocide began, Boutros-Ghali was on a tour of Europe; he was not only slow in returning to New York, but also dithered before belatedly calling for a stronger UN force. The failure to act was also due, importantly, to the powerful members of the Security Council – particularly the United States – who erroneously viewed Rwanda through a tainted Somali prism.

Annan rarely took direct individual responsibility for his role in this tragedy. Instead, he often hid behind formulations of collective responsibility by citing the culpability of “the international community” and “the world”. On a visit to the Rwandan capital in May 1998, Annan insensitively said about the 1994 genocide: “It was a horror that came from within”.²⁶ He dismissed criticisms of his role during the genocide as “an

²³ Quoted in Gourevitch, “The Optimist”.

²⁴ The dinner, which took place on 5 December 2004, was reported on the front page of the *New York Times*: Warren Hoge, “Secret Meeting, Clear Mission: ‘Rescue’ UN”, *New York Times*, 3 January 2005.

²⁵ Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda, UN Doc S/1999/1257 (15 December 1999). See also Linda Melvern, *A People Betrayed: The Role of the West in Rwanda’s Genocide* (London: Zed Books, 2000), p. 93.

²⁶ Quoted in William Shawcross, *Deliver Us from Evil: Peacekeepers, Warlords and a World of Endless Conflict* (New York and London: Touchstone, 2000), p. 288.

old story which is being rehashed,” before adding: “I have no regrets”.²⁷ He faced a hostile reception from Rwanda’s leaders who openly denounced him and shunned an official reception in his honour. During the commemoration of a decade of Rwanda’s genocide in April 2004, Annan decided not to risk an embarrassing repeat of this incident, sending instead Ibrahim Gambari, his special adviser on Africa at the time, to represent him in Kigali.

Annan did, however, show a consciousness of the need to maintain African support: his special representatives to Angola, Central African Republic (CAR), the Democratic Republic of the Congo (DRC), Liberia, and Sierra Leone were African; Gambari was appointed as Annan’s Special Adviser on African conflicts in 1999, and as Under-Secretary-General for Political Affairs in 2005; Olara Otunnu served as his Special Representative for Children and Armed Conflict between 1998 and 2005; and Patrick Hayford, Ghana’s former high commissioner to South Africa, served as a director in Annan’s office. Annan also commissioned special reports on peace and development in Africa in 1998 and pushed forcefully for new UN peacekeeping missions in the DRC, Liberia, Sierra Leone, and Sudan. He focused international attention on neglected conflicts in Western Sahara and Algeria and consulted regularly with, and sought the advice and guidance of, African leaders.

African prophet or American poodle?

Kofi Annan’s relations with Washington were eventually badly affected by his refusal to give *carte blanche* to US policies in Iraq where UN officials like Denis Halliday had openly condemned the devastating humanitarian costs of sanctions on the country that had killed an estimated 500,000 Iraqi children in a decade. Annan acted as a travelling salesman, going above the head of cantankerous and sometimes ignorant US legislators to champion the UN cause at college campuses, business forums, and town halls. His diplomatic tact and assiduous courting of key American constituencies yielded some fruits: Washington started to repay its long overdue debt of \$1.3 billion to the United Nations, while tycoons Ted Turner and Bill Gates contributed generously to the funding of various UN programmes.

Seen at first as a “made-in-America” UN Secretary-General, Annan eventually acquired critics in both government and media circles. These

²⁷ Gourevitch, “The Optimist”.

critics accused him of being naïve and idealistic. During a visit to Baghdad in February 1998 to negotiate the re-entry of UN weapons inspectors in which he smoked cigars with Saddam Hussein – one of the few times he went against Washington’s explicit wishes – Annan said that he could do business with the Iraqi dictator if it meant preventing a war. This statement was treated by his critics as almost analogous to Neville Chamberlain’s visit to Munich in 1938 to appease Hitler. Annan demonstrated uncharacteristic hubris after UN staffers applauded him into the building following this trip and seemed to start believing in the propaganda of the ultra-loyalists around him who worshipped their saintly leader. The agreement with Hussein soon unravelled, and Annan lost his halo among his former devotees in the US government and media.²⁸

Things got worse when Annan began an ambitious reform agenda in the wake of acrimonious disputes over the US-led invasion of Iraq in 2003. He convened a High-Level Panel that proposed reforms for more effective management of collective security threats by the United Nations, submitting its report in December 2004. Annan also offered his own proposals in the March 2005 report *In Larger Freedom*.²⁹ More than 150 heads of state met in New York in September 2005 to recite obsequies for the ill-fated effort at change. The event left Annan’s legacy – already badly tarnished by Iraq’s Oil-for-Food scandal – in tatters. Spectacular failures in the process included the inability to reform the anachronistic fifteen-member Security Council, no substantive measures being taken to improve peacekeeping capacity, and little more than rhetoric on issues of aid, trade, and debt.³⁰

The three potential successes of the reform process were agreement on the doctrine of “responsibility to protect”, transforming the Commission

²⁸ See chapter 10 by James Traub in this volume.

²⁹ See *A More Secure World: Our Shared Responsibility* (Report of the High-Level Panel on Threats, Challenges, and Change), UN Doc. A/59/565 (1 December 2004), available at www.un.org/secureworld; *In Larger Freedom: Towards Development, Security, and Human Rights for All*, UN Doc. A/59/2005 (21 March 2005), available at www.un.org/largerfreedom.

³⁰ The Africans greatly contributed to the failure to achieve Security Council reform by stubbornly insisting on a veto for new permanent members after Germany, Japan, Brazil, and India had dropped this demand. On UN reform, see in particular the contributions by Adekeye Adebajo, Simon Chesterman, Christopher Landsberg, and David M. Malone in the special edition of *Security Dialogue*, vol. 36, no. 3 (2005). See also Mats Berdal, “The UN’s Unnecessary Crisis”, *Survival*, vol. 47, no. 3 (2005), pp. 7–32; *A More Secure Continent: African Perspectives on the UN High-Level Panel Report* (Centre for Conflict Resolution, seminar report, Cape Town, 23–24 April 2005), available at ccrweb.ccr.uct.ac.za.

on Human Rights into a Human Rights Council, and establishing a Peacebuilding Commission. The idea behind “responsibility to protect” – in many ways an extension of Annan’s approach to “humanitarian intervention” in 1999³¹ – is that the international community has a duty to protect populations from serious harm if governments are unwilling or unable to do so. Its novelty was sometimes overstated: Sudanese scholar Francis Deng’s concept of “sovereignty as responsibility”³² had earlier argued that governments cede the right to non-intervention in their internal affairs if such protection is not provided. Many governments in Africa and the global South nevertheless criticized this notion as an opportunity for more powerful countries to undertake “regime change” and other self-interested interventions in weaker countries under the cloak of protecting civilians – as the United States was widely accused of having done in Iraq. Initial African opposition to this notion was somewhat ironic considering that the AU Constitutive Act of 2000 was one of the world’s most interventionist regimes, potentially authorizing military action in response to genocide, egregious human rights abuses, regional instability, and unconstitutional changes of regime.³³ Since independence in the 1960s, however, African governments have been wary of foreign intervention by external powers, in particular the superpowers during the Cold War and former colonial powers such as France. The OAU, created in 1963, maintained a strict adherence to the principle of non-intervention in the internal affairs of its members in a bid to avoid both internal challenges and external meddling that could threaten the survival of fragile regimes.

Efforts in the second area, to create a Human Rights Council, were driven largely by the concerns of the United States and other Western countries that the Commission on Human Rights was ineffectual and allowed countries like Cuba, Libya, and Sudan to sit on the Commission, weakening its credibility. Washington and its allies pushed for a body elected by two-thirds of UN members rather than by regional blocs. Critics of the United States, however, retorted that flagrant human rights abuses in Abu Ghraib and Guantánamo Bay expose the hypocrisy of the “hyperpower”. In the Ezulwini Consensus on UN reform in February 2005, African governments questioned the need for a human rights body

³¹ See chapter 6 by Quang Trinh and chapter 7 by Ian Johnstone, both in this volume.

³² See Francis Deng *et al.*, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington DC: The Brookings Institution, 1996).

³³ Constitutive Act of the African Union, done at Lomé, Togo, 11 July 2000, available at www.africa-union.org.

with universal membership (as initially proposed by the High-Level Panel) and called instead for an organ that would report to ECOSOC rather than one that is beholden to the General Assembly or becomes a fully fledged UN body like the Security Council.³⁴ In the end, a forty-seven-member Council was established that meets more frequently than the Commission, is elected by a majority of General Assembly members, and can suspend human rights violators from Council membership through a two-thirds General Assembly majority.

The third area of at least modest success was the creation of a Peacebuilding Commission. The Commission was established in December 2005 and has thirty-one key UN members with political, financial, and peacekeeping clout. Along with regional development banks, the World Bank and the International Monetary Fund (IMF), the Peacebuilding Commission has the potential to mobilize resources to ensure that countries like Sierra Leone, Liberia, Angola, and the DRC remain stable after fighters have laid down their arms.

Despite some progress on these three issues, however, recent experience of UN members in delivering on their promises does not encourage great optimism. No state appears to be assuming a “responsibility to protect” in Sudan’s Darfur region, the eastern Congo, or northern Uganda. The Human Rights Council has yet to sanction human rights violators. The Peacebuilding Commission may be unable to mobilize the necessary resources to ensure that countries remain peaceful. The rich world – with notable exceptions like the Scandinavians and the Dutch that have consistently allotted 0.7 percent or more of their Gross National Product (GNP) to assisting developing countries over the last three decades – will most likely continue its stinginess. Empty promises will continue to be made while refusing to make genuine cuts in trade-distorting agricultural subsidies – as evidenced in the WTO talks in Hong Kong in December 2005 – that prevent farmers in poor countries from selling more of their products abroad.

Returning to Annan’s travails, his relationship with the Bush Administration were badly affected by his comments on Iraq. Having failed to speak out initially, and thereby annoying the South, Annan clumsily declared the war in Iraq “illegal” in the middle of the US election campaign of 2004.³⁵ This added fuel to the fire of conservative US politicians

³⁴ See African Union, Draft Recommendations at the Ministerial Committee of Fifteen on the Report of the High-Level Panel on the Reform of the United Nations System, Mbabane, Swaziland, 20–22 February 2005, CTTE/15/Min/ReformUN/Draft/Recomm (I).

³⁵ See chapter 6 by Quang Trinh in this volume.

like Senator Norm Coleman, who called for Annan's resignation. Five separate congressional investigations were opened on the Oil-for-Food scandal, with great attention focused on allegations that Annan's son Kojo had acted improperly in his financially beneficial relations with Cotecna, a Swiss company later hired by the United Nations, and that Annan's chief of staff, Iqbal Riza, had ordered the shredding of three years of sensitive documents.³⁶ These events effectively turned the Secretary-General into a lame duck two years before the end of his term. Amidst his tribulations, Annan figuratively and literally lost his voice; his hands visibly trembled in meetings, his shoulders slumped, and he seriously considered early resignation. He naïvely lamented the strange disappearance of once loyal "friends".³⁷ The sense of siege on Turtle Bay was palpable.

Compounding the failure of UN reform was the release of three reports by Paul Volcker, former chairman of the US Federal Reserve, on the Oil-for-Food scandal in Iraq. These revealed corruption and mismanagement within the UN Secretariat, though stopping short of calling for the Secretary-General's head. Two of Volcker's investigators resigned in protest at what they saw as the gentle treatment of Annan. When reports of the Secretary-General's son's connections with Cotecna first broke in 1999, the United Nations launched a lackadaisical internal investigation that cleared Annan of any wrongdoing in a single day. Annan's obsession with loyalty and wishing to please everyone and to be liked – impossible at such a high level of responsibility – had finally caused him tremendous personal and political damage. The year 2005 was truly an *annus horribilis* for Kofi Annan: many Southern governments criticized him for backing what they saw as a Western-dominated reform agenda, even as his former supporters in the United States assailed what they perceived to be his diplomatic and management failures over Iraq.

Conclusion

What, then, is the legacy of Africa's two Secretaries-General? Boutros-Ghali combined the roles of secular Pope, stubborn pharaoh, and southern prophet in a sort of holy trinity. Despite his pompous arrogance, his tenure as Secretary-General was not without achievements: peacekeeping successes in Cambodia, El Salvador, and Mozambique were achieved

³⁶ Ian Williams, "Oil for Food: A Hell of a Scandal", *Asia Times*, 1 April 2005.

³⁷ Meryl Gordon, "No Peace for Kofi: A Father's Burden", *New York*, 2 May 2005.

under his watch, and he forcefully defended the organization against its critics. His landmark 1992 report, *An Agenda for Peace*, remains an indispensable guide to the tools and techniques employed by the United Nations. But he also made serious errors. In both Somalia and Western Sahara, Boutros-Ghali was regarded as less than neutral, having previously supported incumbent regimes while serving as Egypt's minister of state for foreign affairs. His decision to appoint US Admiral Jonathan Howe as his Special Representative in Somalia, his support for Howe's recklessly aggressive actions against supporters of Mohammed Farah Aideed, and his bruising confrontation with Albright, were, in retrospect, costly errors of judgement. For all his undoubted achievements, Boutros-Ghali eventually earned himself the unenviable distinction of being the only UN Secretary-General to have been denied a second term in office.

In his own ten-year tenure, Kofi Annan courageously, but perhaps naïvely, championed the cause of humanitarian intervention, with "responsibility to protect" being its uncertain normative legacy. After a steep decline in the mid-1990s, peacekeeping increased again by 2005 to around 80,000 troops with a budget of \$3.2 billion. African countries like Sudan, Congo, Liberia, Ethiopia/Eritrea, and Côte d'Ivoire were the main beneficiaries. Annan also moved the UN bureaucracy from its creative inertia to embrace views and actors from outside the system. He reached out for advice from civil society groups, organizing seminars with policy institutes and encouraging the United Nations to work more with these actors in the field. He also promoted the cause of women in UN institutions, appointing Canada's Louise Fréchette as his deputy, Ireland's Mary Robinson as his High Commissioner for Human Rights, and retaining Japan's Sadako Ogata as his High Commissioner for Refugees.

The right-wing British politician Enoch Powell famously noted that all political careers end in failure. This appeared to be particularly apt as one observed the tragic twilight of Annan's tenure as Secretary-General. In retrospect, the 2001 Nobel citation that praised him for being "pre-eminent in bringing new life to the organization"³⁸ sounded anachronistic by 2006 in light of Rwanda, the Oil-for-Food scandal (which raised both ethical issues and questioned his competence as a manager), and the failure of UN reform in 2005. Annan's troubled exit from the post could

³⁸ The Nobel Peace Prize 2001 (Norwegian Nobel Committee, Oslo, 12 October 2001), available at nobelprize.org/peace/laureates/2001/press.html.

yet transform him, in the hands of future historians, into a prophet without honour, with his final years being embroiled in scandal and having been rendered a lame duck by the country that did the most to anoint him Secretary-General in 1996. Annan finally and painfully discovered the ancient wisdom: that when one sups with the devil, it is best to use a long spoon.

Leader, clerk, or policy entrepreneur? The Secretary-General in a complex world

DAVID KENNEDY

Debates about the leadership of intergovernmental organizations return again and again to the same, unhelpful alternatives. For a century, diplomatic discussions of what one should seek in a Secretary-General have turned repeatedly to one or another version of this question: do we want strong leadership, modelled on the charismatic French socialist Albert Thomas, the first Director-General of the International Labour Organization (ILO)? Or do we want a clerk to serve member states, in the style of British civil servant Sir Eric Drummond, the first Secretary-General of the League of Nations?

This debate mirrors a whole series of institutional design issues that have divided committed internationalists and nationalists, foreign policy idealists and realists, partisans of multilateralism and of state sovereignty. Do international institutions have independent “legal personality”, or are they the agents of their members? Should international institutions have a general or only a functional “immunity”? Is there an inherent right to withdrawal from international institutions – or can states terminate their cooperation at will? When speaking about the Secretary-General, the parallel question is, in the words of Inis Claude, whether the incumbent should be a “leader” or a “clerk”.¹ If one thinks that intergovernmental institutions should be more than the sum of their members, one will lean in a particular direction on all these questions; if one is more sceptical, viewing the institutions in the United Nations system as tools that may or may not be useful, one will lean the other way.

In recent years, it has become customary to contrast the foreign policy establishments of New York and Washington along similar lines. In

¹ See Inis L. Claude, Jr., *Swords into Plowshares: The Problems and Progress of International Organization*, 4th edn. (New York: McGraw-Hill, 1971), pp. 193ff.

New York, they worship the United Nations; in Washington, it is US sovereignty all the time. There is some truth to this picture. For the chattering classes around the Secretariat, it is routine to refer to the Secretary-General as both the world's premier diplomat and the ethical voice of the international community. Only vivid leadership on the thirty-eighth floor seems up to the task. And, of course, in Washington we do find isolationists, nationalists, and UN sceptics, for all of whom weak leadership at the United Nations has real appeal.

Ultimately, however, the strong-weak, leader-clerk debate is a red herring. So is the idea that the international system is predominantly one of *either* sovereign autonomy *or* international community. It is neither. Both sides of the conventional debate – committed internationalists and nationalists – share a misleading conception of the global political order. They both imagine the international political and diplomatic universe unrolling in a radial pattern from a centre toward a periphery. From New York, it is easy to imagine the Secretariat at the centre, with high points in Geneva, in Vienna, in The Hague, or Montreal, or London – wherever international institutions have their headquarters. From this perspective, national governments, however powerful, are on a somewhat lower conceptual level. Each is, in the end, but one of many member states. In this view, moreover, the UN system is, at least in diplomatic terms, synonymous with the “international community” as a whole. There are other international and transnational orders – the market, the trade system, “civil society” – but as the focal point for *public* authority at the international level, the United Nations seems somehow higher and more general. Other international regimes are all more specific, private, technical, functional, local, or regional.

From Washington, of course, for committed unilateralists, the central point is the federal government, the apex of US sovereignty. In this view, although sovereignty may, in some theoretical sense, be said to flow from “the people” and federal power may be limited by various pre-existing rights – states’ rights, individual rights, civil rights, property rights – Washington, and the President in particular, are the ultimate authority in matters of foreign affairs. Internationally, the United States is absolute within its territorial sphere and floats along with other sovereigns in an anarchic void. Of course there are all kinds of other institutions with various functions – corporations, foundations, churches. Some are creatures of public law, some of private law; some are local, some national, some international. Some are intergovernmental. But they all exist on a somewhat lower, functionally specific, conceptual level. To give it a Latin

twist, only sovereigns enjoy the full *nuda proprietas* (literally “naked ownership”) of sovereignty.

These are interesting ideal types – but they are both extremely impoverished descriptions of the world of international power and political life. In the old-fashioned nation-state, it was normal to imagine the web of information, transportation, economic activity, and political intercourse to flow outward from the capital. All roads led, quite literally, to Rome – or to Paris. Modern political order is altogether different, whether at the national or international level. Political power is an affair of overlapping networks, chaotic cross-influences, and plural perspectives. If the United States is an empire, it is of an altogether different sort to Rome, exercising its authority through the capillaries of economic, cultural, and political life. Multilateralism is also more – and less – than a radial institutional scheme bolted together with treaties radiating outward from the United Nations. Multilateralism is a game played on many boards at once – and it is also a kind of religion, at once ethical commitment and professional identity cutting across the world’s elites.

It is easy for internationalists to agree that *national* sovereignty has eroded, that it no longer describes national political life, that national governments are disaggregated arrangements of quasi-independent institutions, responsive to myriad pressures from public and private actors. States, they stress, are anything but billiard balls rolling about in a void. But these internationalists are nevertheless prone to imagine the “international community” to have a centre, a constitution, and a “premier diplomat”. On the other side, it is obvious to US unilateralists that the United Nations is no world government and that the international system is a confusing mix of ad hoc deals and private ordering. But they have an equally hard time remembering, when thinking about foreign affairs, that in default of global government we are not, in fact, left with unified sovereigns ricocheting around in anarchy.

In fact, neither national nor international politics is organized around a central, focused and unified public capacity. The world is not an anarchic void or free market over which we have managed to throw but a thin network of consensual rules. There is law and regulation at every turn. Nor, however, is there a well-organized international community wielding public authority. This is easy to see in times of peace, and for routine problems of social order. To do business across the globe is to interact with dozens of different formal and informal regulatory regimes. Those who respond to global humanitarian crises could hardly be more diverse – airlines collecting change, rock stars holding concerts,

thousands of diverse organizations flying this or that here or there. But this is also true of war. War is not the unrestrained prerogative of sovereigns – however many national constitutions may say so. But this is not because it has come to be regulated by the international community through the institutions of the United Nations under the “constitution” of the Charter. War is a complex transnational event, the work of thousands of diverse institutions and individuals, the media, dispersed networks of copy-cat fighters, and a wide range of national military forces, themselves responsive to the push and pull of all manner of political, economic, and legal authority.

In this more complex world, the choice is not between strong and charismatic UN leadership and national sovereignty. Nor can we confidently distinguish a world of “cooperation”, in which the international community might play a strong social role, from a world of “coexistence”, in which more formal sovereign prerogatives would decide questions of war and peace. It is all mixed up, and dispersed at the same time. As a result, when we think about the Secretary-General’s role, the real choice is between leadership that views the United Nations as the multilateral mirror image of an outmoded national sovereignty, and one that understands the changed nature of global governance and can make the United Nations an effective player in a more disaggregated and chaotic system. You could have stronger or weaker individuals with either vision.

When you see everything in radial terms, emanating either from New York or Washington, only a careful and nuanced argument can make a strong Secretary-General expressing the unified interests of the global community seem also to be in the interests of US – or any other – sovereign power. Although “our” interests might coincide with “theirs”, when they do, and the United States applauds the Secretary-General’s bold initiatives, we should not be surprised to find states with other points of view wishing for someone less effective in the job or for someone strong enough to “stand up” to the United States. In a world of autonomous “sovereigns” and an international “community”, when sovereigns disagree, it will be quite natural for them to try to instrumentalize the “community”, either to share their viewpoint, or to allow them the legitimacy that comes from defying the will of the world. Something like this has happened through the recent reform discussions. The United States was happy to castigate Kofi Annan, weakening his authority, until he became a strong ally in the US-led effort to reform the Secretariat – at which point the G-77 began to see him as either grabbing power from the General Assembly, or as the lapdog of US power, or both.

It is not new to observe that this entire diplomatic conversation has somehow lost the thread, and not just because differences within the international community or national sovereign swamp differences between them. More crucially, by focusing on achieving the “balance” between fantasies of autonomy and community, we lose track of what the United Nations might actually accomplish. Instead, debate is all about their prerogatives and our prerogatives, about the balance of unilateral realism and multilateral idealism, about leaders and clerks. If we can’t figure out what to do about AIDS or global warming or genocide by talking this way, we also can’t figure out what kind of a Secretary-General it would be useful to have when we speak only in these terms.

Strong and charismatic leadership at the United Nations could be very useful indeed, both to reform the institution and to help address pressing political and humanitarian challenges, from nuclear proliferation to poverty and preventable disease. At the same time, the United Nations also needs the confidence of the governments. The clerk-leader debate places these two goals in constant tension with one another. A strong and visionary Secretary-General certainly *might* undermine the confidence of member states. In a divided world, that is bound to happen whenever the Secretary-General purports to speak – strongly and charismatically – for the *whole* international community. Whatever he or she says, those who disagree will not feel they are cast out of civilization – they will think the Secretary-General has lost his or her grip.

But strong leadership need not have this effect. Much depends on whether the Secretary-General sees the United Nations as the pinnacle of a global order or as one participant among many in a far more disaggregated and chaotic system. The Secretary-General will be stronger if he or she succeeds in avoiding turning everything into a question of the United Nations *or* the member states, multilateralism *or* unilateralism, where the United Nations functions as the only possible institutional expression for multilateral aspirations. There is precedent for this in Dag Hammarskjöld’s crucial observation that the Secretary-General in his day would be most effective in the cracks between the Cold War blocs – where issues could be addressed without turning them into questions of East *or* West. The trick today is to generalize that insight. The Cold War blocs have dissipated. But the result has been *neither* a unified international community *nor* a world of independent sovereign states. It is the far more unstable situation of multiple and shifting fracture points in an increasingly transnational and regulated world. Applying Hammarskjöld’s insight today means foregoing precisely the effort to be the world’s

premier diplomat and ethical spokesman, without at the same time becoming clerk to the most powerful or most numerous member states.

Such a change in perspective, in New York as well as Washington, should be particularly important for the United States. As the founder of the United Nations, its leading funder, and its host, the United States is an indispensable partner for UN action. A Secretary-General must have the confidence of the United States – and of the other great powers – to succeed. When the United States feels outvoted and unloved at the United Nations, it is easy to wish for weak leadership. But weakness is a poor proxy for trustworthiness. The United States has more recently been pressing a managerial reform agenda not shared by many in the General Assembly. Only strong diplomatic – as well as managerial – leadership will be up to the task. With economic, military, and humanitarian commitments around the world, the United States more than any nation should want strong multilateral leadership to work with it in responding to a range of policy and humanitarian challenges. The United States should support a strong Secretary-General who steps back from the ambition to speak for the “international community” as a whole, and who will work across multiple institutional frameworks to facilitate what will inevitably be diverse and shifting solutions. This will require more ambitious leadership, not less – but leadership of a quite different type than the conventional image of a “strong” Secretary-General suggests.

Stepping outside the box of sovereign autonomy and international community would transform our vision of the Secretary-General’s diplomatic, operational, and ethical roles. Let me take each in turn, and suggest some directions such a rethinking might take.

The Secretary-General as diplomat

Many have observed that the diplomatic role of the United Nations has changed dramatically since 1945. In those days, the world’s diplomats did need a place to meet one another and deliberate: the United Nations provided a useful service by convening meetings, circulating documents, facilitating multilateral negotiations, and sharing information. No sooner had the United Nations come into being, however, than these functions began to seem obsolete. The expanding global economy built its own avenues of communication. New media and telecommunications transformed diplomacy. Governments everywhere have become less important, and less independent in foreign affairs. Effective diplomacy began to require deep knowledge about and engagement with the institutions of

domestic society – for allies and enemies and trading partners alike. None of this could be done effectively in large assembly halls – or cocktail parties – in New York and Geneva.

Only the dramatic expansion in the number of states brought about by decolonization kept the need for a central diplomatic clearing house alive. So long as the world's information and communication systems remain hub-and-spoke in structure, it will be useful for peripheral states to be represented in a central location. And there is no question that the United Nations remains an important diplomatic site for small and poor states that do not have global diplomatic representation. Unfortunately, the diplomatic functions of the United Nations have become far too ingrown to serve even these interests well. Isolated and peripheral governments need representation in New York or Geneva not to participate in debates about UN funding, but to engage substantively with one another and with the broader diplomatic world.

If diplomacy is a game of power, the nature of power has also been transformed. We must realize that the United Nations is not the institutional embodiment of the “international community”. There simply is no such thing. The phrase refers to the particular elites who are the imagined audience for the global media. The idea that they share a “consensus” view of global political or ethical matters – or that their views condense the attitudes of humanity – is a fantasy. It may often be a desirable fantasy, and we may often want to encourage it – but it is a fantasy. The United Nations is an institutional system with a unique set of powers and potentials – like Microsoft or the Vatican or Japan or New York City – capable of projecting its influence in a wide variety of places on a broad range of issues. The Secretary-General's political authority comes from this institutional system – his power is its power – not from an imaginary international community.

Our global political world remains decentralized and horizontal. But we must realize that this is not at all the same thing as saying the basic unit of global political order remains the nation-state, or that ultimately “sovereignty” remains absolute. Presidents and prime ministers do not represent national “sovereignty”. There is no such thing. The phrase refers to a claim some people in the global establishment make, sometimes successfully, sometimes not, to others about their respective prerogatives. Although the world's surface remains organized in territorial nation-states, each, at least in name, absolutely sovereign, the international political system today is a far more complex multilevel game than the rows of equivalent national flags arrayed at UN Headquarters would suggest.

States and their governments differ dramatically in powers, resources, and independence. There is something audacious – and terribly misleading – about calling them all states and respecting their nominal leaders as “sovereign”. Even in the most powerful and well integrated states, moreover, power today lies in the capillaries of social and economic life. Governments are no longer – if they ever were – the only or the predominant political actors. Vast networks of citizens, commercial interests, civil organizations, and public officials determine much of what any government, or any president is able to say or do.

Moreover, we have become accustomed to the vulnerability of our national economy – and our own jobs – to global economic forces. We understand that our nation is not “sovereign” in any absolute sense when it comes to economic matters. US trade law scholar John Jackson put it this way:

Interdependence may be overused, but it accurately describes our world today. Economic forces flow with great rapidity from one country to the next. Despite all the talk about sovereignty and independence, these concepts can mislead when applied to today's world economy. How “sovereign” is a country with an economy so dependent on trade with other countries that its government cannot readily affect the real domestic interest rate, implement its preferred tax policy, or establish an effective program of incentives for business or talented individuals? Many governments face such constraints today including, increasingly and inevitably, the government of the United States.²

We must extend this insight to the broader world of public policy, and to questions of war and peace. It is no surprise that national leaders who sought power with domestic legislative agendas find themselves drawn to foreign affairs – and favouring the military and the bully pulpit to advance their agenda. But no President is able to pull the levers of media and military power alone. To say that the Pentagon reports to the President as Commander in Chief is a plausible, if oversimplified description of the organizational chart. But it is not a good description of Washington, DC. There are the intelligence agencies, the President's own staff, the political consultants and focus groups. Born alone, die alone, perhaps – but sovereigns do not decide alone. The bureaucracies resist, the courts resist, the dead weight of inertia must be overcome. We must

² John H. Jackson, William J. Davey, and Alan O. Sykes, *Legal Problems of International Economic Relations: Cases, Materials and Text on the National and International Regulation of Transnational Economic Relations*, 4th edn. (St. Paul, MN: West Group, 2002), p. 1.

remember that half of Washington wakes up every morning to ensure that the President does not succeed.

The decision to make war belongs neither to the President nor to Congress, any more than other policy initiatives spring whole from the political commitments of individual politicians. Nor are they the product of disembodied entities we refer to as the “legislature” or the “executive”. These decisions are imagined, designed, debated, defended, and adopted by people in an extremely wide range of institutional settings, in the United States and abroad. Those who share the war power with the President are not the world’s citizens. Even the voting citizens of the great military powers participate primarily as an imagined audience for media presentations of government action. Political leaders today act in the shadow of a knowledgeable, demanding, engaged, and institutionally entrenched national and global elite. The people who push and pull on governments are not all statesmen or diplomats or government officials. By and large, they are professionals and experts – lawyers, economists, businessmen, academics, journalists, and the like – who work in a wide range of private and public institutions. These professional elites, at home and abroad, are the political context for war. As a result, *expert consensus* can and does influence the politics of war – consensus, for example, that Iraq had weapons of mass destruction, that US credibility was on the line, that something must be done, that dominos would surely fall. Once we are clear that states, diplomats, and politicians no longer have a monopoly on the politics of war, we must recognize that exile groups, members of Congress, humanitarian voices, allied governments, and religious groups all need to develop a politics about violence, for they all share in the nation’s war powers.

Of course, the political context for the use of force is different in every nation. Despite the formal institutional similarity of national governments – they all have foreign ministries, defence ministries, health ministries, just as every US state has a state bird and flower – these institutional forms will only rarely reflect parallel political cultures. This is easy to see where the national state is weak and local warlords control autonomous militia. But it is no less true in nations like Canada, where the national political consensus sanctions the use of force primarily for peacekeeping. Or, as in Japan, where the main levers of national power are financial and institutional rather than cultural or military. Or in Brussels, where the European Union has no significant military – or media – lever, but only law and regulation. It is not surprising that Europe would respond to the foreign policy challenges posed by the fall of the

Berlin Wall by extending its regulatory regime eastward, arriving in one after another nation with the promise of membership and the thousands of pages of legal "*acquis communautaire*" through which the regimes of Central and Eastern Europe would be changed. Elites pursue foreign policy agendas – perhaps to change the regimes in their immediate neighbourhoods – with the institutional machinery, financial resources, and legal powers they have.

As a result, the global political system is an uneven fabric of quite different, often misaligned institutions and players. Across some national boundaries, moreover, the links are dense and deep, across others few and weak. Moreover, the international regime itself is a fragmented and unsystematic network of institutions, some public, some private, that are only loosely understood or coordinated by national governments. The chatter of diplomats in hotel suites and official meeting rooms animates an extremely specific and limited world. Innumerable national and local constituencies, private actors, corporate and financial institutions, loose transnational networks, and religious and other groups that stretch beyond the national territory are all part of the political context within which war and peace are made.

At the same time, violence has become a tactic for all sorts of players – war lords and drug lords and freelance terrorists and insurgents and religious fanatics and national liberation armies and more. States have lost the monopoly on metaphoric, as well as actual warfare. War is now the continuation of a far more chaotic politics, in a far more chaotic political environment. Violence can be the work – or simply the potential work – of "our" extremists. Al Qaeda, the Taliban, five angry men in London or Bali or Beirut can also continue their politics by military means. The interests expressed through the violence of war are heterogeneous and partial. It is not "all about oil" any more than it is all about establishing a new Caliphate from Granada to Jakarta. The call for "jihad" lies on the same continuum as declarations of "war" on teenage pregnancy, on Communism, or on the government of Saddam Hussein.

Putting all this together, all governments have less focused power to decide for war and peace than they had a century ago. For political scientists, this means that any so-called "realism" that attends only to the overt acts of national sovereigns is no longer realistic. For military professionals, it means that neither the Commander in Chief nor the political culture of Washington controls the politics of the battlespace. As often as not, it will be the reverse: the politics of battle will determine the political culture of the leadership. For all actors, humanitarian and military, friend

and foe, it means that the opportunities and sites for political engagement and vulnerability are far more numerous than we are accustomed to imagining.

It can be difficult to accept that the common impression of more unilateral presidential authority in foreign affairs is simply not accurate. In a sense, this is completely obvious – but it is difficult to remember. Participants in the policy process, at home and abroad – including the President himself – are prone to forgetting that just because he can act does not mean he can be effective. And, of course, the same is true for the military. Acting is one thing – achieving a desired political result will be a function of the broader political context.

What does all this mean for the United Nations, and for the Secretary-General? I should be clear that it does *not* mean, as many commentators have suggested, that *multilateral* rather than unilateral action will always be more effective. The political context *may* reward multilateral action – but it may not. Sometimes unilateral action will be applauded and followed. The point is that whether the context will reward unilateral or multilateral action *in a particular case* will itself be decided by the largely uncoordinated reactions of hundreds of individual and institutional players.

We must realize that in this process, the United Nations will rarely be the central player or site or forum. The nature of multilateralism has also changed. The multilateral order is plural and shifting – fluid coalitions of the willing are our future. Governments will institutionalize these arrangements in various ways, some of which will be enduring. Some will involve private as well as public actors, religious institutions, media allies, multinational enterprises with “boots on the ground” or deep pockets or expertise. Other intergovernmental organizations and financial institutions will sometimes be linked, or loosely harmonized, as will national security teams, intelligence agencies, and local police forces. We need only look at the dozens of different configurations of transnational collaboration that have been brought to bear in the Middle East over the last few decades to understand the range.

A strong and charismatic Secretary-General could undoubtedly make a contribution in this new multilateralism – as one player in a complex and shifting diplomatic, economic, and cultural order, not as the “world’s chief diplomat”. The Secretary-General might sometimes play the honest broker, knitting improbable coalitions of institutions and interests together. Even the most ad hoc intergovernmental projects need to be assembled. Indeed, it is more difficult to manage the juxtaposition of

diverse multilateralisms than it is to call for unified action by the United Nations. A strong Secretary-General could ease the emergence of sturdy patchwork coalitions, helping NATO, the European Union, the African Union, and various states find coordinated roles in a crisis like Darfur. To do this, however, he or she would need to abandon the aspiration for the United Nations to be the central architect and leading player in every, or even most, instances.

The Secretary-General must be able to gain the trust necessary to pull diverse coalitions and institutional partnerships together. Whether we think in political, policy, or ethical terms, gaining the trust of member states means, at the very least, “no surprises”. Every member of the Security Council must trust the Secretary-General to consult first, and then to act with discretion. This will be difficult where the Secretary-General exercises the prerogative to speak against one state in the name of the whole.

The idea that the Secretary-General’s diplomatic vision simply is *synonymous* with the vision of the whole community leads to the extremely unhelpful, and terribly unconvincing, diplomacy of purporting to isolate one after another state – whether Libya, Iraq, or the United States – from the civilized world. It is a nice threat, and might work if you could pull it off – but you can’t. It is rarely possible to isolate a state in any real or effective sense, despite the constant suggestion in the normal rhetorical practices of UN diplomacy. Although threats of isolation have often seemed to be the diplomatic tool of first resort, in every state there are people and institutions, financial, religious, and cultural entities, with untold links to those outside the jurisdiction of their state. And, of course, being “isolated” is also to be in a relationship with the centre, a relationship of defiance, resistance, victimization – which will create its own winners and losers among local political factions or economic interests.

It is easy for the media to speak of turning Iran, say, into a pariah, starting a long march toward military engagement, but it is terribly difficult to see how this could work. It is not just that sanctions are a blunt and generally ineffective weapon. Nor is it simply that the Iranian state has friends and commercial partners among the great powers, or that it has oil to sell. It is that “state” is not a good description of life in Persia. Religious, cultural, economic, ethnic, and human ties of all sorts overspread the nominal borders of Iran. Or take Myanmar (Burma) – there are long borders, with hundreds of thousands of villagers living along those borders, trading, moving, sharing ethnic rivalries and affiliations.

Dozens of shared problems tie Myanmar to its neighbours – the drug trade, human trafficking, environmental issues, and more. Bringing about regime change in Myanmar will require a complex arrangement of isolation and engagement. Various commercial interests and government players in the region will hold out carrots. Human rights organizations, backed up by other governments and commercial interests will hold out the stick. A Secretary-General who speaks for “the world” in denouncing the Burmese regime would play a role, to be sure, strengthening the one and weakening the other. The whole thing might blend nicely together, good cop–bad cop, and the regime could knuckle under. But this is unlikely to happen naturally. It would be enormously useful to have a Secretary-General who could step outside these roles and see the play as a whole, engaging it as impresario rather than as star.

Of course, coordinated diplomatic pressure can sometimes be an effective tool of statecraft, and certainly the United Nations can be instrumentalized by one or another coalition of members for this purpose. The difficulty arises when we think of this as the natural, first diplomatic role for the United Nations – to express the will of the world against the defiant, whether they are weak states like Myanmar, or super-powers like the United States. The first diplomatic role of the United Nations should rather be to facilitate communication and cooperation among shifting groups of governments, each of which seeks to harness the powers of the world against another. This diplomatic role requires that the Secretary-General garner the confidence of those with extremely diverse perspectives, whose interests are not likely to be harmonized by any single leadership vision. This was difficult enough to accomplish during the Cold War, but at its best moments, the United Nations was able to find space between the two blocs for creative manoeuvre and real contributions to peace and security as well as social justice, development, and humanitarian relief. It is all the more difficult today, when the number of voices, interests, and participants in the global order has grown exponentially.

As a rule of thumb, the Secretary-General should refrain from speaking for the “international community”. He or she speaks for the Secretariat of a particular institution, with particular powers and limitations. Purporting to speak for the “international community” can encourage us to think there is, in fact, an “international community” ready to back up pronouncements made in its name. It encourages political elites to start projects, launch interventions, for which there will be no follow-up. It can suggest that those who disagree with this elite – and

many do – are somehow outside the circuit of “civilization”. It can lead us to imagine that we know what justice is, always and everywhere – but, of course, we do not. Justice is not like that. It needs to be made anew in each time and in each place.

The idea that the Secretary-General speaks diplomatically as the voice of the entire community seems to bring with it another, equally unhelpful, idea: that all states are in some sense equal in his or her eyes. From the apex of global diplomacy, it seems obvious that all sovereigns are equal, just as each has one flag and one vote in the General Assembly. There are surely some purposes for which this preposterous fantasy is useful, but it is so out of line with what everyone understands to be the real situation that it can easily do more harm than good. Like any politician working in a complex political system, the Secretary-General will and should respond to the real play of political forces, within the institution and in the broader world. Yes, the Secretary-General will pay more attention to the permanent members of the Security Council than to others. Yes, donors – often rather small states – who have made a disproportionate commitment to the endeavours of the United Nations will be consulted more often than others. A strong and effective Secretary-General must be responsive to those contributing resources, intellectual talent, personnel, and peacekeepers – and must expand this circle. Where the private sector has political power and resources, the Secretary-General must engage it. Where states have failed, their functions either not performed or scattered among various aid agencies and multinationals, the Secretary-General must be able to acknowledge that. Where the interests that happen to have captured the state apparatus are themselves out of touch with the ebb and flow of political life in their own societies, the Secretary-General must be able to look through their pretences to power and work directly with those who have real authority.

For many purposes, of course, it can be useful for the United Nations to treat all the world's governments as formally equal. It is probably not wise to begin making formal distinctions of various sorts, as the recurring riddle of Security Council reform makes plain. The great powers of 1945 will not be the great powers of the twenty-first century. But there is much that can and should be done informally to render the UN diplomatic structure more flexible in a changing international order. At a minimum, this is what it means to say that more legitimate governments can speak more softly and still be heard. One state, one vote – but not all voices are or should be equally heard. To be effective, the Secretary-General needs to be released from the completely implausible

presumption that, in his eyes, all sovereigns are equal. He or she must be enabled to speak directly to the world's citizens, engage directly with regional authorities, with cities, and with the world of private power.

Only by acknowledging the present structure of power, moreover, can the Secretary-General seek openly to address its inequalities. Most of the activities of the United Nations take place outside the territories of the great powers and the great donors – in states that are poor, whose governments are in disarray, or where there has been great hardship, conflict, or catastrophe. The clients of the United Nations, in fact, are disproportionately the dispossessed of the world. The Secretary-General should be particularly sensitive to their needs and concerns. But as the “world's premier diplomat”, all the Secretary-General can offer is to give equal respect to the sovereigns who nominally represent the dispossessed. Self-determination seems to require no less – but the result is a harsh one. The Secretary-General will inevitably pay more attention to the power behind strong states – while sovereign “equality” prevents him from attending to the disempowered who stand behind weak states. The Secretary-General will negotiate with their governments to gain access to populations in need, but cannot be seen to disregard the formal prerogatives of those who happen to have gained control of what passes for a government. As a result, the sovereign equality norm disconnects the United Nations from its real human clients, although it is all the while clear that some governments can and do speak more loudly and authoritatively than others.

Only by relaxing the presumption to be the world's premier *diplomat* might the Secretary-General build other voices into the global political conversation, reaching through governments to citizens. The idea would not be to represent the unrepresented, but to build capacity for their participation in decision-making, in contesting the arrangements of wealth and power that affect their lives. We might imagine the Secretary-General mobilizing the world's mayors, staging hearings on all manner of local policy problems, or empanelling groups of citizens, rather than retired statesmen, as “juries” to recommend solutions and set priorities on one or another issue.

Diplomatically, the United Nations, and its Secretary-General, have extraordinary powers to convene. They are used most effectively, however, in diverse, ad hoc, and unusual configurations – and in private, rather than public settings. Universal conferences leading to global compacts and vague multilateral treaties are rarely useful. What is needed are far more substantive and smaller sessions, bringing governments

together with other powers to think creatively about new – and old – policy challenges. The Secretary-General could have the convening power to bring about this kind of disaggregated meeting, transforming the diplomatic mission of the United Nations. At the same time, the Secretary-General should also exercise the power *not* to convene, preventing diplomatic meetings from overtaking meaningful agendas. So long as we remain enchanted with the United Nations as the central locus for diplomatic activity, it will be hard to remember that some meetings should not be convened, some mandates should not be renewed, and some reports should not be written.

The Secretary-General as policy-maker in a world of regulation

There is no question that, over the lifetime of the United Nations, administrative operations of one or another sort have displaced diplomacy as the organization's central task. The many technical and functional institutions within the UN family have expanded their activities as the diplomacy of the General Assembly has atrophied. Whether it is managing peacekeeping, humanitarian relief, human rights monitoring, development programmes, or terrorist financing, the United Nations has become a public administration. In part, this is where the United Nations has recently gotten into trouble. In the Oil-for-Food scandal, operations slipped the collar of political or administrative oversight. There is much that the Secretary-General can and must do to reform the institution to make operations accountable – politically, legally, financially, and administratively. As a public administration, the United Nations is already far more modern and effective than many national or local administrations. But the United Nations should and could be a paragon of good governance, and only inspired leadership from the Secretary-General can pave the way.

But governance today is not primarily a matter of sound administration, at the national or international level. The UN move from diplomacy to administration tracked the rise of the national welfare state, the plethora of specialized agencies and programmes tracking the departments of expanding post-war national governments. At the national level, however, the primary tools for policy are no longer police power, taxation, and spending. Public administration is important – but the primary tools for policy today are *regulatory*. And regulation is no longer primarily a matter of centralized and universal legislation. Rather, we find complex constellations of diverse private and public ordering, loosely harnessed to

specific policy challenges. The European Union explicitly abandoned the aspiration for detailed and unified federal regulation more than twenty years ago, in the name of more diverse arrangements and complex schemes of reciprocal recognition for national and local schemes of various types.

The significance of regulation for global governance is easy to overlook so long as we see the domain outside and between nation-states as either an anarchic political space beyond the reach of law, or a domain of market freedom immune from regulation. In fact, however, our international world is the product and preoccupation of an intense and ongoing project of regulation and management. Seen sociologically, the official – and unofficial – footprint of national rules and national courts exceeds their nominal territorial jurisdiction. Tax systems, national public and private laws, financial institutions and payment systems, the world of private ordering – through contracts and corporate forms, standards bodies – all affect the behaviour of public and private actors beyond their nominal jurisdictional reach. And that is just the beginning of international regulation. Of course, there is public international law, the United Nations, the world's trading regimes – it is a long list. Seen sociologically, the international legal order is far more diverse and extensive than public international lawyers normally imagine. The UN Charter does not provide its constitution – still less is the Security Council its legislator. The functionalist neologisms of the last century – “transnational law”, “international economic law” – reached to describe it, but each stopped short with a catalogue of favourite regulatory initiatives.

So regulation is crucial, but it is not a case of national or international rules – every issue will be touched by a complex network of local, state, national, and global rules, by private and public law, by private ordering and public policy. This fabric of law is not uniform. It is lumpy. There are gaps, conflicts and ambiguities. International law is applied differently in different places. It is more dense here than there. This is the world in which one's chances of getting nabbed for committing a “universal crime” varies inversely with the square of one's distance from London or Brussels. Or in which the extraterritorial impact of California automobile emissions standards wildly outstrips the state's formal extraterritorial jurisdiction. Or in which ISO 14000 safety standards are forced through the supply chain by private ordering, whether or not they correspond to national regulations. It is in this sociological world that Gunther Teubner discovers the quasi-autonomy of various functional and sectoral regimes – in which it makes more sense to map a global regime for “automobiles”

or “pharmaceuticals” than it does to draw neat boundaries between national and international, public and private legal orders.³

Nevertheless, when the United Nations thinks “operations” it continues to think administration, revenue, and expenditure. To take but one example, the MDGs boiled down to revenue targets for development assistance spending. Moreover, when the United Nations thinks “regulation”, the vision continues to be setting universal global rules – drafting multilateral conventions, raising universal standards. The international system picked up this model of regulation from the national welfare state of the 1920s and 1930s – it was the model of codification promoted in those years by the International Labour Organization (ILO). But even the ILO moved on to other modes of operation – administration and technical assistance – after 1945. Still, the dominant regulatory model for addressing global issues remains the universal multilateral treaty.

Over the last few decades, the idea that one-size-does-not-fit-all has begun to seep into the regulatory consciousness of the UN system. When market mechanisms were all the rage, some decentralization seemed possible by setting global targets and allowing public and private actors to “trade” their obligations to comply with universal rules – the most notable example being the Kyoto regime. Far more common has been the strategy of announcing vague hortatory universal commitments, which each nation was encouraged to implement on its own timetable and in its own way.

A far more effective global regulatory regime would abandon the aspiration to universal standards. The days of global conferences to articulate universal norms – labour standards, human rights standards, environmental standards, aid targets – are over. We know that global pandemics, climate change, or economic development can be addressed only by a range of different tools. There are best practices – but they differ for rural and urban, rich and poor, areas embedded in different cultures. We will need to strengthen public capacity at all levels to do what is required – and to experiment with different approaches. The point is not that everyone can get to the same place by a different route, but that people need to get to different places if today’s most significant global policy challenges are to be met. We need differentiated institutions and regimes, complex cocktails of regulation, different in cities and

³ See, e.g., Gunther Teubner (ed.), *Global Law Without a State* (Aldershot: Dartmouth, 1997). For an excellent sociological analysis of the global regulatory environment stressing the sectoral dimension, see John Braithwaite and Peter Drahos, *Global Business Regulation* (Cambridge: Cambridge University Press, 2000).

rural areas, for drug producing and drug consuming countries, for rich and poor, and so on.

The United Nations could be a clearing house for good ideas, for sharing experience, and for building capacity – but only if the chimerical effort to develop global compacts and universally applicable treaties is set to one side. So often that effort has led only to pompous and tautological texts committing all states to abide by “their obligations”. We must demand more – by demanding less. Less universalism and less uniformity. We need policy leadership from the Secretary-General to articulate and pursue complex, heterogeneous cocktails of policy at national, local, and international levels. Take labour standards – the ILO has gone back to codification after a generation of technical assistance and other activities. But the labour norms we need are not universal standards – they are the appropriate mix of immigration law, social security law, and tax law, in receiving and sending countries to ensure just flows of migrant labour and just labour conditions. Like safety standards, it might make more sense to push these through the supply chain industry by industry – on the model of ISO 9000 – so the regime for automobiles and chemicals and aircraft is different. Similarly, what norms are needed to encourage the development, production, and distribution at reasonable cost of drugs to fight tropical diseases now largely ignored by “big pharma”? These will not be universal norms: the right “policy” approach for the globe will be a cocktail of norms about intellectual property, parallel imports, competition policy, health care, insurance, and so on that will be different in countries that are home to big pharmaceutical research capacity, or to generic drug manufacture, or to the diseases themselves. This is true even in the sphere of human rights, where we are perhaps most accustomed to the appeal of universal standards. Over the last few decades, the United Nations has sought to bring the world’s diverse human rights and humanitarian institutions together, to “coordinate” their efforts on behalf of universal standards, in the hope that institutional practices would “converge” on uniform approaches to particular human rights issues. But it is increasingly clear that a human rights community that is tightly coordinated, converged on the United Nations, will not be nearly as effective as one that speaks in diverse ways, to different audiences, and experiments with different ideas about what justice might become.

In a heterogeneous regulatory world, there is much a strong Secretary-General could do to build capacity at the periphery to engage this fluid, and largely inaccessible regulatory universe. There is no question that some players – some governments, some multinational enterprises, some

individuals – are more adept than others at influencing the disaggregated network of global regulation. The United Nations could do a great deal to enhance the ability of weaker players in the game – but not by encouraging them to focus on global standard-setting through the United Nations. That is more likely to take their eye off the ball. At the same time, the United Nations could become a centre for sharing ideas, developing new modes of national or local regulation to try in different contexts, or developing regulatory cocktails designed to address common problems by building diverse institutions and regulations in different locations. A strong Secretary-General could do a great deal to encourage the development of diverse approaches to policy, to defend national and local public capacity to experiment, and to provide intellectual back-up and horsepower to those who would like to build alternative regulatory models. The United Nations would not be the setter of standards, or the centre of an administrative web. The players would less often be politicians than experts, and the skill would be less diplomatic or administrative than intellectual.

In short, the world does need strengthened international regulatory capacity – but it does not need more universal norms or global administrative agencies. We need more support for diverse experiments with regulation appropriate to wildly divergent economic, social, and institutional situations. The Secretary-General could be the catalyst for moving the United Nations from the era of the welfare state to the age of global regulation and transnational law, by sharpening awareness of local political choices and designing variegated arrangements to address global problems through mobilization of diversity rather than homogenization. The Secretary-General must be a skilled diplomat and manager – but he or she must also be an entrepreneur for new ideas and diverse policy solutions to complex global problems. To do so, he or she must be intellectually nimble, comfortable with heterogeneity, distanced from the universalizing habits of the current UN establishment, and more interested in the problems of complex regulation, than the comforting ethical self-confidence of universal norms.

The Secretary-General, ethics, and the end of universalism

Most crucially, the days when a Secretary-General could aspire to express the ethical and moral commitments of a unified “international community” are behind us. Such a community does not exist. We need strong leadership to build dialogue and sustain conversations among people whose

ethical values are different – and a Secretary-General who has the strength to celebrate those differences rather than dividing the world between those who share his or her own vision of a universal civilization and those who can be condemned as outsiders to it. The moral challenge is not to interpret all the world's cultures into the harmonious terms of a universal ethical canon, but to build bridges, start conversations, foster understanding, and cultivate respect among the world's quite different ethical visions.

That the Secretary-General's main tasks will be institutional management and quiet diplomacy is certain. That he or she will find thrust upon him or her a more public role as the moral voice of the "international community" seems unavoidable, and will often be valuable. There is no doubt that the global media will treat the Secretary-General of the United Nations as a kind of secular Pope or Hollywood idol. Speaking from the "bully pulpit", the Secretary-General can certainly focus attention on issues, crises, and ethical failures that might otherwise fall off the global agenda. His or her geopolitical vision can shape the world's political architecture, particularly where that vision of multilateralism and the role of the United Nations is clear and compelling.

Kofi Annan often played this role with real skill, establishing himself in the eyes of many as the ethical voice for humanitarian and multilateral values on the global stage. Many agree that he was most successful as a "norm entrepreneur", strengthening the sense among global elites that there is an "international community" whose ethical consensus deserves respect.⁴

But the Secretary-General should be cautious about seeking to proselytize the values of an increasingly elusive secular global faith. The dangers that come with this terrain are real, and easy to overlook. When the Secretary-General gives voice to a universal ethics, we can be led to enchant the terms of that ethics, the institutions of the United Nations – even the office of the Secretary-General – as substitutes for the hard moral and political work of discovering what justice means each time and in each place anew. Moreover, the context for global governance has changed, reducing the space – and plausibility – for an "international community" to speak with a single ethical voice.

The effort to articulate universal normative commitments in the decades since the Second World War has had real advantages, even if norm articulation has often visibly outstripped implementation. The development of a canon of "human rights norms" has given the world's political

⁴ See chapter 7 by Ian Johnstone in this volume.

elites – and citizenry – a common language for measuring, denouncing, and defending the legitimacy of political power. Increasingly, however, that effort is reaching a limit. Consolidating the ethical vision of the “international community” has stimulated an equally comprehensive counter-vision: the “West” and the rest, the “centre” and the periphery.

The challenge for the Secretary-General is to dissolve the hubris of a universal ethical expression, communicate modestly across ethical divisions, and heighten our sense for the plural ethical possibilities *within* the West, the rest, the centre, the periphery. The most revered texts in the human rights canon are vague and open to interpretation. We know that normative principles travel in pairs, at the global as at every other level. Rights conflict. Principles conflict. Even cartoons can test the boundaries of the international community’s cosmopolitan creed. As a result, it is unlikely that any articulation of a global normative consensus will escape being perceived by those who disagree – and people will disagree – as partial and selective. These are the wages of speaking universally in a plural world.

If we are honest about the global moral consensus, moreover, we must recognize that its terms have not always been laudable. The international community tolerates – and legitimates – a great deal of suffering, often in the name of universal rights of property or local self-determination. As a global community, when we balance the importance of property rights against the needs of sick people for access to effective medicines at reasonable cost, we choose property. We allow “sovereignty”, and non-interference, and local control to become powerful ethical counterweights to social justice, environmental stewardship, and mutual responsibility. And, of course, we have allowed national self-defence and security to legitimate, ethically and normatively, the suffering and death of many thousands in war. There is something odd about a secular Pope who expresses and defends only part of his community’s common religion.

Moreover, the Secretary-General is hardly the only global figure to give expression to universal values – there are retired politicians, cultural and literary figures, NGOs and, of course, religions. And much about the Secretary-General’s other institutional roles ill suits him or her to seek comparative advantage in ethics. There has, in fact, always been something of a mismatch between the Secretary-General’s institutional role and the aspiration to articulate a universal moral vision. We must remember that the Secretary-General is also a statesman and civil servant. He or she works for the member states and will be needed for a

range of complex diplomatic initiatives. It is difficult to speak ethically in the morning and diplomatically in the afternoon.

The moral authority and political legitimacy necessary to be the conscience of the international community must be carefully husbanded and deployed shrewdly – neither too often nor too rarely. The Secretary-General's ethical pronouncements must rise above the banal, but should also avoid being too controversial. When speaking of ethics, the Secretary-General must seek to unite, not divide, the international community. He or she must be seen to call the international community to its best self, reminding it of values and virtues that are, at least in aspiration, universally shared. And all the while, the Secretary-General must retain the confidence of the permanent members of the Security Council, the major donors, the G-77, and all the other political partners that are needed to be successful as an institutional manager and a diplomat. Taken together, this is not the recipe for inspired moral guidance.

Indeed, the crisis in confidence that destroyed the Commission on Human Rights was not limited to the appalling human rights records of governments that served on the Commission. It also reflected the limits of turning the articulation and development of human rights over to *governments* in the first place. That governments would want to judge one another, to chastise their enemies and praise their friends, in a widely shared ethical vocabulary is not surprising. What is surprising is that the human rights community has been so enthusiastic about their taking up the task. The limits of a diplomatic ethics parallel the limits of any established church: not good for the government, not good for the church.

There are, moreover, real dangers to universal normative entrepreneurialism, regardless of who steps forward as spokesperson. Expressing the ethical conviction of the international community can suggest that there is, in fact, an "international community" ready to stand behind one's pronouncements. It can lead people to intervene, multilaterally or otherwise, where there is no stamina, in fact, to follow through. It can crowd out other local or religious terms for articulating global justice concerns – or consign them to opposition as the "other" of a universal civilization.

In the human rights field, the years after the end of the Cold War witnessed great optimism about the potential for harmonizing the work of all kinds of diverse international, national, and local social justice institutions under the umbrella of the United Nations. It can certainly be useful to coordinate the global response to humanitarian disasters, just as it can be useful to build a common ethical vocabulary among those seeking

social justice and humanitarian objectives in diverse cultural, economic, and political situations. But convergence can be taken too far. It is also useful to have diverse capacities, institutions with diverse political affiliations and different vocabularies for social justice, in approaching both disasters and more quotidian injustice.

It is easy to respond to this issue by seeking to coordinate “local cultural expressions” for “universal human values” in a kind of ethical pyramid, with the Secretary-General at the top. But this is a mistake. The “site” for the universal is also, after all, a local place: the international community, the United Nations, the world of the global media. This is not an abstract place of enduring ethics, but a concrete place, in which particular people, regimes, and institutions contest what will be spoken, what legitimated, what denounced. Nor is every local cultural commitment the mere “expression” of a universal value that the Secretary-General, or anyone else, would be in a superior position to express in more universal terms. Local cultures contest the universal, express it, participate in its development. The moral challenge before us is not to interpret all the world’s cultures into the harmonious terms of a universal ethical canon, but to build bridges, conversations, cooperation, understanding, and respect among the world’s quite different ethical worlds. For the Secretary-General to play *this* role, he or she must pull back from the ethical self-confidence that goes with speaking for the universal.

None of this is easily advanced by a Secretary-General committed to the priority of the system or to the natural superiority of universal norms. We don’t need – and shouldn’t want – another echo for the *bien pensant* ideas of the global elite. We need a voice able to articulate a far more diverse set of ideas, policy options, and best practices, and able to defend the emergence of robust good governance in other places, at other levels, pursuing other agendas. He or she should instead be an entrepreneur for new ideas about the constellation of policies through which those with public capacity – in diverse configurations at many levels – might address the most pressing global problems. The truth is that we do not know what justice will mean in a complex and changing world, any more than we agree on the terms through which it should be sought. Justice needs to be made anew in each time and in each place. Neither we, nor the Secretary-General should pretend otherwise.

PART IV

Independence and the future

The Secretary-General's political space

JAMES TRAUB

In January 1998, as Kofi Annan was labouring to persuade the Security Council that he should go to Baghdad to defuse the growing crisis over weapons inspections, Iqbal Riza, his Chef de Cabinet, got hold of a copy of a biography of Dag Hammarskjöld in order to have at the ready the precedent for such solo flights of diplomacy, which Annan's illustrious predecessor had established, later dubbed the "Peking Formula". Such legalistic considerations were of great importance to the punctilious Riza – and of almost no importance at all to Annan, who understood that his capacity to act arose entirely from the specific situation before him, and from what he was able to make of it. When, after great feats of diplomatic delicacy and persistence, Annan managed to find a tiny patch of common ground among the five deeply divided permanent members of the Council, he flew off to Baghdad without so much as a word about the Peking Formula.¹

Rules and entrepreneurs

The United Nations is thought to be an excruciatingly rule-bound body, but the Secretary-General's political latitude is almost wholly a matter of entrepreneurship rather than rule. As others in this volume have noted, the right of autonomous action is in fact inscribed in Article 99 of the UN Charter. But this vague proviso, which empowers the Secretary-General only to "bring to the attention of the Security Council" issues that threaten international peace and security, assumes an unambiguously subordinate relationship between the Secretary-General and the Council. In reality, the relationship is much more complicated, and much more fluid. One could summarize by saying that the acreage of political space

¹ For an account of the incident that gave rise to this formula, see chapter 1 by Brian E. Urquhart in this volume.

available to a Secretary-General varies according to his or her own ambitions and diplomatic gifts, as well as the willingness of the five permanent members of the Council – and above all the United States – to grant him or her a role.

Thanks to these shifting tides of politics and personality, the development over time of the Secretary-General's political space does not offer anything like a coherently unfolding trajectory; it is, rather, a story of opportunities abruptly appearing and just as rapidly disappearing. At the dawn of the United Nations in the late 1940s, the clang of the Iron Curtain sent the institution into a kind of collective shock. All the high hopes contained in the Charter, and the muscular capacities elaborated in its provisions, suddenly became nugatory. Only a very brave or reckless Secretary-General would have asserted his independent authority at such a moment; Trygve Lie, the official in question, was no such man. Lie was practically flattened by criticism during his initial, cautious attempts to assert himself, and he quickly retreated. He later wrote in his memoirs that "the concept of a spokesman for the world interest is in many ways far ahead of our times . . . To have gone too far, too fast, might have lost everything."²

And yet Lie's successor, Dag Hammarskjöld, operating under the same geopolitical constraints, achieved a freedom of action of which Lie could barely have dreamed. No other Secretary-General thought as deeply, and spoke as often, of the unique authority that came with this unique position. In this sense, it is fair to say that Hammarskjöld invented the job he held. In his very first press conference, in May 1953, he observed that the Secretary-General "has a fairly well defined right of initiative" under the Charter, but added that this right "goes far beyond what is described in the Charter."³ Hammarskjöld did not need, or in any case did not cite, the textual source for this expansive interpretation. He seems to have derived his understanding from his own quasi-mystical sense of calling, an intimation of transcendent moral purpose that applied both to himself and to the organization he had been asked to lead. Several years later, he would declare that the "principles of the Charter are, by far, greater than the organization in which they are embodied."⁴ These were postulates, not arguments.

But in that initial statement, Hammarskjöld went on to say that the Secretary-General could exercise this right of initiative "provided that he

² Stanley Meisler, *United Nations: The First Fifty Years* (New York: Atlantic Monthly Press, 1995), p. 34. ³ *Ibid.*, p. 81. ⁴ *Ibid.*, p. 109.

observes the proper forms, chooses his approaches with tact, and avoids acting in such a way as, so to say, to counteract his own purposes.”⁵ Hammarskjöld fully grasped the paradox that in order to play his independent role he had to fashion himself into a fit instrument of the Security Council’s wishes (though the Council might not yet know its own wishes). He needed, in short, to have an acute sense of the moment. And so Hammarskjöld waited eighteen months before putting his visionary conception of his role to the test. In late 1954, the Chinese shot down a US B-29 bomber and a C-47 transport plane and captured eleven Air Force crewmen and two civilians, whom they accused, probably rightly, of being CIA agents. US public opinion was outraged, and the General Assembly issued a harshly worded statement condemning the decision of the Chinese to try the crew members as spies rather than release them as prisoners of war. The China seat in the United Nations, and on the Security Council, was then held by the government in Formosa, not Beijing, so the Chinese had no real opportunity to respond.

The Cold War was new, and no one could be sure that this minor incident would not lead to hostilities. Hammarskjöld sensed that he might be able to intervene in a situation where neither adversary could make concessions to the other, but both feared escalation. He had gotten the delegates to insert in the resolution language asking him to “act in the name of the United Nations” to free the airmen.⁶ He then wrote to Chinese Prime Minister Zhou Enlai for permission to come to Beijing, not as an emissary from the Security Council – and thus from the chief belligerent – but in his own right as Secretary-General. Zhou agreed. It would be many months, and many more interventions by Hammarskjöld and others, before the airmen were released; but there can be little question that the Secretary-General’s bold act defused an increasingly tense situation, and ultimately gave the Chinese the pretext they needed to release the airmen with no loss of face.⁷

Thus was born the “Peking Formula”, which stipulated that the Secretary-General had an affirmative obligation, and not merely a right, to act when peace and security were threatened. The formula codified Hammarskjöld’s conception of the spirit, rather than the text, of the Charter. And it gave substance, as well, to an emerging view of the United Nations, not as the armed peacemaker Franklin D. Roosevelt had envisioned, for the Cold War had already reduced that to a dim memory, but

⁵ *Ibid.* ⁶ *Ibid.*, p. 87. Four fighter pilots who had also been captured were soon released.

⁷ See also chapter 1 by Brian E. Urquhart in this volume.

rather as the institutional embodiment of the idea of the neutral or disinterested position. And within this supranational body the Secretary-General exercised an authority that arose from a status that transcended individual or national politics, a position, to use Lie's sceptical language, as "spokesman for the world interest". Hammarskjöld never lost sight of the political environment within which he operated, though he pushed against its limits as no other Secretary-General ever would.

But the pressure Hammarskjöld exerted also had the perverse effect of defining those limits. His grandiose conception of the office he filled almost inevitably fell foul of the political realities of an institution explicitly designed to safeguard the interests of the great powers. In his shuttle diplomacy to Beijing, Hammarskjöld was adjudicating between those powers, collectively, and a non-member, not only of the Security Council, but of the United Nations itself. He thus expanded the scope of his office without diminishing the latitude of one of the five permanent members. But this would not often be true. Hammarskjöld's decisive intervention in the 1956 Suez Crisis galled the British, whose interests in the Middle East were thereby checked. The massive Congo peacekeeping operation that he shepherded into being in 1960 ultimately outraged the Soviets, who believed that the United Nations had abandoned their (rather undependable) client, Patrice Lumumba. (Brian E. Urquhart, who was deeply involved in organizing and directing the peacekeeping force, argues that the impartiality shown by the United Nations in the Congo also vexed the United States and the British, while the French objected to the entire affair.⁸) At the General Assembly session that autumn, Soviet Chairman Nikita Khrushchev angrily called on the Secretary-General to "muster the courage to resign."⁹

Hammarskjöld defended himself – or rather, his position – with typically majestic rhetoric, and he continued to serve until a plane crash took his life in 1961. His most precious legacy was the conception of the Secretary-General as the incarnation of a transcendent interest, beyond the language of the Charter and above the parochial interests of the members. And yet one could almost say that this heroic conception of the office was buried with Hammarskjöld himself – not because the men who followed him lacked his extraordinary gifts, though they did, but because the members, and above all the permanent members, did not want a Secretary-General with the capacity to curb their own freedom of action.

⁸ Brian E. Urquhart, *A Life in Peace and War* (New York: Harper & Row, 1987), p. 173.

⁹ Meisler, *United Nations*, p. 122.

Put in loftier terms, they did not accept the idea of a supranational position whose moral status could supersede their own.

Indeed, though they could agree on virtually nothing else, the major powers were of one mind on the imperative of circumscribing the Secretary-General's freedom of action. And so in place of Hammar skjöld they chose U Thant, a skilled diplomat who nevertheless lacked his predecessor's sense of the moment, or flair for public diplomacy. Thant was simply swatted down when he tried to exceed his brief. The White House conspicuously ignored the Secretary-General when he tried to carve out a role for himself in the settlement of the Vietnam War. "Who do you think you are," Secretary of State Dean Rusk pointedly snarled, "a *country*?"¹⁰ In Hammar skjöld's view, of course, the special standing of the Secretary-General arose precisely from the fact that he was *not* a country. Hammar skjöld would have made no more headway on Vietnam than his successor, for the Johnson Administration had no appetite for a UN *deus ex machina*. Perhaps for that very reason a more astutely calculating figure would have spared himself the humiliation of trying.

Political space contracted close to absolute zero during the reign of Kurt Waldheim, who lacked not only a hospitable political climate but also the will or dexterity to confront the major powers. Even a sympathetic biographer delicately notes that Waldheim "slowly recognized that he was safest articulating positions supported by UN consensus."¹¹ It is telling that this man, who even at the time was known to have served as a Wehrmacht officer (his full Nazi past emerged only later), came closer than any other Secretary-General to serving a third term. President Ronald Reagan, who had less use for the United Nations than any of his predecessors, was prepared to wave him through; only the Chinese, who wanted a Third World candidate, refused. Waldheim's willingness to, in effect, restore contested political space to the members was a point in his favour rather than the other way around.

Javier Pérez de Cuéllar, who succeeded Waldheim, was a figure of consummate diplomatic finesse, with a diplomat's faith in consensus and the quiet solution. (US Ambassador Vernon Walter famously cracked that the Secretary-General couldn't make a splash by falling out of a boat.) His first term, which began in 1982, felt very much like a continuation of the Waldheim era. But in September 1987 Mikhail Gorbachev,

¹⁰ *Ibid.*, p. 162.

¹¹ James Daniel Ryan, *The United Nations Under Kurt Waldheim, 1972–1981* (Lanham, MD: Scarecrow Press, 1982), p. 116.

the reform-minded Soviet premier, wrote a celebrated article in *Pravda* and *Izvestia* proposing “a wider use of . . . the institution of UN military observers and UN peacekeeping forces”¹² – one of the first signs that the Soviet Union was prepared to bring the Cold War to an end on essentially Western terms. This momentous decision had the effect of restoring – or finally establishing – the open space of collective interest that Hammarskjöld had sought to occupy.

Pérez de Cuéllar did not metamorphose into Georges Clemenceau; he remained a discreet and careful diplomat. He became, in effect, an Article 99 Secretary-General, urging the permanent members to meet regularly in order to engage in quiet diplomacy – a genuine novelty, after decades of sterile theatrics. The Security Council was thus able to play a role, if a modest one, in finally ending the grotesque slaughter of the Iran–Iraq War. Pérez de Cuéllar also deployed emissaries to peace negotiations, with the promise of a UN peacekeeping force should the parties reach an agreement, as happened in Namibia and El Salvador. His one foray into high-wire personal diplomacy was not so successful. In January 1991 Pérez de Cuéllar flew to Baghdad in the hopes of averting the impending Gulf War. He had nothing to offer Saddam Hussein, and Hussein, to no one’s surprise, sent the Secretary-General packing. The Secretary-General seemed to believe, like Thant, that his role as emissary of peace obliged him to act even with virtually no prospect of success. The US bombing began four days later.

Boutros Boutros-Ghali was the first post-Cold War Secretary-General. He took office at the height of what might be called the UN’s Era of Good Feelings. And yet by the time Boutros-Ghali’s first and only term came to an end, his space for manoeuvre had been reduced almost to nil: the institution, and thus its most visible public figure, had fallen victim to the euphoria, and to the exalted expectations, of the post-Cold War moment. Boutros-Ghali himself played a modest part in this perilous inflation when he published *An Agenda for Peace*, a highly ambitious blueprint for a greater UN role in conflict prevention and mitigation.¹³ It was the major powers who fashioned an impossible mission for the United Nations in Somalia and then, even more disastrously, in the Balkans, and who failed

¹² Cited in David M. Malone, *Decision-Making in the UN Security Council: The Case of Haiti, 1990–1997* (Oxford: Clarendon Press, 1998), p. 8.

¹³ *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping* (Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992), UN Doc. A/47/277-S/24111 (17 June 1992), available at www.un.org/Docs/SG/agpeace.html.

to act at all in the face of genocide in Rwanda. But since the Secretariat and the Secretary-General executed these policies, the United Nations was deeply stained – irreparably, one would have said at the time – by the catastrophes that arose from them. And as if that weren't ill-fortune enough, the US elections in 1994 brought a Republican majority to both houses of Congress. This clamped a new kind of vice on the United Nations, for President Bill Clinton, an avowed internationalist, was now answerable to a deeply provincial, unilateralist, even isolationist Congressional leadership whose members regarded both the United Nations and its Secretary-General with deep suspicion, and sometimes with loathing.¹⁴

Boutros-Ghali's political space was thus eclipsed not by divisions among the permanent members, as before, but rather by the discrediting of the institution itself, and by the growing power of the anti-UN faction. But Boutros-Ghali, though a figure of high intelligence and ambition, was also the author of his own diminishment. The Secretary-General had a conception of his job wholly at odds with the one that had served Hammar skjöld so well. Rather than transcending all particular interests in order to act as "spokesman for the world", Boutros-Ghali quite explicitly offered himself as a tribune of the poor nations in the councils of the rich. He notoriously described the ethnic bloodletting in the Balkans as "a rich man's war".¹⁵ He regularly upbraided the United States for failing to pay its dues while at the same time making extravagant demands of the organization. The criticisms may well have been just; but since he was targeting, and sometimes infuriating, the very members whose acquiescence he would need in order to advance his substantive goals, Boutros-Ghali was, in effect, expanding his rhetorical latitude at the expense of his political space. Perhaps he considered the two identical, or believed that his role lay in the realm of exhortation rather than diplomacy. Certainly Boutros-Ghali proved, by omission, that in order to cultivate political space a Secretary-General must first stake out a position of principled impartiality.

Annan ascendant

During his first term in office, Kofi Annan was an entrepreneur of political space *par excellence*. As he was a man of radically different temperament

¹⁴ See chapter 11 by Edward C. Luck in this volume.

¹⁵ Boutros Boutros-Ghali, *Unvanquished: A US-UN Saga* (New York: Random House, 1999), p. 43.

from Dag Hammarskjöld, so his manner of clearing a path for himself was quite different; but the constituent elements were the same. Annan began by reconstituting the “transcendent” position upon which the moral status of his job was founded. The coordinates of this location had changed since Hammarskjöld’s day, for the overwhelming dominance of the United States now meant that a Secretary-General had to navigate a path between Washington and everyone else. Annan was already seen as “Washington’s candidate”, and his advisors wanted him to begin his tenure by making a show of independence from the United States;¹⁶ but he chose instead to go to the White House for his first official trip outside New York, beginning a long, and intermittently successful, process of romancing US conservatives. At the same time, Annan was able to counter suspicions that he would serve as Washington’s puppet by speaking regularly of the problems of poverty and underdevelopment. Like Boutros-Ghali, he hoped to raise the development side of the United Nations to something like parity with the peace and security side; but he understood that he would not succeed by hectoring the West.

Indeed, when he went to the developing world, Annan was careful to preserve his *bona fides* with the West. On his first trip to Africa, his “home continent”, Annan delivered a remarkably blunt speech taking African leaders to task for failing to protect, or even to recognize, the human rights of their citizens. Annan insisted that these were not Western preoccupations, but rather the birthright of all men and women.¹⁷ By thus allying himself with universalism against relativism, the Secretary-General earned his right to act as “spokesman for the world interest” just as Hammarskjöld had. At the same time, by voicing one of the West’s deep-seated critiques, Annan secured himself against allegations of special pleading on behalf of Africa and the developing world.

Annan also amassed political capital in a way that none of his predecessors ever had: by becoming a celebrity. This was a matter both of conscious decision and of following the path of least resistance. Annan and his wife Nane, the niece of Swedish war hero Raoul Wallenberg, made a striking couple: she tall and blonde, he short and black, both mild, gracious, and benevolent. They rapidly became a prized catch on the New York social scene, a subject of awe-struck press coverage, a kind of joint icon of moral glamour. Annan also took the advice of President Clinton,

¹⁶ Author interview with Iqbal Riza.

¹⁷ Kofi Annan, Address to the Organization of African Unity, UN Press Release SG/SM/6245 (2 June 1997).

who suggested that he travel around the country, talking to Americans about what the United Nations really was and did. Annan became the emblem, almost the mascot, of the institution, replacing the received image of a building full of dark-suited diplomats speaking strange tongues with that of one very unthreatening, optimistic, morally driven, and pro-American man.

Just as Hammarskjöld had swept away obstacles that had proved insurmountable to his predecessor, so Annan was now able to advance his agenda far more effectively than Boutros-Ghali. In the spring of 2000, Annan released a document, titled *We, the Peoples*, that laid out a new vision of the United Nations in an era of globalization. More importantly, it also proposed a series of targets to be achieved by 2015, which came to be known as the Millennium Development Goals (MDGs).¹⁸ He proposed that nations commit themselves to achieve these goals at a "Millennium Summit" that autumn. Heads of state would pledge, among other things, to halve the number of people in the world living on \$1 a day or less and the number of people without access to safe drinking water, to ensure universal primary school enrolment, and to sharply reduce the rates of HIV infections and increase access to prevention services and information. The "MDGs" were adopted and swiftly worked their way into global discourse, becoming, in effect, the standard for judging progress in economic and social development. Annan built on this achievement at the Monterrey Conference in early 2002, when donor nations pledged themselves to move towards spending 0.7 percent of GNP on development assistance in order to help make the MDGs achievable, while recipient nations agreed to adopt more transparent and market-friendly policies – a twinned set of demands that itself helped preserve the Secretary-General's non-partisan status. Both commitments have since been honoured as much in the breach as the observance; nevertheless, Annan deserves credit for having institutionalized a broadly acceptable vision of development.

Annan cashed in a good deal of the credit he earned over the years in the establishment of such global norms, and not only in matters of development. A Secretary-General is on relatively safe ground in such matters, both because norms have the virtue – from the hypocrite's point of view – of requiring no real action, and because the very act of championing the universal as against the culturally or historically bound reinforces the

¹⁸ Kofi Annan, *"We the Peoples": The Role of the United Nations in the 21st Century* (New York: United Nations, Department of Public Information, 2000).

Secretary-General's transcendent, non-partisan position. But "the universal" is itself a highly contested proposition; and Annan was scarcely given a free pass in such matters. When he admonished African leaders on the subject of human rights in 1997, and added that he found the widespread claim that individual rights were an "imposition" by the West "demeaning of the yearning for human dignity that resides in every African heart",¹⁹ the pointed criticism was greeted as an affront. Two years later, when Annan used his annual speech before the General Assembly to forcefully make the case for "humanitarian intervention", arguing that "the collective conscience of humanity" demanded that states be stopped, by force if need be, from committing atrocities against their own people, the Group of 77 (G-77) denounced him for imperilling state sovereignty.²⁰

Nevertheless, it is as "norm entrepreneur" that Annan has made his most lasting contribution to the United Nations, and has made the best use of the political space he cleared for himself.²¹ The so-called "Monterrey Consensus" – good governance in exchange for increased aid – is now widely accepted; only the most recalcitrant of Third World leaders mock the rights of the individual; and in the reform document adopted at the 2005 World Summit, members committed themselves to "the responsibility to protect", the obligation underlying the principle of humanitarian intervention.²² And Annan, with his acute – sometimes overacute – sensitivity to what the market will bear, has pushed hard enough to carry the day without sacrificing his standing with his audience. After the Secretary-General's speech calling on African leaders to stop mistreating their citizens, Salim A. Salim, then Secretary-General of the Organization of African Unity (OAU), came over to the podium and said, "Kofi, you are probably the only one who could say that and get out of this room without being lynched."²³

In matters of peacekeeping and conflict prevention, the Secretary-General necessarily operates in far more improvisatory fashion; he or she must play whatever cards happen to be dealt. Annan's first chance to explore, and perhaps expand, the space available to him in matters of war

¹⁹ Annan, Address to the Organization of African Unity.

²⁰ Kofi Annan, Address to the General Assembly, UN Press Release SG/SM/7136 (20 September 1999).

²¹ On the norm entrepreneur role generally, see chapter 7 by Ian Johnstone in this volume.

²² 2005 World Summit Outcome Document, UN Doc. A/RES/60/1 (16 September 2005), available at www.un.org/summit2005, paras. 138–140.

²³ Author interview with Kofi Annan.

and peace arrived in early 1998, in the showdown over the activities of UN weapons inspectors in Iraq. Tensions had risen to the breaking point during the latter half of 1997, as the Iraqis had first complained about the inspectors, then begun obstructing site visits, then insisted that US members of the team be removed from the country. All efforts at mediation failed, and the inspectors were forced to withdraw. By early 1998, with the United States and Britain threatening war, Annan was being implored to intervene by religious authorities, regional and Islamic organizations, and dozens of heads of states. And, like Hammarskjöld, he believed that he had an obligation, arising from the office itself, to act in order to preserve peace. "There may be times," he said in the midst of the frenzied negotiations, "when the Secretary-General has to stand alone and use the moral authority of the office, and one should not shy away from that and I do not intend to shy away from that."²⁴

But Annan also understood that he could not, as Hammarskjöld had delicately put it, act in such a way as to "counteract his own purposes", which is to say that he had to work with, not against, the major powers. If he left without the backing of the Security Council he would be as powerless before Saddam Hussein as Pérez de Cuéllar had been. Annan had less room for manoeuvre in Iraq than Hammarskjöld had had in China, because now the Council was sharply divided over the proper course of action; only the United States and Britain were prepared to initiate hostilities to punish Hussein for non-compliance. Annan worked painstakingly with the permanent members, and persuaded the members to talk among themselves in order to agree on a set of principles to govern discussions with Hussein.

Washington, the most belligerent of the five, opposed Annan's active involvement, fearing that this prince of peace would be snookered by the wily Iraqis. But as the stalemate dragged on, and the tensions rose higher, the Clinton Administration became increasingly isolated. Annan's status as moral arbiter had reached such a pitch that blocking his bid to defuse the situation would be tantamount to choosing war over peace. The United States finally concluded that it made more sense to shape Annan's trip than to prevent it. In these frantic days in February, Secretary of State Madeleine Albright visited the Secretary-General at home to read him the US "red lines".²⁵ The White House wanted Annan to carry with him to Baghdad written instructions formalizing these provisos; but Annan felt that the Iraqis would never listen to him if he were playing the role of US

²⁴ Author interview with Kofi Annan.

²⁵ Author interview with Madeleine Albright.

messenger boy. The problem was solved in an act of diplomatic legerdemain when British Ambassador John Weston read “speaking notes” to Annan, which incorporated the British and US red lines but freed him from bearing written instructions.²⁶

This, then, was the minute choreography that made it possible for Annan to operate in Baghdad as a figure in his own right, bearing the interests of humanity, but also as the emissary of a Security Council prepared to take action should negotiations fail. Annan left for Iraq within twenty-four hours of reaching an agreement with the permanent members. The world press descended on Baghdad. Annan’s almost mystical air of composure as he prepared to take on the Iraqi tyrant imparted a mythic glow to the impending encounter – “Kofi in the lion’s den”. And in fact Annan emerged from a tense three-hour meeting with Hussein with a memorandum of understanding that would bring the inspectors back to Iraq without violating Albright’s strictures. Annan returned to a hero’s welcome, both inside the United Nations and in much of the media. No Secretary-General since Hammarskjöld had stood as high in public esteem as he did at that moment.²⁷

But the agreement began to unravel almost instantly. The Iraqis violated its terms, and the inspectors found themselves blocked once again. The United States blamed the agreement itself, though they had embraced it at the time, and became retrospectively disenchanted with Annan’s solo dash.²⁸ The Secretary-General came to be seen in US and British policy circles less as a peacemaker than as a peacenik. And the bombing campaign that Annan had averted was unleashed nine months later, in December 1998. As a British diplomat later put it, “It was a classic Kofi Annan compromise, and a very clever one, but it contained the seeds of the trouble all the way through. In his brilliant compromise to get around the problem that they wouldn’t deal with the inspectors, he did enough for the Americans not to rupture the whole business but not quite enough to make it clear that the inspectors were in charge of the inspections.”²⁹

The problem was not really that Annan had given away too much, or too little, to Hussein, but rather that he had tried to solve an equation which, in fact, had no solution, for Hussein would never yield enough to mollify his adversaries on the Security Council. Nor could Annan fashion

²⁶ Author interview with Shashi Tharoor.

²⁷ See also chapter 11 by Edward C. Luck in this volume.

²⁸ Author interview with James P. Rubin and others. ²⁹ Confidential interview.

a formula that would satisfy the United States and Britain on the one side, and France, Russia, and China on the other; the rent in the Council that Annan had temporarily closed reopened almost immediately. After all the euphoria of the early 1990s, the celebrations of the end of history, the Cold War affliction of a divided Council had returned, albeit in less rigid and ideological terms. And even the most determined and subtle Secretary-General would find the political space crumbling at his feet as he tried to navigate a riven Council, at least on issues that touched on the vital interests of one or more permanent members.

Of course much that a Secretary-General seeks to do, even in the realm of peace and security, does not bear so directly on those interests. Annan's intervention in East Timor in the late summer of 1999, for all that it was conducted by telephone, was every bit as dramatic as his trip to Baghdad, and far more lastingly successful. Annan played a central role in persuading Indonesian President B.J. Habibie to permit a multinational force to reclaim the province from rampaging militias. Habibie was either unwilling or politically unable to submit to demands from the West; he would not even convey his acquiescence to a delegation of Security Council ambassadors who came to the region.³⁰ But Annan was different, both because of his tactful and emollient nature, and because he spoke, not for the ex-colonial powers or the West, but for the world interest.

Twilight of the idols

In his first term, Kofi Annan expanded his job to dimensions unseen in almost forty years. But seen in retrospect, Annan's overall tenure has had to it something of "The Cask of Amontillado", in which the hero is immured before our very eyes.³¹ It is, in fact, something of a cliché that Secretaries-General run out of steam in their second term. As a generalization, this fits rather loosely on the actual facts: Waldheim scarcely blazed a trail of glory in his first term; Pérez de Cuéllar plainly accomplished a great deal more in his second term than in his first. If Annan had served his first term in 1992, and his second in 1997, he, too, might well have been recalled as a late bloomer, simply because the forces that shaped the United Nations, and thus the position of Secretary-General, turned out to be more auspicious in 1997 than in 1992. It is the political

³⁰ Stewart Eldon, "East Timor", in David M. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (Boulder, CO: Lynne Rienner, 2004), p. 559.

³¹ Edgar Allen Poe, "The Cask of Amontillado", *Godey's Lady's Book*, vol. 33, no. 5 (1846), p. 216.

environment, above all, that determines the amount of political space available to the Secretary-General. The cliché does, however, apply in one important regard: a Secretary-General who pushes hard against the limits of the office, as Hammarskjöld and Annan both did, provokes a response from the powers who otherwise dominate the institution. The great powers appear to take a zero-sum view of their relationship with the Chief Administrative Officer of the United Nations; the additional latitude he or she gains comes at the expense of their own freedom of action. And this imbalance, or perceived imbalance, is bound to be resolved in favour of the aggrieved members.

Annan, too, fell victim to a drastic change in the political weather, above all in Washington. First, the contest between a multilaterally inclined White House and a unilaterally inclined Congress was decided unequivocally in favour of the latter with the election of George W. Bush as President in 2000. And then the terrorist attacks of 11 September 2001 deeply traumatized the American people, imbuing them with a sense of anger, and of vulnerability, which other Western publics, not to speak of non-Western ones, did not share. The terrorist attacks turbo-charged what had been an apathetic Bush Administration. A year later, the administration adopted a new National Security Strategy that turned the United Nations, and its supposed legitimacy, into an afterthought. "While the United States will constantly strive to enlist the support of the international community," the document stated, "we will not hesitate to act alone, if necessary, to exercise our right of self-defence by acting pre-emptively against such terrorists, to prevent them from doing harm against our people and our country."³²

The Bush Administration did, of course, bring its case for war in Iraq to the Security Council, but the doctrine of "we will not hesitate to act alone" was never far from the surface. The atmosphere inside the Council was much more combustible than it had been during the first Iraq crisis. The permanent members were now deeply divided on a matter of supreme importance to the most powerful member. The terrorist attacks had, in effect, reproduced the atmosphere of the Cold War, in which decisions were too momentous to permit the meddling of a Secretary-General. Annan, for whom political space was life itself, floundered about trying to find a role, fielding the worries and the ire of the heads of state and foreign ministers of the chief actors, publicly advocating further

³² The National Security Strategy of the United States of America (President of the United States, Washington, DC, September 2002), available at www.whitehouse.gov/nsc/nss.html.

negotiation while admonishing the Iraqis to make a clean breast of things. But he understood that he could not insert himself into the process as he had in 1998. Towards the end, Nelson Mandela called to say that Richard Branson, the flamboyant British entrepreneur, had offered to fly Mandela and Annan and perhaps Jimmy Carter to Iraq to work out a last-minute compromise. Annan told him to forget about it.³³ Far worse, for Annan, was the marginalization that the United Nations itself suffered when the Bush Administration and its allies went to war in Iraq without Security Council approval.

The great task of Annan's last years in office would be the healing of this terrible breach. In his annual address before the General Assembly, in September 2003, six months after the Iraq war, Annan declared that the United Nations had reached "a fork in the road" which required an unblinking reappraisal.³⁴ He would, he announced, appoint a "High-Level Panel" to recommend wholesale changes in the doctrine and structure of the United Nations. It was an audacious challenge for so fundamentally modest a figure, for there was little pretence that the wish for radical reform came from the members themselves. The sense of urgency came from the Secretary-General, and from the Secretariat. He and his colleagues would somehow have to goad the members to take responsibility for the organization's future, to see the United Nations as Annan himself did – profoundly flawed, gravely endangered, irreplaceable. One doubts that the framers of Article 99 could have imagined such an astonishing reversal of energies.

The panel delivered its report in December 2004,³⁵ and the following March Annan issued his own fifty-five-page blueprint for reform, *In Larger Freedom*, closely tracking the panel's report.³⁶ Over the ensuing months Annan, along with Jean Ping, Ambassador from Gabon and President of the General Assembly, organized the vast political effort to sell the package to members. Thanks to years of battering from the United States, and then to the spreading stain of the Oil-for-Food scandal, it was a severely weakened Secretary-General who stumped the world on behalf of

³³ Author interview with Kofi Annan.

³⁴ Kofi Annan, Address to the General Assembly (United Nations, New York, 23 September 2003), available at www.un.org/webcast/ga/58/statements/sg2eng030923.htm.

³⁵ A More Secure World: Our Shared Responsibility (Report of the High-Level Panel on Threats, Challenges, and Change), UN Doc. A/59/565 (1 December 2004), available at www.un.org/secureworld.

³⁶ In Larger Freedom: Towards Development, Security, and Human Rights for All, UN Doc. A/59/2005 (21 March 2005), available at www.un.org/largerfreedom.

this programme of transformation. Yet even the Annan of 1999 would have quickly discovered the limits of his power in this regard. Annan won high-minded applause everywhere he went, but he found, to his dismay and even surprise, that very few member states were willing to sacrifice even an ounce of national self-interest for a pound of institutional reform. He was, in effect, asking them to ascend to his own supranational position, rather than using that position to adjudicate among them, or to intervene where no one of them could. And while they could embrace an abstract norm at low cost, there would be very real consequences to expanding the Security Council, or tightening the non-proliferation regime, or changing the UN budgeting and personnel system.

Annan and his team managed the process adroitly, keeping G-77 countries in the game by giving great weight to issues of development, clearing away hopelessly intractable issues like Security Council expansion in order to focus on what was achievable. Annan rightly calculated that the imminent arrival of heads of state for the much-touted sixtieth anniversary session of the General Assembly would concentrate the minds of dilatory ambassadors. To the surprise of both participants in the process and spectators, Annan, Ping, and their teams salvaged a recognizable, if modest, reform document from the wreckage of colliding national interests. But no progress was made at all on several signal issues, including Security Council reform, non-proliferation, and guidelines on the use of force; on others, the truly difficult decisions were postponed. Some of the less politically fraught recommendations, such as the creation of Peacebuilding Commission, were adopted more or less intact in the ensuing months, while others, notably the Human Rights Council, had to be diluted. Still others remain in diplomatic limbo. Taken all in all, the reform campaign demonstrated the limits of a Secretary-General's power to persuade members to make sacrifices for the good of the organization.

One wonders if Annan, like Hammarskjöld before him, provoked the members to contract the powers of his office, simply by virtue of pressing on the limits of those powers. It would be a strange outcome, and a disturbing one. With the Cold War having given way to an ideological convergence around capitalism and democracy, one would think that Annan operated in a far more permissive environment than Hammarskjöld. But it is not so. The United Nations was young in Hammarskjöld's day, and the Secretary-General's ambit was still an open question. Moreover, the collapse of Communism did not produce a sense of shared purpose on which a Secretary-General could count in times of crisis (or reform). The reform effort demonstrated that, with important exceptions, the developing

world envisions the United Nations in very different terms from the industrialized world. And the United States has now become a persistent outlier, though domestic politics will shift its orbit now closer to, now further from, the Western mainstream. The tensions and the divisions among the three blocs have stretched the United Nations almost to the breaking point. Under the circumstance, Annan deserves, at the least, a great deal of sympathy, and, at the most, a sizable measure of respect, for the way he deployed the powers of his office.

The search for a candidate to replace Annan at the end of 2006 compelled member states to think about the proper relationship between the Secretary-General and the organization he or she serves. The last time that a roughly comparable situation arose, they resolved the question unambiguously by selecting the mild-mannered Thant to succeed Hammarskjöld. There was little reason to expect a different kind of outcome. Third World members generally opposed Annan's attempt to increase the autonomy and accountability of the Secretary-General and the Secretariat on the grounds that both served the interests of the Western-dominated Security Council rather than the General Assembly. On the other hand, any candidate deemed unduly passionate on behalf of the developing world aroused opposition in the West. And the United States tended to look askance at any figure with the standing or charisma to constitute a force of his own. Such concerns, of course, may be moot: given the heavy weather that Annan endured, many bold and ambitious men and women declined even to consider piloting the uncertain ship of the United Nations.

The Secretary-General in a unipolar world

EDWARD C. LUCK

The first two post-Cold War Secretaries-General, Boutros Boutros-Ghali and Kofi Annan, had contrasting personalities, management styles, and public personas. Introvert and extrovert, cool and warm, volatile and smooth, calculating and empathetic: their images could not have been more distinct. More than most of their predecessors, however, they shared a reputation as proponents of big ideas, bold doctrines, and a generous interpretation of the scope and authority of the office. And, as Adekeye Adebajo has discussed in chapter 8 of this volume, they shared a native continent. Less propitiously, they both started strong and then ran into serious political difficulties, most pointedly and painfully with the United States. In Boutros-Ghali's case, the Clinton Administration refused, with public disdain and a lonely veto, to support his reappointment to the customary second term. Annan, on the other hand, was the Clinton Administration's favourite to replace Boutros-Ghali and won President George W. Bush's backing for a second term. Washington, however, soured markedly on Annan during his troubled second term, though the Bush Administration did not join the chorus from Capitol Hill calling for his resignation.

Why were these two talented and dedicated leaders unable to sustain US confidence and support? Did the fault lie in the fickle politics and unilateralist instincts of the United States or in the policy choices and public pronouncements of the two Secretaries-General themselves? To what extent did strategic and geopolitical factors drive Washington and Turtle Bay apart once the constraints of the Cold War were lifted? Were these troubles, in other words, just a sign of the times or something that could have been prevented by timely accommodations from one or preferably both sides?

Before addressing these queries, this chapter explores how the architects of the world body conceived of the roles and responsibilities of the Secretary-General. It then addresses the disputes between the United

States and the two Secretaries-General, first by looking at US politics and predilections and then by assessing some of the more controversial statements, positions, and actions by Boutros-Ghali and Annan. The concluding section puts these developments and controversies in a larger strategic context and considers some possible lessons learned and best practices that may be relevant to future Secretaries-General.

“Less interesting” matters

Like so many other public institutions, the office of the UN Secretary-General began modestly enough and then grew in scope and ambition over time. When planning teams in the US State Department started to sketch out an outline of post-war organization in 1942–1943, they relegated what Ruth Russell unkindly terms the “less interesting” matters of finance and administration to rather late in the day.¹ The topic of the character of the Secretary-General and of the Secretariat attracted even less attention at the two-part Dumbarton Oaks conversations among the Big Four powers – the United States, Britain, the Soviet Union, and China – in the early autumn of 1944.² The subsequent founding conference in San Francisco was marked by fierce debate over a range of provisions for the new Charter, but, of course, this was not one of them. The discussion of the Secretary-General’s office, according to Leon Gordenker, was “thin and incomplete”.³ Only the selection process stirred much interest.⁴ The delegates adopted the Dumbarton Oaks language proposed by the four convening powers with relatively few changes.⁵

As David Kennedy points out in chapter 9 of this volume, the first Secretary-General of the League of Nations, Sir Eric Drummond, provided a decidedly modest model, doing his best to keep out of the limelight and

¹ Ruth B. Russell, *A History of the United Nations Charter: The Role of the United States, 1940–1945* (Washington, DC: Brookings Institution, 1958), p. 369.

² Robert C. Hilderbrand, *Dumbarton Oaks: The Origins of the United Nations and the Search for Postwar Security* (Chapel Hill, NC: University of North Carolina Press, 1990), pp. 93, 106. As Ruth Russell points out, only the proposals presented by the United States and China “went into any detail on the Secretary-General and his staff”: Russell, *A History of the UN Charter*, p. 431.

³ Leon Gordenker, *The UN Secretary-General and the Maintenance of Peace* (New York: Columbia University Press, 1967), p. 16.

⁴ Russell, *A History of the UN Charter*, pp. 854–860 and *Documents of the United Nations Conference on International Organization, San Francisco, 1945* (New York: United Nations Information Organizations, 1945), vol. VIII, pp. 32–33, 332–333, 502, 532–533.

⁵ For the Dumbarton Oaks proposals on the Secretariat, see Russell, *A History of the UN Charter*, p. 1028.

the headlines. The Secretariat was to be international, expert, impartial, and as apolitical and free from the undue influence of individual member states as possible.⁶ Wanting to improve on this model the second time around, given the fate of the League, some of the State Department planners in 1943 envisioned a more prominent political role for the administrative head of the successor organization. They saw this as a way of bolstering the political will of the member states – or, more likely, compensating for their lack of it. US President Franklin D. Roosevelt reportedly toyed in December 1943 with the notion of calling the staff head the “Moderator”, to capture the mediating role he or she might play in resolving disputes.⁷ Within a few months, however, all such grand visions for the Secretary-General had been dropped by the Roosevelt Administration.

The failure of the League’s Council to take up emerging security threats in a timely fashion, however, did convince the founders to retain one important innovation from the early State Department drafts: the Secretary-General’s competence, now under Article 99, to “bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.” This new wrinkle proved uncontroversial at Dumbarton Oaks and San Francisco. Yet it would be a mistake to assume, therefore, that the founders envisioned a major political role for the Secretary-General. If they had, then the post would have received far more attention at those formative sessions. The focus of the national delegations, understandably, was on how the intergovernmental organs would be composed, make decisions, and relate to one another.

The fullest account of the initial thinking about the role of the Secretary-General is given in the Report of the Preparatory Commission of the United Nations, which began meeting the day after the Charter was signed in order to turn its provisions into detailed operational plans. Given the brevity both of the Charter provisions relating to the Secretary-General and of the deliberations that produced them, the Commission needed to devote considerable space and detail to the subject. In the Commission’s view, the Charter assigned, “explicitly or by inference”, six

⁶ On Drummond, see also Dorothy V. Jones, “International Leadership and Charisma”, in Sten Ask and Anna Mark-Jungkqvist (eds.), *The Adventure of Peace: Dag Hammarskjöld and the Future of the UN* (New York: Palgrave Macmillan, 2005), p. 194. For a more extensive exposition on the League’s Secretariat, see F.P. Walters, *A History of the League of Nations* (London: Oxford University, 1960), pp. 75–80, and Gordenker, *The UN Secretary-General*, pp. 4–15.

⁷ Russell, *A History of the UN Charter*, p. 373; Gordenker, *The UN Secretary-General*, p. 18.

“principal functions” to the Secretary-General: “general administrative and executive functions, technical functions, financial functions, the organization and administration of the International Secretariat, political functions and representational functions.”⁸ The first four of these “headings” fall comfortably within the purview of the “chief administrative officer” function stipulated in Article 97. That these roles came first and required six paragraphs of elaboration testifies to their centrality in the initial conception of the Secretary-General’s responsibilities.

Creating and maintaining “a team spirit in a body of officials recruited from many countries” would require “moral authority” on the part of the Secretary-General, the Commission emphasized. This would depend, however, not upon his political stances and pronouncements, but on “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.”⁹ According to Article 100(1), “the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization.” This does not, of course, suggest that the Secretary-General is to pursue an independent political course. As Article 98 makes abundantly clear, the Secretary-General is to serve the intergovernmental bodies and to “perform such other functions as are entrusted to him by these organs.” Acting as the servant of the whole, in other words, is to make the Secretary-General independent of any single capital.

According to the Preparatory Commission, there would be three dimensions to the political aspects of the job. Administrative decisions, in some circumstances, “may justly be called political.” Article 99, as noted above, confers “a quite special right which goes beyond any power previously accorded to the head of an international organization.” And, as Roosevelt had anticipated, “the Secretary-General may have an important role to play as a mediator and as an informal adviser to many governments.” Given these possibilities, the Secretary-General should exercise “the highest qualities of political judgement, tact and integrity.”¹⁰

Finally, the Secretary-General would need to play a representative role to gain public support for the new enterprise: “the Secretary-General, more than anyone else, will stand for the United Nations as a whole. In

⁸ Report of the Preparatory Commission of the United Nations (23 December 1945), Chapter VIII, section 2, para. 8. Excerpts of the report are included in the appendix to this volume (p. 244). See also the discussion of the report in chapter 3 by Colin Keating in this volume. ⁹ *Ibid.*, para. 15. ¹⁰ *Ibid.*, para. 16.

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.”¹¹ The Commission did not attempt to base this final role on any specific provision of the Charter and this function did not figure prominently in any of the preparatory deliberations and planning. Nevertheless, the logic of the Commission’s stance is quite compelling. It is common practice for the staff heads of organizations to play a prominent representational function. For the United Nations, with a “board” of 192 individual member states, each with a distinct set of perspectives and interests, who else is well placed to embody its common values and to articulate its global perspectives? Still, it is arguably in this functional area, more than any other, that Boutros-Ghali and Annan clashed with the United States, and, to a lesser extent, with other powerful member states. There is a fine line between representing the world body’s values and advocating a particular policy line. When the member states are united, it may add little for the Secretary-General to join the chorus. When they are divided, and the Secretary-General is tempted or pushed by some to take a particular stance in defence of one interpretation of the organization’s values and principles, the risks can be very high.

The United States: constant critic?

During the Cold War years, the United States typically favoured extending the tenure of incumbent Secretaries-General – in Kurt Waldheim’s case even to an unprecedented (and unwarranted) third term. It was Moscow, not Washington, that objected to maintaining Trygve Lie and Dag Hammarskjöld in office. In the latter case, the Soviets went so far as to propose that the single Secretary-General be replaced by a troika, dividing the job among three officials, one each from the East, West, and South.¹² And it was Beijing that persisted through more than a dozen rounds of Security Council balloting in insisting that someone from a developing country had to take Waldheim’s place rather than give him that questionable third term. The reason for Washington’s apparent loyalty to the incumbent was most assuredly not that they were all US puppets who allowed the superpower to get its way on all matters of

¹¹ *Ibid.*, para. 17.

¹² Leon Gordenker, *The UN Secretary-General and Secretariat (Global Institutions Series)* (London: Routledge, 2005), p. 11; Stanley Meisler, *United Nations: The First Fifty Years* (New York: The Atlantic Monthly Press, 1995), pp. 121, 153, 154. See also chapter 1 by Brian E. Urquhart in this volume.

importance to it. Indeed, their perspectives often diverged, as with U Thant's public opposition to the Vietnam War.¹³ For the most part, however, the Cold War era Secretaries-General had a keen appreciation of when to press forward and when to pull back from a direct confrontation with the United States and, to a lesser extent, with the other permanent members. Here, timing and style matter, as well as keen political instincts. As Edward Newman noted, Javier Pérez de Cuéllar's tenure was "a case study of how activism need not mean confrontation."¹⁴ US officials apparently preferred to deal with the devil they knew than to take chances on one they did not. In those years, the lines seemed to be drawn more sharply and the players appeared to have a clearer sense of where they lay, as if everyone recognized the dangers of unpredictable developments in such a dangerous and divided world.

With the end of the Cold War, increasing unanimity in the Security Council, and a surge in peace operations, many signs seemed to augur a promising new chapter in US–UN relations. From August 1985 to October 1990, the portion of Americans responding to the Gallup poll that the United Nations "is doing a good job in trying to solve the problems it has had to face" jumped from 28 to 54 percent.¹⁵ Good times in relations between Washington and Turtle Bay, however, have never been sustained for long. Collective failures of will and commitment in Somalia, Rwanda, and the Balkans soon sapped US enthusiasm for the world body and its enigmatic leader, Boutros Boutros-Ghali. By August 1995, a Gallup-conducted survey for CNN and *USA Today* found only 35 percent of respondents prepared to give the United Nations a "good" job performance rating. Earlier that year, in a *Times Mirror* poll conducted by Princeton Survey Research Associates, 14 percent had a favourable opinion of Boutros-Ghali and 20 percent a negative one, while 17 percent claimed not to know him and fully 49 percent said that they had never heard of him.¹⁶ The problem seemed to be less that people had a poor opinion of him than that they had none at all.

Behind such fluctuations in US public attitudes, UN officials are prone to see a volatile and dysfunctional combination of ignorance and

¹³ Meisler, *United Nations: The First Fifty Years*, pp. 153–165.

¹⁴ Edward Newman, *The UN Secretary-General from the Cold War to the New Era: A Global Peace and Security Mandate* (New York: Palgrave Macmillan, 1998), p. 108.

¹⁵ *The Gallup Poll Monthly*, October 1990, p. 16.

¹⁶ The results of this February 1995 survey, as well as others cited in this chapter, can be found at Public Opinion Online, the Roper Center at the University of Connecticut, available at www.ropercenter.uconn.edu.

self-absorption on the one hand and of partisan politics and scapegoating on the other. Boutros-Ghali, understandably bitter about the US refusal to allow him a second term, was characteristically blunt in *Unvanquished*, his self-serving account of his tenure on the UN's thirty-eighth floor. In his words, for example, a February 1993 *New York Times* editorial accusing him of taking sides on an Israeli-Palestinian issue, "like so many characterizations by the US media and officials in Washington, could only stem from ignorance of how the United Nations works."¹⁷ Claiming that the United States had failed to train its representatives in diplomacy, he asserted that the United States, like the Roman Empire, "had no need for diplomacy," which "is perceived by an imperial power as a waste of time and prestige and a sign of weakness."¹⁸ In 1996, when his final year as Secretary-General coincided with a US Presidential election, "the American public was simply not interested in foreign affairs" and he found himself "being blamed for the failures of Clinton's foreign policy."¹⁹

In his view, "when the United States wanted to appear actively involved while in reality avoiding hard decisions, as in Bosnia, Somalia, and Rwanda, the United Nations was misused, abused, or blamed by the United States, and the operations failed, tragically and horribly."²⁰ Much earlier, in a 1993 interview with the *New York Times*, he seemed more resigned to play this part. "The United Nations exists to help countries solve their problems," he noted, and "if it helps the Americans to solve theirs by blaming me, I'll be a scapegoat."²¹

According to Boutros-Ghali's take on the US political landscape, "being anti-United Nations was smart politics in America."²² He observed,

¹⁷ Boutros Boutros-Ghali, *Unvanquished: A US-UN Saga* (New York: Random House, 1999), pp. 198–199. ¹⁸ *Ibid.*, p. 198. ¹⁹ *Ibid.*, p. 289. ²⁰ *Ibid.*, p. 337.

²¹ Elaine Sciolino and Paul Lewis, "Mission in Somalia: Secretary Besieged – A Special Report; UN Chief Has to Direct Peace Efforts at US, Too", *New York Times*, 16 October 1993.

²² Boutros-Ghali, *Unvanquished*, p. 232. Deputy Secretary-General Mark Malloch Brown said much the same thing in a controversial speech in June 2006. Malloch Brown was critical of an alleged US tendency "to hold on to maximalist positions when it could be finding common ground", to wield "the big stick of financial withholding", and to refuse to stand up for the United Nations against "its loudest detractors such as Rush Limbaugh and Fox News." He warned his American audience that "you will lose the UN one way or another". Though US Permanent Representative John Bolton called on the Secretary-General to repudiate the remarks "personally and publicly" and Secretary of State Condoleezza Rice phoned to express her "disappointment directly", the Secretary-General's spokesperson said that he "stands by the Deputy Secretary-General and agrees with the thrust of the speech." For the speech by Mark Malloch Brown, see UN Press

correctly, that “the feeling behind the bipartisan founding of the United Nations was long gone.” Yet for the United Nations, in his view, the distinctions between Republicans and Democrats amounted to a Hobson’s choice. “For the conservative right,” he argued, “the United Nations was a malevolent magnet, drawing the United States into foreign problems. For the liberal left, the United Nations provided a useful way to appear to be doing something about a foreign crisis while avoiding direct US involvement.” When Senator Bob Dole asserted in his acceptance speech for the 1996 Republican nomination for President that he would never permit Boutros-Ghali or any other UN Secretary-General to command US troops, the Secretary-General’s press spokesperson, Sylvana Foa, responded that it was worrying “that a party seeking to lead America can be so ill informed about how the United Nations actually functions. The Republicans are just pandering to the paranoid.”²³ While acknowledging that she “had gone too far”, Boutros-Ghali affirmed that he “tended to agree” with her observations.

Undoubtedly the pointed tone of Boutros-Ghali’s critique could be attributed, to some extent, to sour grapes. He was far from Washington’s favoured candidate in 1991 and US officials had been reassured by his initial pledge that he would not seek reappointment to a second five-year term. The retrospective comments of Sir Marrack Goulding, now Warden of St Antony’s College at Oxford and the level-headed UN Under-Secretary-General for peacekeeping and then political affairs from 1986 to 1997, however, had much the same content, if a more measured tone. In his words, “the Clinton administration came to power in 1993 proclaiming its commitment to ‘assertive multilateralism’, but by the mid-1990s the United States was the first major power to lose confidence in the United Nations after seeing the organization fail to meet US expectations.”²⁴ A US–UN rapprochement, in his estimation, “seems unlikely to happen while the neo-conservative administration headed by President George W. Bush remains in power in Washington. Senior members of that administration have not hidden their low regard for the

Release DSG/SM/287 (7 June 2006). For reactions, see Warren Hoge, “Official of UN Says Americans Undermine It with Criticism”, *New York Times*, 7 June 2006; Warren Hoge, “UN and US Again Display Testiness of Their Relations”, *New York Times*, 8 June 2006; Colum Lynch, “UN Official Is Assailed for Speech About US”, *Washington Post*, 8 June 2006; Mark Turner, “Speech by UN Official Enrages US Envoy”, *Financial Times*, 8 June 2006. ²³ Boutros-Ghali, *Unvanquished*, p. 293.

²⁴ Marrack Goulding, *Peacemonger* (Baltimore, MD: The Johns Hopkins University Press, 2003), p. 347.

UN". He worried about "President Bush's predilection for the use of military force", his "unilateralist tendencies", and "what many governments, including some of Washington's closest allies, saw as arrogant neo-imperialist tendencies in Washington."²⁵

These sentiments are widely held in the UN Secretariat and, mounting evidence suggests, in the world at large.²⁶ Resentment of the dominant power is nothing new at the United Nations, of course, and dates at least to McCarthyism in the early 1950s. In those dark days, the witch hunts for communists in the Secretariat included loyalty oaths, fingerprinting, and the installation of an FBI office in the basement of UN Headquarters.²⁷ With the influx of large numbers of newly independent and economically underdeveloped countries into the organization in the 1960s and 1970s came highly contested debates over the priorities, values, and decision-making rules and processes of the United Nations. Most of these pitted the United States (and its allies) against the non-aligned majority backed by the Soviet bloc. As US Ambassadors Daniel Patrick Moynihan and Jeane Kirkpatrick were quick to point out, there was ample anti-Americanism in the United Nations of the mid-1970s and early 1980s. US ambivalence about the United Nations has been mirrored by the UN community's ambivalence about US policies, predilections, and power.

What has changed with the end of the Cold War, of course, has been the collapse of state-to-state, bloc-to-bloc constraints on the exercise of that hegemonic capacity. This is where the first and third dimensions of the present analysis – the United States is the problem versus the geostrategic situation is the problem – converge. When a US administration seems as enamoured with the policy benefits of US primacy, and as ready to preach about it, as the neoconservatives in the Bush Administration have been, then the concerns and reactions of other, "lesser", member states and the UN Secretariat are magnified. Claims to pre-eminence simply serve to reinforce their fears of US dominance of the United Nations through the manipulation of the Secretary-General

²⁵ *Ibid.*, pp. 347, 349, 350.

²⁶ "A Year After the Iraq War" poll, The Pew Research Center for the People and the Press, available at people-press.org; Andrew Kohut and Bruce Stokes, *America and the World: How We Are Different and Why We Are Disliked* (New York: Times Books/Henry Holt & Company, 2006).

²⁷ Edward C. Luck, *Mixed Messages: American Politics and International Organization, 1919–1999* (Washington, DC: Brookings Institution Press for the Century Foundation, 1999), pp. 83–89.

and the Secretariat. Such conspiracy theories have led a discouragingly large number of delegates to see the politics of the United Nations through a simplistic “US versus the rest” lens.

A further complication in relations between the UN community – and especially the Secretary-General – and the United States stems from the decidedly paternalistic perspective Americans tend to have toward the world body their countrymen did so much to shape. As this author has chronicled elsewhere, one manifestation of US exceptionalism has been the penchant for conflating US interests and global interests and for expecting the United Nations to adopt US values and political and management practices.²⁸ These tendencies are so deeply ingrained in the US outlook as to be largely unquestioned and unchallenged in domestic political debate. As the next section explains, it was over values, norms, and sovereignty that the United States most often clashed with Boutros-Ghali and Annan. Part of the explanation lies in the persistence of US exceptionalism – one of the most deeply ingrained traits in US political culture and undoubtedly the least understood by successive occupants of the thirty-eighth floor.

In terms of policies toward the United Nations and what is expected of the Secretary-General, these perspectives are embodied in what Michael Reisman terms a “custodial” role that the United States has assumed for itself *vis-à-vis* international institutions. To carry out this self-appointed role, the United States may engage in “usurping ordinary decision-making procedures in order to vouchsafe the fundamental goals of the larger system which the institution is supposed to serve.”²⁹ This, of course, is a role that to some extent both the Preparatory Commission and occupants of the post, to varying degrees, have felt should reside primarily with the office of the Secretary-General. The resulting tension in some respects resembles an intergenerational conflict in which the father (or the founder of the company) clashes from time to time with his grown son (or the current chief executive) about how day-to-day family (or business) affairs should be managed. At the same time, others in the family (or firm) may be jealous of the special relationship between the two leaders, underestimating the depth of their ongoing struggle and

²⁸ Luck, *Mixed Messages*; Edward C. Luck, “American Exceptionalism and International Organization: Lessons from the 1990s”, in Rosemary Foot, Neil MacFarlane, and Michael Mastanduno (eds.), *US Hegemony and International Organizations* (Oxford: Oxford University Press, 2003).

²⁹ W. Michael Reisman, “The United States and International Institutions”, *Survival*, vol. 41, no. 4 (Winter 1999–2000), p. 63.

overestimating the influence the father (or founder) has over ongoing operations.³⁰

Though Boutros-Ghali's reconstruction of events paints mean-spirited Republicans as simply seeking to undermine the world body while irresponsible Democrats see it as little more than a scapegoat for their failings, he entirely misses the extent to which there is a broad consensus in the United States on the need to keep a tight rein on UN administrative and budgetary practices and to push far-reaching management reforms.³¹ While he is right to assert that the bipartisan spirit of 1945 is long gone, it is in the realm of the "custodial" role that some thread of a non-partisan agenda survives. True, Republicans as a whole are more comfortable with employing confrontational tactics, such as withholding assessed contributions, to compel reform. And surveys have consistently shown them to be more sceptical of the value of the United Nations for advancing US interests. But have Republicans been less likely than Democrats to countenance an independent-minded Secretary-General? In Boutros-Ghali's case, he was appointed during the first Bush presidency and then pushed out by the Clinton Administration. The second Bush Administration supported a second term for Annan and, despite declining enthusiasm for his performance, resisted calls from Congress for his resignation in the wake of the Oil-for-Food scandal.³² Moreover, in terms of management and reform issues – the core responsibilities of a chief administrative officer – there is little daylight between the two parties. As Senator John F. Kerry, the Massachusetts Democrat, put it in 1993, the United Nations "cannot succeed without what amounts to 'tough love' from the United States."³³ At that same hearing, then

³⁰ This dynamic was painfully in evidence in the spring 2006 debate in the General Assembly's Fifth Committee over the Secretary-General's proposals for management reform. See the statements of the South African Representative to the United Nations, Dumisani Kumalo, available at www.southafrica-newyork.net/pmun; Warren Hoge, "Third World Bloc Thwarts UN Reform Plan", *New York Times*, 29 April 2006; Colum Lynch, "Developing Nations Thwart Annan's Plan for Reform at UN", *Washington Post*, 29 April 2006.

³¹ Task Force on the United Nations, *American Interests and UN Reform* (Washington, DC: United States Institute of Peace, June 2005).

³² See, e.g., White House Press Release, "President Bush Meets with UN Secretary-General Annan", 13 February 2006; White House Daily Briefing, 29 March 2005; US State Department Press Release, "Remarks by Secretary Condoleezza Rice and Kofi Annan", London, 1 March 2005; Norm Coleman, "Kofi Annan Must Go", *Wall Street Journal*, 1 December 2004.

³³ Hearings Before the Senate Subcommittee on Terrorism, Narcotics, and International Operations, "Fiscal Year 94 Foreign Relations Authorization Act: Budget Requests", 103d Cong., 1st Sess., 12 May, 9 June, 17 June 1993, p. 64.

Ambassador Madeleine Albright underlined that “with friendship comes responsibility. . . I will continue to tell it like it is.”³⁴

Undoubtedly it is a major headache for any Secretary-General to try to cope with the pressures emanating from Washington, as well as from US-based media, NGOs, and scholars. For one thing, the very pluralism of US society and the deep divisions within it, particularly on the United Nations and on many of the issues the United Nations addresses, guarantee that these voices and pressures will push in multiple directions. Even Congress and the executive often speak with different voices on UN matters. But the preoccupation with how to “handle” Washington that is so prevalent in UN discourse is no substitute for sound and sober analysis of the nuances of US politics and policy-making. Yes, Americans find it difficult to understand UN procedures, protocol, and political culture – but the same is true in reverse. The caricaturing that is so popular on both sides does not help. Moreover, as much as Boutros-Ghali charged the United States with scapegoating, he engaged in the same tactic. As critics frequently point out, passing the buck between the Secretariat and the member states leaves little room for accountability. A collective failure is everyone’s responsibility.

The task of the Secretariat, as the Charter and the Preparatory Commission made clear, was to serve the member states and to facilitate their cooperation in the pursuit of a collective agenda whenever possible – not to apportion public blame among them when things do not work out. Though he, too, was controversial, Dag Hammarskjöld understood that the UN “is a machine for mutual action, not an independent supranational authority.” Recognizing that “in some cases the choice of other diplomatic instruments is wise,” he underlined that “the Organization is a means to an end, and, of course, no end in itself.”³⁵

Nevertheless, Secretariat officials never tire of blaming the member states, and the United States in particular, for shortcomings in UN performance. While it is too often true that political will or consensus is in short supply, what alternative is there to working with this cast of member states and this distribution of power and capacity among them? The UN has no choice but to work in this flawed world, for it would serve little purpose in a perfectly harmonious one. It is profoundly pessimistic, even fatalistic, to contend that the flaws of the United Nations are simply

³⁴ *Ibid.*, pp. 71, 73.

³⁵ Dag Hammarskjöld, “The United Nations in the Modern World”, *Journal of International Affairs*, vol. 9, no. 2 (1955), pp. 8 and 11.

a reflection of the lack of commitment on the part of the member states, especially the most powerful among them. What are the world body's prospects if the member states are not willing to support it? How does one build public confidence in a system resting on such weak and unreliable pillars?

This dilemma can be seen most starkly when Secretaries-General propose ambitious agendas for the world body even as they publicly question the will of the member states to invest significant political, financial, or military capital in the common enterprise. Never before has this gap been so wide, or so damaging to the organization's morale. Neither Boutros-Ghali nor Annan hesitated to draw public attention, again and again, to how inadequate member state response had been to the global challenges of the day. Rather than focusing the UN agenda on what might actually be accomplished, the response was the opposite: to enunciate even broader agendas, tougher targets, and higher standards for member state performance. Only too happy to engage in hyperbolic public posturing, world leaders have gathered at the United Nations in recent years to sign onto the Millennium Declaration, the MDGs, and the 2005 World Summit Outcome Document, adding to an already substantial list of unmet promises. The reputation of the United Nations for proliferating paper commitments seems quite secure. Under the circumstances, it should come as no surprise that the US public's appraisal of UN performance is at an all-time low.³⁶ Having identified some of the things about the United States that perpetually annoy the Secretariat, the next section looks briefly at some of the statements, stances, and steps by the two Secretaries-General that irritated US officials, in some cases unnecessarily, making a difficult situation worse.

The Secretary-General as world leader?

As indicated earlier, while the Charter anticipated only two core roles for the Secretary-General, an administrative one and a political one, the Preparatory Commission sensibly added a third, representational, one. None of these roles is risk-free in terms of engendering occasional

³⁶ In the most recent Gallup survey, 64 percent rated UN performance as "poor" and 30 percent as "good". The Gallup Poll Press Release, "Americans' Rating of United Nations Among Worst Ever", 13 March 2006. Presumably a number of factors, such as differences over the war in Iraq, the Oil-for-Food scandal, and disappointing reform results, contributed to the decline in public confidence in the United Nations. Public opinion surveys, however, tend not to weigh the relative importance of such factors.

differences with prominent member states. Trygve Lie, as the first Secretary-General, faced serious constitutional issues relating to the prerogatives of his office on political matters and to the autonomy of the Secretariat. He angered Washington on the former during the Security Council's consideration of the Iran crisis in 1946,³⁷ then caved to the United States on the hunt for communists in the Secretariat.³⁸ Given that the early years of defining the place of the Secretariat in practice coincided with a rapidly deteriorating East–West relationship, such controversies with Moscow and Washington were probably unavoidable. The Soviet determination to divide and neuter the Secretary-General's office stemmed largely from political matters, particularly related to the handling of the Congo crisis, though Moscow was unhappy with management practices as well. As noted earlier, the United States and Thant clashed over a decidedly political issue: the latter's opposition to the Vietnam War and his desire to help mediate an end to the conflict.

By comparison to these earlier disputes, the tenures of Waldheim and Pérez de Cuéllar seemed relatively tranquil, at least in terms of their relations with the United States and other major powers. Under Thant and Pérez de Cuéllar, the United Nations faced deep and debilitating financial crises due to large financial withholdings, by the Soviet Union, France, and a number of developing countries in the early 1960s and by the United States in the mid-1980s, respectively.³⁹ In neither case, however, did the Secretary-General choose to personalize the issue publicly or to allow the withholdings to become a major barrier to his dealings with those key capitals. Likewise, Boutros-Ghali and Annan were not shy when it came to complaining about further US withholdings and its mounting arrears, even appealing to Congress directly at times. They, like Pérez de Cuéllar before them, were personally troubled by this sign of US ambivalence toward the world body.

Over time, however, these verbal exchanges became so ritualized as to lose their sting.⁴⁰ First, many in Washington, especially in the executive branch, sympathized with the United Nations. For forty years, after all,

³⁷ Meisler, *First Fifty Years*, pp. 28–34.

³⁸ In addition to the earlier discussion, see also Rosemary Righter, *Utopia Lost: The United Nations and World Order* (New York: The Twentieth Century Fund Press, 1995), pp. 219–220. ³⁹ Luck, *Mixed Messages*, pp. 233–241.

⁴⁰ An exception was a March 1998 op-ed in the *New York Times* by Kofi Annan that included a call out – “Fiji Has Done Its Part. What About the US?” – that annoyed Senator Jesse Helms. It may be that the call out, as is customary, was added by an editor at the *Times*, since it apparently was not in the Secretary-General's original text. See Luck, *Mixed Messages*, pp. 195 and 342 (n. 110).

from 1945 to 1985, the United States had taken the lead in preaching the sanctity of meeting one's financial obligations to the world body. They, too, were frustrated by the repeated Congressional withholdings. Secondly, it was generally understood that the Secretary-General had an obligation, under his Article 97 responsibilities, to do his best to try to ensure the financial viability of the United Nations. To look the other way would have been irresponsible. As long as the Secretary-General chose his words and venues with some care, Washington could not hold it against him for making the case for full, prompt, and unconditional payment, even if there were differences of view about the size of the arrears and the conditions – that is, reforms – required for payment. Similarly, Washington's continual criticisms of UN management shortcomings – at least until the Oil-for-Food scandal – were more often directed at allegedly irresponsible member states eager to spend other countries' contributions than at the Secretary-General.

Even when the Secretary-General was faulted for administrative liabilities, it was with some resignation given that bad management habits had become chronic, that they stemmed in part from the organization's highly decentralized architecture, and that no Secretary-General had ever been selected for his management acumen. In her memoir, Albright emphasizes irreconcilable differences with Boutros-Ghali over peacekeeping and political issues, including his penchant for anti-Americanism, as critical to the decision to refuse him a second term. She mentions in passing that "he was also hyper status-conscious and seemed to believe that administrative tasks were beneath him."⁴¹ His management deficiencies, however, were never seen as sufficient or even central grounds for denying him a second term.⁴²

Secretaries-General are regularly chosen for their political and diplomatic skills – in themselves an important asset in circumnavigating the appointment process – rather than for their track record as administrators. At the founding conference in San Francisco, the provision giving the five permanent members of the Security Council vetoes over the selection was justified because of the paramount importance of the Secretary-General being able to work constructively with each of the permanent members on critical peace and security issues.⁴³ Through the mechanism

⁴¹ Madeleine Albright, *Madam Secretary* (New York: Miramax Books, 2003), p. 262.

⁴² At an earlier point, then Ambassador Albright had assured Congress that Boutros-Ghali was "a ringmaster determined to prod this elephantine bureaucracy into action." Senate Subcommittee on Terrorism, p. 70.

⁴³ Russell, *A History of the United Nations Charter*, pp. 859–860.

of the constitutionally questionable Uniting for Peace resolution,⁴⁴ the United Nations was able to sustain its response to aggression against Korea in 1950 despite Soviet objections⁴⁵ and against Egypt in the 1956 Suez Crisis despite French and British objections. While the Security Council did not muster the will to oppose the US-led intervention in Vietnam in the 1960s or in Iraq in 2003, Thant and Annan, respectively, let it be known that they had deep qualms about the actions given the lack of Security Council authorization. In neither case did the Secretary-General openly seek to rally opposition in the Council to the US action, something that no doubt would have stirred substantial ire in Washington.

Beyond the Secretary-General's rarely invoked Article 99 powers, the Charter provides little guidance regarding the nature or scope of his political powers. The Preparatory Commission, as noted earlier, foresaw a role "as a mediator and as an informal adviser to many governments." Should UN troops be deployed in the field, the Charter envisioned that the Military Staff Committee, composed of the Chiefs of Staff of the five permanent members, would provide advice to the Security Council as needed (Article 47). The notion that the Secretary-General would provide guidance on such matters was not contemplated, but, of course, neither was the development of peacekeeping as the principal mode for employing the military assets provided by member states.

Confronted with broader and deeper demands for the deployment of blue helmets in the evolving and challenging security environment of the post-Cold War era, Boutros-Ghali and then Annan became both advocates of new wrinkles on UN military doctrine and critics of the use of force inside and outside of UN-authorized missions. In the process, they spurred considerable resentment in Washington and, to a lesser extent, in some other capitals. The enormous asymmetries in usable and sustainable military capacity between the United States and the rest, to be addressed briefly in the concluding section, were bound to make this an uncomfortable – and from the US standpoint largely unwelcome – dialogue.

In Albright's indictment of Boutros-Ghali, his judgements, actions, and inactions on security issues form a central plank:

In Somalia Boutros-Ghali had been the first to embrace and the last to relinquish the unsuccessful strategy of confrontation with [Aideed]. In

⁴⁴ GA Res. 377(V) (3 November 1950).

⁴⁵ The initial Security Council authorization under Chapter VII of enforcement action was greatly simplified by the fact that the Soviets happened to be boycotting the Council at the time.

Rwanda he had been disengaged during the period leading up to the genocide, a neglect he never acknowledged. In Bosnia his insistence on the dual key system and his dismissal of the conflict as a “rich man’s war” were indefensible.⁴⁶

Richard Holbrooke, then President Bill Clinton’s envoy for the Balkans and later Ambassador to the United Nations, wrote that, “more than any other issue, it was his performance on Bosnia that made us feel he did not deserve a second term – just as Annan’s strength on the bombing [of Serb positions] in August had already made him the private favourite of many American officials.”⁴⁷ Meanwhile, in Somalia, the débâcle in which US Rangers were dragged through the streets of Mogadishu found Boutros-Ghali and Clinton all too ready to find someone else to blame, adding layers of mistrust to an already troubled relationship.⁴⁸

Some of Boutros-Ghali’s doctrinal innovations were also received with little enthusiasm by US officials and conservative pundits. Most controversial was the recommendation in his forward-looking *An Agenda for Peace* report that the Security Council consider the creation of small but heavily armed peace-enforcement units under the command of the Secretary-General as a provisional measure under Article 40.⁴⁹ The very idea of the Secretary-General commanding combat forces on behalf of the United Nations stirred a storm of criticism. Albright suggested that he was seeking to “arrogate more power to himself”.⁵⁰ John Bolton accused him of acting like “the commander in chief of the World Federalist Army”.⁵¹ To Jeane Kirkpatrick and Richard Armitage, he appeared to be positioning himself to be “chief executive of the world” and “the world’s commander-in-chief”.⁵² These were exaggerations, no doubt, but understandable ones given Boutros-Ghali’s perceived arrogance, eagerness to take pointed issue with US stands on core security matters, and weak communications skills (at least in English).

⁴⁶ Albright, *Madam Secretary*, p. 262.

⁴⁷ Richard Holbrooke, *To End a War* (New York: Random House, 1998), p. 202.

⁴⁸ Stanley Meisler, “Dateline UN: A New Hammaršköld?”, *Foreign Policy*, vol. 98 (Spring 1995), pp. 189–191.

⁴⁹ *An Agenda for Peace: Preventive Diplomacy, Peacemaking, and Peace-keeping* (Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992), UN Doc. A/47/277-S/24111 (17 June 1992), available at www.un.org/Docs/SG/agpeace.html, para. 44.

⁵⁰ Meisler, “Dateline UN”, p. 193.

⁵¹ John R. Bolton, “The Creation, Fall, Rise, and Fall of the United Nations”, in Ted Galen Carpenter (ed.), *Delusions of Grandeur* (Washington, DC: The Cato Institute, 1997), p. 55.

⁵² Meisler, “Dateline UN”, p. 181.

He made the slogan, “we want more of a secretary and less of a general”, popular.

The differences over security policy and over command of UN forces were compounded by the prevalent perception in Washington that Boutros-Ghali was insensitive to the well-entrenched concerns of some Americans about sovereignty and was becoming increasingly pointed and public in his anti-American comments. Concerned about recurring financial crises and the unreliability of payments from a number of member states, prominently including the United States, Boutros-Ghali mused in a speech at Oxford in January 1996 and again in an article in *Foreign Affairs* that spring about establishing sources of funding that are not dependent on the “political and budgetary constraints” imposed by member states and that would provide “a secure and steady independent financial foundation” for the world body.⁵³ Among the potential sources, in his view, could be

a fee on speculative international financial transactions or a levy on either fossil fuel use or the resulting pollution; the dedication of a small portion of the anticipated decline in world military expenditures or the utilization of some resources released by the elimination of unnecessary government subsidies; a stamp tax on international travel and travel documents or an assessment on global currency transactions.⁵⁴

While these ideas had been discussed among academic circles and, according to Boutros-Ghali, had been raised five years earlier by his predecessor, Pérez de Cuéllar, they went far beyond the Charter conception of the organization’s funding base.⁵⁵ Predictably, the Secretary-General’s speech raised a “firestorm” in Congress.⁵⁶

Unappreciative of the depth of anti-tax sentiment and of concerns about sovereignty in the United States, especially among conservative critics of international organizations, Boutros-Ghali provoked a mini-crisis just when the question of whether he should pursue and be granted a second term was beginning to be addressed in Washington. To make a bad situation worse, Boutros-Ghali’s *Foreign Affairs* article contained “a declaration of independence”, along with calls for the expansion of international legal jurisdiction, the democratization of the Security Council, and the end of scapegoating the Secretary-General and the United Nations.⁵⁷ In light of expanding demands for the services of the

⁵³ Boutros Boutros-Ghali, “Global Leadership After the Cold War”, *Foreign Affairs*, vol. 75, no. 2 (March–April 1996), p. 97. ⁵⁴ *Ibid.* ⁵⁵ UN Charter, art. 17(2).

⁵⁶ Boutros-Ghali, *Unvanquished*, pp. 3–4.

⁵⁷ Boutros-Ghali, “Global Leadership”, pp. 90, 95–97.

United Nations and of the need to cope with both globalization and fragmentation in world affairs, he asserted that “the role of the secretary-general must be created anew.” In that context, he celebrated the “leeway” provided by the vague language in the Charter about the post.⁵⁸

Liberal interpretation of his Article 99 functions, Boutros-Ghali made two constitutionally questionable claims. First, he asserted that “the secretary-general has a moral responsibility to call the world’s attention to these orphan conflicts”, apparently referring to those the Security Council was not addressing effectively. Secondly, he contended that the United Nations “has no grounds on which to respond to one member state’s request for assistance while denying that of another.”⁵⁹ In an era of limited resources and of national sovereignty concerning how to allocate them, however, his latter claim borders on nonsense. The former claim, moreover, seriously distorts the intent of Article 99, under which the Secretary-General can bring the Council’s, not the world’s, attention to emerging threats to international peace and security. The Charter is unambiguous on this point: it is up to the Security Council – a political decision by an intergovernmental body – not the Secretary-General, to decide when and when not to act. Under Boutros-Ghali’s formula, it would appear that, if the Security Council fails to tackle a conflict in the way he feels it should, then he would be obligated to go around the Council and to try to mobilize public opinion either to pressure the Council members or to act outside of its authority. Yet at San Francisco, after wide debate, it was decided that even the General Assembly should not have the authority to second-guess the Council on any matter of which it was actively seized.⁶⁰

Certainly, as noted earlier, Article 100 enunciates cardinal principles for an effective and credible Secretary-General. However, Article 100 does not use the term “independent”, as Boutros-Ghali did, nor does it imply that the Secretary-General is in any way free of the instructions and constraints imposed by the intergovernmental bodies, as well as by the Charter. Article 98 underlines that quite the opposite is the case. Indeed, the claims voiced in his *Foreign Affairs* article, on top of *An Agenda for Peace*’s call for command authority for the Secretary-General over small enforcement units, amounted to an effort to rewrite the Charter – or fill in the gaps in his view – to expand the Secretary-General’s political role well beyond what the founders had in mind. In any case, he provided ample ammunition for sceptics, like Jesse Helms, to warn of this campaign to redefine

⁵⁸ *Ibid.*, pp. 86, 88.

⁵⁹ *Ibid.*, pp. 92, 94.

⁶⁰ UN Charter, art. 12.

sovereignty, to achieve UN “empowerment”, and to transform the world body “from an institution of sovereign nations into a quasi-sovereign entity in itself”.⁶¹

According to Albright, Boutros-Ghali’s growing anti-Americanism further complicated efforts to improve relations, as he had become “radioactive” on Capitol Hill.⁶² “As time passed,” she charges, “he became more and more critical of America, which may have earned him points elsewhere but made it even harder for me to garner support for the UN on Capitol Hill.” Therefore, “I concluded that if UN–US relations were going to improve, the Secretary-General would have to go.”⁶³ For the United States, the effort to deny his second term proved to be a lonely and politically costly battle, though the single US veto was sufficient to get the job done and many delegations and Secretariat officials privately expressed considerable relief when he was gone.

Kofi Annan, on the other hand, was seen in Washington as everything that Boutros-Ghali was not. In Albright’s words,

Annan had been on the front lines of the struggle to make UN peacekeeping more professional and – unlike his bureaucratic brethren – hadn’t tried to duck responsibility for failures. The son of a tribal chief, he seemed born for leadership. Although not a big man physically, he carried himself in a way that commanded respect. He was soft-spoken, with a lilt in his voice and an engaging manner – a welcome change from the austere Boutros-Ghali.⁶⁴

Indeed, the new Secretary-General enjoyed an extended honeymoon period both with Washington and with the Secretariat, who were by and large immensely pleased to have such a congenial colleague rise to the top of the UN bureaucracy. Though his first reform package, in July 1997, was not of radical dimensions, it was generally well received in Washington.⁶⁵ He made a personal effort to improve relations with Israel, building on the General Assembly’s virtually unprecedented reversal of the Zionism–Racism resolution in 1991.⁶⁶ When NATO employed force in Kosovo without Security Council authorization, he sounded sympathetic to the “legitimate but not legal” perspective. On the one hand, he underlined the Security Council’s “primary responsibility for maintaining international peace and security”. But on the other hand, he noted that

⁶¹ Jesse Helms, “Saving the UN: A Challenge to the Next Secretary-General”, *Foreign Affairs*, vol. 75, no. 5 (September–October 1996), pp. 2–4.

⁶² Albright, *Madam Secretary*, p. 262.

⁶³ *Ibid.*, p. 263.

⁶⁴ *Ibid.*, pp. 263–264.

⁶⁵ Luck, *Mixed Messages*, p. 213.

⁶⁶ *Ibid.*, p. 118.

“it is indeed tragic that diplomacy failed, but there are times when the use of force may be legitimate in the pursuit of peace.”⁶⁷

All was not well, however, in paradise. Over the course of a relatively smooth first term, Annan gained a reputation as a “Teflon” Secretary-General, as a leader with sufficient charm and charisma to get away with statements and positions that would have caused political trouble for his predecessor. Like Boutros-Ghali, however, Annan had a penchant for mixing his political and representational roles. He often felt compelled, it seemed, to act or speak out on controversial political and security matters in defence of what he perceived to be the principles and purposes of the organization. Often – too often for this author’s tastes – he framed these subjective political judgements as moral obligations, claiming that his preferences represented the interests of the world’s peoples and values that transcended the narrow interests of individual states or blocs. National interests, in his often-expressed view, tended to be short-sighted, base, and self-serving. He represented a higher calling.

Such idealism met its match in Iraq, where the opposing interests of a clever and ruthless dictator and of the Security Council, itself deeply divided, clashed in a dizzying mix of deceit, corruption, and high-stakes brinksmanship. By 1998 the UN weapons inspectors deployed in Iraq by the Council to oversee the removal or destruction of its weapons of mass destruction (WMD) and their delivery systems had been doing their job too effectively from Saddam Hussein’s vantage point. His obstruction and obfuscation, in turn, angered key Council members and threatened to result in further military action.

Determined to preserve the peace, Annan convinced the Council, including a reportedly reluctant Albright, to authorize his journey to Baghdad to negotiate a compromise with Hussein in February 1998. As James Traub relates in chapter 10 of this volume, during the negotiations Annan contended that there may be times “when the Secretary-General has to stand alone and use the moral authority of the office, and one should not shy away from that and I do not intend to shy away from that.”⁶⁸ On arriving in Baghdad, Philip Gourevitch reports, the Secretary-General described his mission as “a sacred duty”.⁶⁹ Whether God was on his side during his dealings with Hussein, who was seen by many in Washington as the devil incarnate, however, is less clear. Yes, Annan did manage to work

⁶⁷ UN Press Release SG/SM/6938 (24 March 1999).

⁶⁸ See chapter 10 by James Traub in this volume.

⁶⁹ Philip Gourevitch, “The Optimist”, *New Yorker*, 3 March 2003, p. 50.

out an arrangement with Hussein that permitted a resumption of the inspections. But the Secretary-General agreed to restraints that some, apparently including the inspectors, found odious and dysfunctional.⁷⁰ Moreover, he unfortunately characterized Hussein as “a man with whom I can do business” at a press conference upon his return. Albright notes that she “cringed” at those words.⁷¹ He was widely savaged by critics on Capitol Hill and in the US-based media.⁷² In contrast, he was toasted by French President Jacques Chirac for preventing the next world war when he stopped in Paris on his way home, while the staff welcomed him as a returning peace hero when he arrived back at UN Headquarters.⁷³ The celebrations were premature. Before the year was out, the arrangement had broken down, the inspectors had left, and another round of bombing had commenced. It would be more than four years before the inspectors returned, adding to the uncertainties about Iraq’s WMD developments that provided the rationale for the 2003 intervention.

In 2002–2003, the Secretary-General was deeply disappointed that the Security Council could not find common ground on how to deal with Iraq, despite the false hopes engendered by the unanimous passage of resolution 1441 in November 2002. He repeatedly indicated that the key goal, in his view, was unity in the Council. Indeed, he exercised so much self-restraint over these months in terms of not taking sides in the intramural debates within the Council that opponents of the war criticized his lack of leadership.⁷⁴ Nevertheless, in March 2003 his anguish over the resort to armed intervention without Council authorization was palpable. Still, once the initial battlefield phase of the war was accomplished quickly and apparently decisively, his public comments turned to urging all member states to cooperate in the rebuilding process, whatever their view of the legality or advisability of the war.⁷⁵ At this stage, his performance received a warm review from US Secretary of State Colin Powell, with whom he maintained a reportedly close and productive relationship.⁷⁶

Over the spring and summer of 2003, the Security Council managed to pass a series of resolutions regarding Iraq’s future with a minimum of

⁷⁰ For a detailed account by the head of UNSCOM – the UN Special Commission set up to do the inspections – see Richard Butler, *The Greatest Threat: Iraq, Weapons of Mass Destruction, and the Crisis of Global Security* (New York: Public Affairs, 2000), pp. 127–154. ⁷¹ Albright, *Madam Secretary*, pp. 360–361.

⁷² Luck, *Mixed Messages*, pp. 299–300. ⁷³ Gourevitch, “The Optimist”.

⁷⁴ Kofi Annan, Address to the General Assembly, UN Press Release SG/SM/8378 (12 September 2002); Gourevitch, “The Optimist”.

⁷⁵ See, e.g., UN Press Release SG/SM/8643-SC/7698 (19 March 2003).

⁷⁶ Gourevitch, “The Optimist”.

public discord. Under the surface tranquillity, however, deep divisions remained over the use of force and the wisdom of the Iraq intervention. For the Secretary-General, the low point was apparently reached when terrorists bombed UN headquarters in Baghdad, killing the Secretary-General's talented envoy and long-time colleague Sergio Vieira de Mello, along with twenty-one colleagues, on 19 August 2003. Ever the activist, Annan decided that the answer to the UN troubles was to launch a "radical" reform of its intergovernmental machinery, starting with the Security Council, coupled with a review of the rules and norms governing the use of force.⁷⁷ To help think through the evolving security environment and its implications for UN restructuring, he convened a High-Level Panel on Threats, Challenges, and Change. Thus was launched the most ambitious and comprehensive effort to overhaul the world body in its six-decade history. Poorly conceived and poorly timed, the campaign produced far more acrimony than reform.⁷⁸

The conception of the reform illustrates much that went wrong with the first two post-Cold War Secretaries-General. Annan assumed, wrongly, that the organization faced an institutional, rather than political, crisis and that fiddling with machinery could help fix it. He forgot that political healing must precede reform, not vice versa. Rather than letting the member states take the initiative or shape the agenda, the Secretary-General decided that he and his "independent" panel should take the lead.⁷⁹ Rather than starting with the easier items and focusing on a few key measures, he was determined to defy the odds by opening with "mission impossible", the radical enlargement of the Security Council, and then to proceed with an utterly unmanageable array of steps that he initially insisted had to be adopted as a comprehensive package.⁸⁰ With too much drama and too little sense of history, he cautioned the member states, "Excellencies, we have come to a fork in the road. This may be a moment no less decisive than 1945 itself, when the United Nations was founded."⁸¹ In *Foreign Affairs*, he wrote of "a new San Francisco

⁷⁷ UN Press Release SG/SM/8855 (8 September 2003); Kofi Annan, Address to the General Assembly (United Nations, New York, 23 September 2003), available at www.un.org/webcast/ga/58/statements/sg2eng030923.htm.

⁷⁸ Edward C. Luck, "How Not to Reform the United Nations", *Global Governance*, vol. 11 (2005), pp. 407–414.

⁷⁹ The unusual degree of initiative taken by the Secretary-General in this reform round was also noted by Simon Chesterman, "Great Expectations: UN Reform and the Role of the Secretary-General", *Security Dialogue*, vol. 36, no. 3 (2005), p. 376, among others.

⁸⁰ UN Press Release SG/SM/9770 (21 March 2005).

⁸¹ Annan, Address to the General Assembly.

moment".⁸² The icing on this grandiose reform cake was to be a global summit in September 2005, neglecting that significant UN reforms had never been achieved at a summit-level gathering.

Washington, as usual, was a strong advocate of reform. But this was hardly what US officials had in mind. In his General Assembly speech launching the reform, the Secretary-General warned of the dangers of "unilateral and lawless use of force", an obvious allusion to the US-led intervention in Iraq six months earlier. Yet this was the same Secretary-General who had courageously advocated the consideration of the value of humanitarian intervention even if the Security Council was deadlocked and refused to condemn the use of force in Kosovo, both during his first term. In his September 2003 reform speech, he spoke of the new "geopolitical realities" that demanded an "urgent" enlargement of the Security Council to make it "more broadly representative of the international community as a whole."⁸³ The obvious implication was that, with the emergence of unipolarity in military affairs and with the US penchant to use force, the Security Council should be expanded to increase the political constraints on US unilateralism, while making it that much harder for Washington to control or dominate the Council's proceedings.

Even for the Security Council, according to the Secretary-General and his High-Level Panel, the collective use of force should be a last resort.⁸⁴ At San Francisco, however, the founding delegates determined that the Council should be free to authorize the use of force under Chapter VII at whatever stage of a crisis it deemed fit to maintain international peace and security. The wording of what became Article 42 was modified – allowing the Council to use force when it considers that lesser measures "would be inadequate" – to underline this flexibility.⁸⁵ It has certainly become commonplace at the United Nations to assert that force should always be a last

⁸² Kofi Annan, "In Larger Freedom: Decision Time at the UN", *Foreign Affairs*, vol. 84, no. 3 (May–June 2005), p. 65. ⁸³ Annan, Address to the General Assembly.

⁸⁴ See Secretary-General Proposes Strategy for UN Reform to General Assembly, UN Press Release SG/SM/9770 (21 March 2005); A More Secure World: Our Shared Responsibility (Report of the High-Level Panel on Threats, Challenges, and Change), UN Doc. A/59/565 (1 December 2004), available at www.un.org/secureworld, para. 207(c).

⁸⁵ This wording was suggested by Canada: *Documents of the United Nations Conference on International Organization*, vol. XVII, part 1, Summary Report of the Thirteenth Meeting of the Coordination Committee, WD256, CO/107, 10 June 1945 (New York: United Nations, 1954), p. 74. The decision to give the Security Council maximum flexibility in deciding when and how to respond to a potential or unfolding threat to international peace and security is addressed at greater length in Edward C. Luck, "Inventing and Reinventing the UN Security Council: 1945 Still Reigns", in Vaughan Lowe *et al.* (eds.), *The UN Security Council and War* (Oxford: Oxford University Press, forthcoming).

resort, just as Boutros-Ghali and Annan declared that the United Nations no longer is in a position to organize or oversee military enforcement measures thought in 1945 to be one of its core functions.⁸⁶ But is it part of the Secretary-General's job description to pronounce on such historic transformations of the Charter without a decision of the International Court of Justice or an intergovernmental body to that effect? And why did Annan feel that it was so urgent for him to be the first Secretary-General to propose a radical restructuring of the Security Council? Even Boutros-Ghali wrote in 1996 that "the secretary-general is properly constrained from speaking too specifically on this question," as "the decisions are for the member states to take."⁸⁷ Three years earlier, he argued as well that any enlargement "must be very limited, because the Security Council will not be able to work unless it comprises a small number of nations."⁸⁸

When the Secretary-General is responsible for organizing a peacekeeping force to implement a Security Council mandate, he or she has an obligation to be candid with the Council members about the Secretariat's assessment of what is required and feasible. As the Brahimi report on peace operations put it in 2000, "the Secretariat must tell the Security Council what it needs to know, not what it wants to hear."⁸⁹ In that spirit, Boutros-Ghali properly warned the Council in 1995 that the forces available to protect the safe haven it had declared in Srebrenica, Bosnia, would not be adequate to the task. Unfortunately, his warnings were not heeded and the slaughter that became one of the ugliest stains on the record of peacekeeping and the Council followed.

The Secretary-General, on the other hand, has no such responsibility for offering public advice and commentary on the conduct of military actions by member states outside of the UN context unless he or she feels that they would constitute an urgent threat to international peace and security that should be reported to the Council under Article 99. Nevertheless, Annan chose the weeks leading up to the November 2004 US Presidential election, in which the war in Iraq was a prime issue, to

⁸⁶ Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, UN Doc. A/50/60-S/1995/1 (3 January 1995), paras. 77–78; Renewing the United Nations: A Programme for Reform, UN Doc. A/51/950 (14 July 1997), para. 107.

⁸⁷ Boutros-Ghali, "Global Leadership", p. 96.

⁸⁸ Boutros Boutros-Ghali, interview, "Setting a New Agenda for the United Nations", *Journal of International Affairs*, vol. 46, no. 2 (1993), p. 294.

⁸⁹ Report of the Panel on United Nations Peace Operations (Brahimi Report), UN Doc. A/55/305-S/2000/809 (21 August 2000), available at www.un.org/peace/reports/peace_operations, para. 64(d).

express to the press his long-repressed conviction that the war was “illegal”.⁹⁰ Likewise, on the eve of the election he decided to send the leaders of Iraq, Britain, and the United States letters warning them not to launch the assault they were preparing on the rebel-held city of Fallouja.⁹¹ Needless to say, neither the content nor the timing of these statements was appreciated by the Bush Administration.

Clearly, the post-Cold War Secretaries-General were not shy about challenging US positions from time to time on these matters, and many more. Indeed, the impulse to contradict Washington outweighed Boutros-Ghali’s instincts for political survival and Annan’s hopes for a successful second term. Are these clashes inevitable, given how frequently US policy positions do not coincide with those of other member states?⁹² How much of this tension is due to how Boutros-Ghali and Annan chose to interpret the roles and responsibilities of the office of Secretary-General? And to what extent are the geopolitical and strategic dynamics of the post-Cold War era driving these divisions? Future Secretaries-General would do well to consider such questions about the lessons learned and best practices from this time of testing, trial, and error on both sides of the US–UN relationship.

A call for modesty

One of the ironies of the current predicament is that it stems, in part, from the fact that the removal of Cold War shackles has left both the UN Secretaries-General and some US officials feeling their oats and losing perspective.⁹³ To many in the UN community, it was all too easy to see the debate over the use of force in Iraq as a struggle between America’s hard power and the UN’s soft power; between Goliath’s military and economic clout and David’s norm-based legitimacy. The more skewed the balance

⁹⁰ BBC News, “Iraq War Illegal, Says Annan”, *World Edition*, 16 September 2004. For a critique by a leading conservative commentator, see Joshua Muravchik, *The Future of the United Nations: Understanding the Past to Chart a Way Forward* (Washington, DC: AEI Press, 2005), pp. 4–5.

⁹¹ Maggie Farley, “UN’s Annan Seeks to Prevent an Assault on Fallouja”, *Los Angeles Times*, 5 November 2004.

⁹² Since 1995, the proportion of US voting coinciding with the majority in the General Assembly has fallen steadily, after a rise in the early post-Cold War years. US Department of State, *Report to Congress on Voting Practices in the United Nations, 2004* (Washington, DC: Department of State, 2005), p. 3.

⁹³ A vivid example of the resulting tendency to talk past each other in an extended dialogue of the deaf was the exchange initiated by UN Deputy Secretary-General Mark Malloch Brown with a speech on 6 June 2006, cited earlier (see n. 22).

of hard power, especially in its military dimension, became, the more pundits in Western Europe and elsewhere began to praise the advantages of multilateralism and multipolarity. Though the latter had not existed since the 1930s and proved remarkably unstable at that point, Annan in his March 2005 *In Larger Freedom* report nevertheless pointed out that “many States have begun to feel that the sheer imbalance of power in the world is a source of instability.”⁹⁴

In a June 2006 press conference, Annan railed against the structure of the Security Council in unusually pointed terms: “a lot of members feel that our governance structure is anachronistic and we cannot continue to have a situation where the power base is perceived to be controlled by a limited number of five Member States.” The successful efforts of the five to receive seats on the Peacebuilding Commission, he contended, left the impression “that the desire for power on the part of the powerful is insatiable.”⁹⁵ In *Unvanquished*, Boutros-Ghali had asserted – with what mix of confidence and hope is unclear – that “single-superpower hegemony is a transitory phenomenon, but globalization is an irreversible force on a scale heretofore unseen.”⁹⁶ What he failed to address was why these two phenomena emerged simultaneously and whether they were in fact compatible, perhaps even complementary.

In fact, large imbalances may discourage global arms races, military competition, and uncertainty, at least among the major powers. The experience of the largely unipolar world since the collapse of the Soviet Union is suggestive, though hardly definitive. After an initial spasm of localized violence, the clear trend has been towards fewer wars, fewer casualties, and fewer refugees.⁹⁷ It may well be that the combination of (i) the mega-stabilities at the interstate level provided by the existence of a single militarily unchallengeable hegemon and (ii) the cumulative impact of multilateral efforts through the United Nations and a variety of regional, sub-regional, and non-governmental arrangements to address localized instability, violence, and weak governance is working reasonably well on the ground, on the whole. The persistent North–South turf battles within the United Nations, brought to a boiling point by the less propitious mix

⁹⁴ In *Larger Freedom: Towards Development, Security, and Human Rights for All*, UN Doc. A/59/2005 (21 March 2005), available at www.un.org/largerfreedom, para. 8.

⁹⁵ Transcript of Press Conference by Secretary-General Kofi Annan at Palais des Nations, Geneva, UN Press Release SG/SM/10532 (22 June 2006).

⁹⁶ Boutros-Ghali, *Unvanquished*, p. 338.

⁹⁷ See the valuable analysis and conclusions of the *Human Security Report 2005: War and Peace in the 21st Century* (Oxford: Oxford University Press, 2005).

of Bush Administration rhetoric and the polarizing effects of Annan's second-term reform programme, do not reflect the much more encouraging set of accommodations that appear to be evolving on the outside (in the so-called real world).

Unfortunately, this emerging external reality has found little reflection or nurture in the dominant rhetorical themes of the last two Secretaries-General. Much of their analysis and commentary has embraced the more traditional Manichaeian themes of struggle in the United Nations between the powerful and the powerless, the rich and the poor, the dominant and the disenfranchised. According to Boutros-Ghali:

Any secretary-general, from whatever region of the world, must advocate the cause of the developing countries. In a world of many big and wealthy powers, it is the United Nations' job to look out for those marginalized because of ethnicity, gender, religion, health, poverty, or whatever other reasons . . . For as far ahead as we can see, the United Nations must continue to be the main voice for the weakest and least regarded people, to defend them from the detrimental effects of globalization, and to help them find ways to succeed in a global economy.⁹⁸

These are moving words. Moreover, it is true, as Annan has written, that, despite its aggregate growth, "global wealth . . . is less and less evenly distributed within countries, within regions and in the world as a whole."⁹⁹ But it is also true, though less often acknowledged by the Secretary-General, that life expectancy rose in every region from 1965 to 2000,¹⁰⁰ that under-five child mortality declined substantially in every region from 1965 to 1995,¹⁰¹ that the portion of the world's population living on less than \$1 a day was cut almost in half from 1981 to 2001,¹⁰² and that the share of gross world product rose substantially for developing countries and declined substantially for developed market economies from 1950 to 2000.¹⁰³

It may well be natural for the Secretary-General – feeling him or herself rather powerless and resenting the reticence of the rich and powerful to provide the United Nations with the resources it needs to complete the tasks they assign to it – to feel a particular affinity for the poorer and

⁹⁸ Boutros-Ghali, *Unvanquished*, pp. 337–338. ⁹⁹ In *Larger Freedom*, para. 9.

¹⁰⁰ UN Population Division data fields, 2000, as presented in table 1.1, p. 18, in Louis Emmerij, Richard Jolly, and Thomas G. Weiss, *Ahead of the Curve? UN Ideas and Global Challenges* (Bloomington, IN: Indiana University Press, 2001). ¹⁰¹ *Ibid.*

¹⁰² United Nations Development Programme (UNDP), *Human Development Report 2005* (considered in US dollars, purchasing power parity).

¹⁰³ Emmerij, Jolly, and Weiss, *Ahead of the Curve?*, table 7.5, p. 179, employs UN statistics.

weaker member states. The role of protector of the downtrodden, captured so well in the quote from Boutros-Ghali above, fits wonderfully well with the moralistic, even messianic, veneer so avidly cultivated by successive incumbents. As Adekeye Adebajo has observed in chapter 8 of this volume, Annan in particular may have been "the most moralistic and proselytizing UN Secretary-General." This image may well help explain why he and his supporters found it so hard to accept that the charges and criticisms stemming from the Oil-for-Food scandal were not just another round of UN and Secretary-General bashing by political opponents.¹⁰⁴ Prior to the scandal, Kofi and Nane Annan were so popular in social settings and with the media that Mark Malloch Brown, later appointed Deputy Secretary-General, commented to a journalist that "there is a little bit of an element of a royal couple around them."¹⁰⁵ Crowned as UN royalty and widely acclaimed during his first term, it is not surprising that Annan's political judgement, sure-footedness with Washington, and instincts on security and reform issues began to abandon him midway through his second term.

Even a cynical Secretary-General might see benefits from championing the causes of developing countries in the world body. The developing countries, of course, happen to compose the majority of the members of the Assembly, which has the final say on budgetary and administrative matters for which the Secretary-General is responsible. A Secretary-General cannot afford to alienate the developing country majority any more than he or she can alienate the handful of developed countries that wield real power outside of UN halls. While it is widely assumed that the United Nations and the Secretary-General are more popular in the developing world than in the United States and other Western countries, through the years transnational opinion surveys have suggested that this is not necessarily the case.¹⁰⁶ In a March 2004 poll by the Pew Research Center for the People and the Press, Americans gave Annan a less favourable rating than did respondents in Britain, France, Germany, and Russia, but a more positive one than he gained in Turkey, Pakistan,

¹⁰⁴ For contrasting perspectives, see Report on the Manipulation of the Oil-for-Food Programme (Independent Inquiry into the Oil-for-Food Programme, New York, 27 October 2005), available at www.iic-offp.org; Brian E. Urquhart, "The UN Oil-for-Food Program: Who Is Guilty?", *New York Review* LIII(2), 9 February 2006; Edward C. Luck, "The Iraq Oil-for-Food Program: Starving for Accountability", Subcommittee on National Security, Emerging Threats and International Relations, House Committee on Government Reform, 21 April 2004.

¹⁰⁶ Luck, *Mixed Messages*, pp. 34–40.

¹⁰⁵ Gourevitch, "The Optimist".

Jordan, or Morocco.¹⁰⁷ Both sides of the North–South divide, it seems, see him as favouring the other.

Given the diversity of interests and perspectives represented among the member states, is it inevitable that the Secretary-General will be caught between the political equivalent of a rock and a hard place? Perhaps not, if he or she makes a determined effort to redefine the role to bring it back closer to what the founders had in mind. Independence does not flow from taking on the taxing jobs of global norm entrepreneur, moral arbiter for the world's peoples and states, and public balancer of the competing agendas of disparate member states, a task better suited for the President of the General Assembly. By taking on too much, the post-Cold War Secretaries-General achieved too little in terms of putting either the world body or their office on a sustainable and viable footing for the tough years ahead. Boutros Boutros-Ghali and Kofi Annan were highly capable individuals, but they confused the passing glories of pronouncing on all the world's causes with the hard, steady, and often quiet work of rebuilding the office of Secretary-General so that its ambitions are more in line with its powers, and its profile with the limited but essential capacities of the United Nations itself.

¹⁰⁷ Pew Research Center for the People and the Press, "A Year After Iraq War", 16 March 2004. A number of polls showed a decline in the Secretary-General's popularity in the United States after that time, perhaps as word of the Oil-for-Food scandal spread. See Public Opinion Online (n. 16).

Resolving the contradictions of the office

SIMON CHESTERMAN AND THOMAS M. FRANCK

The problems of the Secretary-General are as many as the number of member states of the United Nations. Although the UN Charter merely designates him or her “the chief administrative officer of the Organization”¹ the position, as this volume has shown, is both much more and much less than that. In the vexed, and too often adversarial, relationship of the office to the members of the organization, the Secretary-General is sometimes treated as an errand boy and punching bag. This is partly the fault of short-sighted foreign offices, but also of the contradictions in the way the job is described in the Charter. That instrument seems to establish him or her as an important independent force, but also as a mere servant of the political organs of the organization. The problems that have afflicted the various incumbents mostly result from those contradictory designations.

Yet this is not the only contradiction of the office. Quite apart from whether the Secretary-General is intended to be a secretary or a general, the appointment process is designed to avoid selecting either: it is a political rather than professional process, but one that is geared to choosing the weakest rather than the strongest candidate. This is not to disparage the various incumbents, but, as Brian E. Urquhart recounted in chapter 1, those who have stood tallest in the role have been those who most exceeded expectations.

Even within the two dominant functions of the position, the Secretary-General frequently lacks sufficient internal authority to be an effective administrator of the organization, while also lacking the resources to exercise his or her external functions with credibility. Each Secretary-General, on assuming office, has found that his room for discretion in administrative matters is sharply circumscribed by the micromanagement of the General Assembly and its committees – especially in financial and

¹ UN Charter, art. 97.

personnel matters. This is not much ameliorated by the Charter's proviso prohibiting states from seeking to instruct the Secretary-General or seeking to influence him in the discharge of his responsibilities.² Similarly, the formal title of commander-in-chief of the world's peacekeepers rarely means actual command authority over national contingents, even when they wear blue helmets.³

As indicated in the Introduction, these apparent design flaws are far from accidental. Nor, in many ways, are they improper: the legitimacy of a Secretary-General derives, ultimately, from the member states that constitute the United Nations. Whether the office can go beyond that foundation, acquiring a legitimacy independent of those states, has been the source of the gravest challenges to the men who have held it.

This final chapter will examine these three sets of contradictions – in the nature of the role, the manner of appointing a person to fill it, and the resources available to carry out its stated functions – with a view to drawing some larger conclusions concerning the prospects for the office.

Secretary or general?

As Shashi Tharoor showed in chapter 2, the framers of the Charter gave the Secretary-General two distinct and seemingly unrelated functions. He or she is to run an international civil service, while also being designated the head of a “principal organ of the United Nations”, a status the Secretariat shares with the General Assembly, the Security Council, and the International Court of Justice. The power given by Article 99 of the Charter to bring matters to the attention of the Security Council, though only rarely invoked by name, has provided the basis for a strategic expansion in the Secretary-General's role, as James Cockayne and David M. Malone demonstrated in chapter 4, over time making the office an independent actor in the UN system of institutionalized diplomacy. In discharging that function, each Secretary-General has appointed various expert commissions, panels, and special representatives. Whether by reason of the personal distinction of these agents, or

² UN Charter, art. 100(2). Curiously, more formal restrictions have been placed on the administrative responsibilities of the Secretary-General – for which the Charter provides clear authority – than of his or her political role: see chapter 2 by Shashi Tharoor in this volume.

³ See, e.g., Edward Newman, *The UN Secretary-General from the Cold War to the New Era: A Global Peace and Security Mandate* (New York: Palgrave Macmillan, 1998), p. 33. See also the criticism of this title in chapter 11 by Edward C. Luck in this volume.

the power of the facts and ideas they have generated, the Secretary-General has acquired an important voice. In annual reports to the General Assembly, or in other public statements, before UN organs, press conferences, and leading universities, that voice has reached out to a global audience.

While creating that space for independent initiatives, however, the Charter also relegates the Secretary-General to the role of servant of the political organs. In that role he or she is instructed to “perform such other functions as are entrusted to him.”⁴ Thus, while the good offices role as impartial fact-finder and mediator has grown in usefulness, it has been constrained by the agendas and parameters established by the political decisions of the members.⁵ These contradictions have deepened as the Charter has undergone sixty years of adumbration through institutional practice. In particular, as the functions of the Secretary-General have broadened to include operational responsibility for peacekeeping and peacemaking, and as he, increasingly, has become the Security Council’s designated executor of important political and military tasks, these duties imposed on him by states have undercut his other status as an honest broker of emerging disputes. Successes in this area generally coincide with unusually unified international support (as in the case of administering East Timor or supervising Syria’s withdrawal from Lebanon) or with minimal international interest (peacemaking between Nigeria and Cameroon, for example, or between Gabon and Equatorial Guinea); problems arise when the Secretary-General and his agents are thrust into a highly politicized dispute, such as the Middle East peace process or Iraq, and the organization itself becomes a proxy battleground for the conflict.

An obvious step towards resolving this first tension is to delegate the Secretary-General’s administrative responsibilities to a deputy. This was attempted with the appointment of the first Deputy Secretary-General in March 1998, an experiment that was at best partly successful.⁶ Effective delegation may remove some of the strain of the office, perhaps enabling a deputy to take seriously the human resources component of the job and recruit high-quality senior staff, manage them effectively, and fire those who do not perform. It will not, however, change the ambivalence of member states as to whether the Secretary-General should be able to give orders as well as take them.

⁴ UN Charter, art. 98. ⁵ See chapter 5 by Teresa Whitfield in this volume.

⁶ See chapter 3 by Colin Keating in this volume.

Compromised candidates

Even if one could resolve the question of whether the Secretary-General is intended to be more secretary or more general, the appointment process laid down by the Charter and subsequent practice is not geared to selecting a candidate skilled in either area. The lack of debate in the General Assembly, as stipulated by the Assembly itself in 1946, avoids a divisive spectacle, but at the expense of any transparency.⁷ Passing responsibility for selection to the Security Council has meant, as Colin Keating argued in chapter 3 in this volume, handing it to the five permanent members. It is far from clear that an open election campaign in the Assembly would be an improvement – in particular if the desire for consensus led to 192 vetoes instead of five, or if it saw the appointment of a Secretary-General openly opposed by a significant group of member states. An alternative would be the model of a confirmation, with an opportunity to hear in a public forum what a candidate sees as the priorities of the office. Such a process could ensure that the incoming Secretary-General had a mandate to follow through on an agenda declared in advance.

This might improve the authority of the office-holder, but would not necessarily improve the quality of the candidates. Focusing more on the managerial responsibilities of the office, one solution would be to conduct a professional search akin to the appointment of a corporate executive. A nominating committee could take advice from member states, the Secretariat, or private consultancies, in turn proposing names to the Security Council. A form of process was established by the Wisnumurti Guidelines in 1996, but this limited the nomination of candidates to member states, excluded Secretariat staff from involvement, and threw a veil of secrecy over the process.⁸

These two aspects of the appointment process – authority and quality – are linked. Quite apart from the political limitations on acceptable candidates, such as excluding nationals of the permanent five members of the Security Council and privileging regional rotation, there is some evidence that high-profile potential candidates are deterred from seeking the office because of the uncertainty of the process of selection and the powers transferred once selected.

⁷ See GA Res. 11(I) (24 January 1946). Appointments have nonetheless involved the more unseemly aspects of an election campaign, as Brian E. Urquhart explained in chapter 1 in this volume. ⁸ The Guidelines are reproduced in the appendix to this volume (p. 249).

Neither secretary nor general

In their role as subordinate executor of missions and tasks designed by the Security Council and the General Assembly, past Secretaries-General have encountered a third contradiction: between the tasks assigned to them and the resources placed at their disposal by the political organs and member states. The Secretary-General is routinely given operational responsibilities without the means to carry them out successfully, with the Council and the Assembly making available political, fiscal, and military capacities entirely insufficient to accomplish objectives that may themselves be vaguely defined. Creative responses have been found in some situations, notably the mobilization of “groups of friends” to provide political, economic, and other capacities to conflict resolution, as described by Teresa Whitfield in chapter 5.⁹

But this is not always enough. After débâcles in Somalia, Rwanda, and Bosnia and Herzegovina, the Brahimi Report on UN Peace Operations stopped just short of recommending that the Secretary-General simply refuse to take on tasks that are ill conceived, ill defined, or under-resourced.¹⁰ The theoretical best practice of such operations is that a political strategy should be agreed, a mandate formulated to carry out that strategy, and resources devoted to achieving the mandate. The actual practice tends to be that states determine the level of resources they are prepared to devote to a problem, formulate a mandate around those resources, and hope that some acceptable political resolution will be forthcoming. As Adekeye Adebajo showed in chapter 8 of this volume, this inconsistency between words and deeds has had profound consequences in Africa.

The fact that the Secretary-General lacks a serious capacity to participate in such decisions is linked to a larger constraint in forming strategic assessments independent of the political organs of the United Nations. The Secretary-General’s power under Article 99 of the Charter is to bring to the Security Council’s attention any matter that “in his opinion” may threaten peace and security. Commonsense would suggest that his or her opinion should be an informed one, and yet there has been long-standing resistance to the Secretary-General acquiring any significant analytical

⁹ It may also be possible to reach beyond the member states to civil society or new constituencies, such as the business community, as in the case of the Global Compact.

¹⁰ Report of the Panel on United Nations Peace Operations (Brahimi Report), UN Doc. A/55/305-S/2000/809 (21 August 2000), available at www.un.org/peace/reports/peace_operations, paras. 58–64.

support.¹¹ An illustration is provided by the Asia and Pacific Division of the Department of Political Affairs, which supports UN activities in the Middle East, Iraq, Iran, Central Asia, Kashmir, Sri Lanka, Myanmar (Burma), Nepal, and North Korea: its total number of professional staff is fourteen, almost none of whom speaks Arabic, Farsi, Korean, or other relevant languages.¹² Resistance to providing a capacity for analysis derives in part from the general wariness member states have for early warning, a function that might see the United Nations prying into issues perceived as lying solely within the domestic jurisdiction of its member states, but it is also driven by the concern that an informed Secretary-General may be in a position to challenge the foreign policy priorities of leading member states.¹³ As Edward C. Luck argued in chapter 11, this may be an inappropriate stance for a Secretary-General to adopt and in any case is unlikely to be successful.

Similar problems also arise in purely internal UN matters, however. Even when making minor decisions pertaining to the allocation of human and fiscal resources, the Secretary-General must defer to the General Assembly's Advisory Committee on Administrative and Budgetary Questions (ACABQ). Member states appear to feel free to put pressure on the Secretary-General's exercise of discretion, especially in matters of staffing and purchasing. Each incumbent has had ample reason to complain that he had been subjected to accountability, but without being vested with commensurate responsibility – a defensible interpretation of the Oil-for-Food scandal.¹⁴ Further evidence of this was provided in the reaction to reform proposals put forward by Kofi Annan in 2006 that would have strengthened the office of Secretary-General in personnel and financial decisions at the expense of micromanagement by member states. Developing states in particular expressed concern that this would reduce their oversight and influence on decisions made within the United Nations.¹⁵

¹¹ Past efforts in this area have seen the closing of the Office for Research and the Collection of Information in 1992 and the abortive effort to establish an Information and Strategic Analysis Secretariat in 2000. There is some hope that the Department of Political Affairs may yet fulfil such a function.

¹² A further half-dozen professionals work at any given time on time-limited contracts.

¹³ See further Simon Chesterman, *Shared Secrets: Intelligence and Collective Security* (Sydney: Lowy Institute for International Policy, 2006).

¹⁴ See chapter 4 by James Cockayne and David M. Malone in this volume.

¹⁵ GA Res. 60/260 (8 May 2006) reaffirmed the oversight role of the General Assembly in administrative and budgetary matters, stressed that "setting the priorities of the United Nations is the prerogative of the Member States, as reflected in legislative

One response to this situation, as sketched out in chapter 9 by David Kennedy, is to embrace it and cease examining the office through the lens of secretary or general. For the uniqueness of the position lies not in the power to run an organization or to trump the interests of member states, but to transcend those interests.¹⁶

Speaking truth to power

This public role and its importance derive not simply from the limitations of the office as it is defined but from the nature of the world and its problems: the issues that are likely to land on the agenda of the United Nations and where the Secretary-General can make a significant difference will rarely be those topping the foreign policy agendas of the most powerful states.

As Quang Trinh and Ian Johnstone showed in chapters 6 and 7, both in this volume, the Secretary-General's voice can be his or her strongest asset – though it must be used with discretion. When employed effectively, in the right circumstances, it can provide an authoritative legal interpretation or cultivate the creation of a new norm. The embrace of the doctrine of the “responsibility to protect”, for example, can be attributed in significant part to Annan's championing of the idea, first articulated in less palatable form in 1999, that the protection of vulnerable populations should not be sacrificed on the altar of sovereignty. The MDGs are another example of how a Secretary-General can change the terms of debate, in this case about development assistance – though they are also an example of the limits of the office's power, with few of the actual goals seen as realistic targets for the nominal deadline of 2015. Determining when the circumstances are right, moreover, can be extraordinarily difficult. As chapter 10 by James Traub documented, the arc of a Secretary-General's political capital may be well out of his or her

decisions”, and reaffirmed the Assembly's role in “carrying out a thorough analysis and approval of human and financial resources and policies.” See also Warren Hoge, “Third World Bloc Thwarts UN Reform Plan”, *New York Times*, 29 April 2006; Colum Lynch, “Developing Nations Thwart Annan's Plan for Reform at UN”, *Washington Post*, 29 April 2006.

¹⁶ In a world defined by East–West rivalry, North–South tensions, or “us-and-them” responses to the threat of terrorism, the Secretary-General has occasionally been the rare figure that could reach out to all parties without fear of domestic backlash or accusations of pursuing a national interest. Access does not guarantee success, but it may help defuse tensions when states preparing for escalation do the one thing likely to encourage it: withdrawing their own envoys.

control. Annan's legacy, for example, may be dominated by his inability to prevent the powerful few doing wrong in Iraq, or to make the many do right in Darfur.

So what lessons may be learned from the preceding catalogue? Perhaps the most important can be summed up in a single word: "No." It is a word that needs to be spoken far more frequently in private and, when necessary, in public by the Secretary-General and his or her senior staff.

It is a word that needs to be uttered when a diplomat petitions to place a crony or national in a job for which that candidate is unsuited. It needs to be used whenever the Security Council proposes to vest the Secretary-General with a complicated task for which the allocated resources are insufficient or the means are ill defined. It needs to be used when the General Assembly seeks to associate the Secretary-General with a contentious or tendentious political position that may undermine his or her potential for mediation. It needs to be used when the budgetary process is skewed to permit a powerful committee chair to micromanage administrative processes and priorities.

A Secretary-General cannot easily say "no" to diplomats representing sovereign states. On the other hand, there is nothing in the Charter that prevents a Secretary-General from saying "no" if, in doing so, he or she has garnered the support, or at least the understanding, of a substantial majority of the members and is willing to pay the inevitable price of protecting genuine independence. Dag Hammarskjöld's defiance of Soviet intimidation may be an example of such a stand; the end of Boutros Boutros-Ghali's first term and Kofi Annan's second, perhaps, an example of its price. For the future, that price is best named and paid before, not after, the commencement of a Secretary-General's term of office. It is a price that is not incalculable: the clearest message that an incoming Secretary-General could send is to announce, before assuming office, that he or she is unavailable for reappointment to a second term.¹⁷

At present, the tradition is for the Secretary-General to be appointed for one term, during which he is almost inevitably vulnerable to the pressures and concerns that go with a well-established expectation of appointment to a second term. These concerns might be set aside at the insistence of the candidate, who could renounce any expectation of a second term.¹⁸ Such a renunciation might sensibly coincide with agreement to give the

¹⁷ See also the discussion of this point in chapter by Colin Keating in this volume.

¹⁸ It is important that such a Secretary-General then hold to this position: see the discussion of Boutros-Ghali's reversal on this point in chapter 6 by Quang Trinh in this volume.

Secretary-General a term longer than five years. Since the Charter is entirely silent as to all these matters, it is largely up to a candidate to negotiate the terms of his or her appointment with the Security Council and the General Assembly. This would hardly guarantee a more successful tenure – Annan's second term was far more troubled than his first – but such a declaration of independence might usefully change the tone of a Secretary-General's relations with the member states, the political organs, and the Secretariat itself.

The United Nations, as Hammarskjöld once said, was created not to take humanity to heaven but to save it from hell. The Secretary-General, though appointed by 192 governments, has no democratic mandate and cannot take decisions for the almost 7 billion people now embraced by the phrase "we the peoples of the United Nations". The office is, nevertheless, a unique position from which to promote issues that transcend national interest and to mobilize opinions and resources for crises triggering insufficient political will. And, even if he or she cannot force the right decisions when confronted by opposing governments, it is the job of the Secretary-General to make it harder for an international community to make manifestly wrong decisions, or to take no decision at all.

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.

...

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

...

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) Member 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 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 Member 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 it by secret ballot in private meeting.

5 General Assembly Resolution 51/241, 22 August 1997

Strengthening of the United Nations System

Annex

...

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 judgment 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 to 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."

7 General Assembly Resolution 60/286, 8 September 2006

Revitalization of the General Assembly

Annex

The General Assembly, . . .

Cluster II. Selection of the Secretary-General

17. Recalls Article 97 of the Charter, as well as the provisions of General Assembly resolutions 11(I) of 24 January 1946 and 51/241, as relevant to the role of the Assembly in appointing the Secretary-General, upon the recommendation of the Security Council;

18. Emphasizes, bearing in mind the provisions of Article 97 of the Charter, the need for the process of selection of the Secretary-General to be inclusive of all Member States and made more transparent and that, in the course of the identification and appointment of the best candidate for the post of Secretary-General, due regard should be given to regional rotation and gender equality, and invites the Security Council to regularly update the General Assembly on the steps it has taken in this regard;

19. Encourages, without prejudice to the role of the principal organs as enshrined in Article 97 of the Charter, the President of the General Assembly to consult with Member States to identify potential candidates endorsed by a Member State and, upon informing all Member States of the results, to forward those results to the Security Council;

20. Also encourages formal presentation of candidatures for the position of Secretary-General in a manner that allows sufficient time for interaction with Member States, and requests candidates to present their views to all States members of the General Assembly;

21. Recalls paragraph 61 of its resolution 51/241, in which it is stated that, 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;

22. Emphasizes the importance of candidates for the post of Secretary-General possessing and displaying, *inter alia*, commitment to the purposes and principles of the Charter of the United Nations, extensive leadership, and administrative and diplomatic experience.

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