

Statement by Ambassador Manjeev Singh Puri, Deputy Permanent Representative of India
at the Meeting of the Adhoc Working Group on the Revitalization of the General Assembly
on 17 May 2011

Distinguished Co-Chairs,

Let me start by placing on record my delegation's happiness at the decision taken by the two Co-Chairs (Ambassador Camillo M. Gonsalves of Saint Vincent and the Grenadines and Ambassador Dalius Čekuolis of Lithuania) to convene this meeting to discuss the role and responsibility of the General Assembly in the process of selecting and appointing Secretaries General of the United Nations and selection of other Executive Heads in the UN system organizations. This is a clear affirmation of the importance that the UN membership attaches to the issue. We will therefore try to sincerely and faithfully address all relevant aspects with a view to contribute positively to the work of this Working Group.

Naturally we align ourselves with the statement made by our colleague from Algeria on behalf of the Non-Aligned Movement.

Co-Chairs,

The fact is that the political role of the Secretary-General is writ large both in terms of the functions envisaged for him or her under the Charter as well as those that accrued to him or her over the years. The specific content of the Secretary-General's political role is outlined in Articles 12 para 2 and 99 of the UN Charter and relevant rules of procedure of both the General Assembly and the Security Council. Further, over the past six decades, the good offices and mediatory roles of the Secretary General as well as the work of his Special Representatives have only served to reinforce and flesh out the political nature of the job.

In such a scenario, the continued circumscribing of the General Assembly's role and responsibilities in the process of selection and appointment of the Secretary General needs to change in the interests of the United Nations system in general and the Assembly's prerogatives in particular. Permit me to elaborate on this.

Co-Chairs,

Member-states are well-aware of the fact that General Assembly Resolution 11 (1) of February 1946 which lays out the "Terms of appointment of the Secretary-General" was the product of an era gone by. It was the result of irreconcilable differences between the pre-eminent yet opposing power camps in the international system on the implementation of Article 97 of the Charter which states, "The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council." These differences arose because the Charter provision was not self-executing.

In our view, the 1946 Resolution erred on the side of caution when it broke down the decision-making process into two compartmentalized, linear procedures, one of which was to be carried out in the Council and the other in the Assembly. As a result, what we have today is one decision taken in the Council on nominating a candidate and another decision taken in the General Assembly on appointing the candidate. The error was compounded by the subsequent practice of the UN system of not insisting on a panel of candidates for the Assembly's consideration despite the fact that the 1946 Resolution merely stated that it would be "desirable" as against obligatory "for the Security Council to proffer one candidate only for the consideration of the General Assembly."

Further, the Security Council's consideration of the process of recommendation of the only candidate for the post of Secretary-General was defined as a decision which "shall be made by an affirmative vote of nine members, including the concurring votes of the permanent members", while in the case of the Assembly it was to be a decision in which "a simple majority" of the members present and voting is sufficient. Herein lies the second error, that is similar processes having differential weightage. In other words, the "recommendation" stage of the process which is carried out by the Council overwhelmed the "appointment" stage which is the responsibility of the Assembly.

The combination of the factors and developments I have just mentioned has resulted in a situation whereby the Assembly's role and responsibilities have gradually whittled away. Many have characterized this as converting the Assembly into a mere rubber-stamp of the Council's recommendation.

Co-Chairs,

What is to be done? The answer is clear. Being the voice of the international community, the General Assembly must have a greater say in the process of selection of the Secretary General. In this regard, there are a number of important elements that the UN membership can consider as medium-term measures that could be applied the next time the post of Secretary General becomes vacant.

For instance, the General Assembly adopted resolutions 51/241 of 22 August 1997 and 60/286 of 9 October 2006, which outline in detail proposals on improving the process of selection and appointment of the Secretary-General. Further, the practice established by GA Resolution 11 (1) can be modified to allow for the Council to send a panel of names that the Assembly could choose from as against a single nomination. Additionally, if the member-states attach high importance to the role and responsibilities of the Assembly, we see no reason why the matter should not be "decided by a two-thirds majority" in terms of

Article 18 (3) as against the one with a simple majority requirement in Resolution 11 (1). We could also identify objective criteria for the candidatures, including commitment to the purposes and principles of the Charter, extensive leadership, administrative and diplomatic experience with due regard being given to regional rotation and gender equality. Equally useful and practical would be to encourage formal presentation of candidatures in a manner that allows sufficient time for interaction with member-states, and also requires candidates to present their views to all member-states of the General Assembly.

Co-Chairs,

Only with real changes can we ensure that the General Assembly exercises its judgment in the matter of the appointment of the Secretary-General, rather than merely rubber stamping proposals by the Security Council while ensuring that the appointment process does not become a divisive issue between the General Assembly and the Security Council. Indeed, as envisaged in the Charter, this is a process that involves both these organs and needs to be carried out in a collaborative exercise respecting each other's mandate.

Distinguished Co-Chairs,

Permit me to briefly turn the matter of selection of other Executive Heads in the UN system organizations. Our position flows from the clear guidelines in the Charter.

The Charter provisions clearly reflect the desire of the UN membership to have an international civil service which displays the highest standards of professionalism, neutrality and integrity and which is accountable therefore, if not in higher, but at least in equal measure as the Secretary General is to the General Assembly. In addition, we would welcome closer consideration of procedures for selecting, appointing and confirming the heads of the major Specialized Agencies, Funds and Programmes with a view to ensuring transparency, legitimacy and balanced representation. We therefore, welcome a careful consideration of the Joint Inspection Unit report, JIU/REP/2009/8.

In conclusion, distinguished Co-Chairs let me re-emphasize the need to discuss substantive measures that would strengthen the role of General Assembly as the chief deliberative, legislative, policy-making and representative body of the international community.

You can expect our constructive support and participation in your efforts.

Thank You.

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