

A stylized world map composed of a grid of grey dots, with several dots highlighted in red to represent specific countries or regions.

# President or Paper Tiger?

## The Role of the President of the General Assembly of the United Nations

**TOMAS ANKER CHRISTENSEN**  
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- The tectonic plates of global power and economic strength undergirding the UN's stability and continuity since its creation are in motion. Whereas historically the central axis of power and decision making at the UN has been the relationship between the Secretary-General and the five Permanent Members of the Security Council, the Member States of the UN are increasingly turning to the General Assembly when it comes to tackling global challenges.
- This creates new expectations regarding the performance of the Assembly and fundamentally alters the political and diplomatic role of the President of the Assembly. The time has come to review and strengthen the Presidency of the General Assembly in order to ensure that as an institution it can deliver effectively on the expectations of the Member States.
- Reforms could include creating a competitive process for the Presidency, extending the President's term in office to two years, creating a post of Vice-President, changing the date of transition for the President and creating a permanent core staff for the Office of the President.



## Contents

<b>Introduction: Changing Role and Expectations of the United Nations General Assembly and its President</b> .....	<b>3</b>
<b>1. The Formal Role of the President of the General Assembly Is Enshrined in the UN Charter and the Rules of Procedure</b> .....	<b>4</b>
<b>2. An Enhanced Political Role for the President</b> .....	<b>5</b>
2.1 Tasks from the Ad hoc Working Group on the Revitalization of the Work of the General Assembly .....	5
2.2 Mandates to Lead and Organize Negotiations .....	6
2.3 Handling Non-state Actors .....	8
<b>3. The President in Action</b> .....	<b>9</b>
3.1 Selection of the Ninth Secretary-General .....	9
3.2 Launching the Process on the Global Compact on Migration .....	11
<b>4. Perspective: Role of the Office of the President of the General Assembly</b> .....	<b>11</b>
<b>5. Achieving Change at the United Nations and the Role of the President</b> .....	<b>13</b>
<b>6. Reforming the Presidency of the General Assembly</b> .....	<b>13</b>
<b>7. Conclusion</b> .....	<b>14</b>

## Introduction: Changing Role and Expectations of the United Nations General Assembly and its President

The role of the United Nations is subject to continual scrutiny and questioning. There is a sense of fluidity and complexity in the multilateral system that is challenging its very fabric. Climate change, nuclear armament, terrorism, migration, the Sustainable Development Goals, human rights – the list of urgent challenges is long. At the same time, the tectonic plates of global power and economic strength undergirding stability and continuity of the UN since its creation are in motion.

For the greater part of the past seven decades the central axis of power and decision making at the UN has been the relationship between the Secretary-General and the five Permanent Members (P5) of the Security Council. But incrementally over the last ten to fifteen years, a multipolar fluidity has added new layers of complexity to decision making in the UN. The P5 can no longer dictate decisions – and the Secretary-General cannot always be sure of gaining support for his or her proposals. In order to tackle many of the global challenges, Member States of the UN are increasingly turning to the General Assembly, a forum in which consensus has to be built among all 193 Member States of the UN and in which on occasion resolutions are also passed against the interests of the P5.

In recent years, many Member States have increasingly come to view the General Assembly, and hence its President, as their institution of choice for achieving results in tackling the challenges facing the world not only in the normative and development space, but progressively also regarding security-related issues. That is the case in particular for countries that are (1) blocked from achieving a permanent seat on the Security Council, (2) frustrated by the ineffectiveness of the Council in tackling challenges to international peace and security and (3) encouraged by the majorities and cross-regional coalitions they can mobilize and leverage among the Member States in the General Assembly.

This change has been under way for approximately the last 15 years. As part of that reorientation, the role and

expectations of the President of the General Assembly are also changing. These expectations are warranted by the success of the Millennium Development Goals, the creation of the Human Rights Council, the negotiation and adoption by the General Assembly of the new universal 2030 Agenda with the 17 Sustainable Development Goals (SDGs), as well as by the transparent and inclusive selection process for the Secretary-General in 2016, which, for the first time in the 70-year history of UN, was driven by the General Assembly. It is worth noting that the success of these processes is also based on coalitions being built especially by smaller Member States across the North-South dividing lines, which have characterized much of the UN's earlier work in the General Assembly.

Just as it was popular among scholars and diplomats a few years ago to ask whether the Secretary-General was more Secretary or General, with these successes it is now fair to ask whether the President of the General Assembly is more a President than a paper tiger – more powerful than powerless.

The basic claim of this analysis is that the role of the President and the expectations that many Member States have of the President and the Office supporting that function have changed fundamentally from what they originally were when the United Nations was created in 1945.

This article will examine whether this development

- has been incremental and non-linear and to some extent determined by the personality and orientation of the incumbent;
- has cast the President into a different role in running the difficult processes to address global challenges and forging the diplomatic compromises needed to land results;
- is supported by most or all 193 Members and/or whether the P5 and the UN system are trying to block or slow down the transition.

The conclusion is that the time has come to review and strengthen the Presidency itself in order to ensure that as an institution it can deliver effectively on the expectations of the Member States.

## 1. The Formal Role of the President of the General Assembly Is Enshrined in the UN Charter and the Rules of Procedure

In terms of protocol, the President ranks higher than the Secretary-General, meets with heads of state and government in New York and is regularly invited on official visits around the world, where he or she<sup>1</sup> is received with the honors due to a head of state. At the same time, however, formally and by design the President is a ceremonial figure, whose main task is to preside over the proceedings of the General Assembly. Of the 13 articles dedicated to the General Assembly in chapter IV of the UN Charter, only one, article 21, mentions the President: »The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.« The provisions of the Charter and the Rules of Procedure mean that the General Assembly is in session for one year at a time.

The President of the General Assembly serves a one-year term and the post rotates in a five-year cycle between the five regional groups. This rotational scheme goes back to the creation of the regional groups in 1963 during the post-colonial era, when the UN had expanded from originally 51 to 118 members.<sup>2</sup> In the meantime, the number of Member States has reached 193, with South Sudan being the latest country to join in 2011.

Only when there is no consensus within the regional group about endorsing a candidate does it come to a vote in the General Assembly.<sup>3</sup> In recent years this was the case with candidates for the 67<sup>th</sup> Session (2012–2013), when Vuk Jeremic from Serbia, with the support of Russia, prevailed against the Lithuanian candidate, and for the 71<sup>st</sup> Session (2016–2017) session, when Peter Thomson from Fiji prevailed against the Cypriote candidate.

According to the United Nations Charter, Chapter IV, the General Assembly may discuss any questions or matters

1. Since its inception only three times has a woman been President: 8<sup>th</sup> session (1953–1954): Mrs. Vijaya Lakshmi Pandit, India; 24<sup>th</sup> session (1969–1970): Miss Angie E. Brooks, Liberia; 61<sup>st</sup> session (2006–2007): Sheikha Haya Rashed al Khalifa, Bahrain.

2. To date, the five regional groupings are: the African Group, the Asia-Pacific Group, the Eastern European Group, the Latin American and Caribbean Group (GRULAC) and the Western European and Others Group (WEOG).

3. Prior to the introduction of the rotation of the candidacy among the regional groups in the 1960s, elections also occasionally took place between competing candidates for the post.

within the scope of the Charter with a few exceptions, specifically when the Security Council is actively engaged in a situation related to the maintenance of international peace and security. The General Assembly adopts the UN budget, is the primary normative body that sets standards on development, human rights and other global issues, accepts new Member States and conducts elections to the other Charter-based organs, including the Security Council. The General Assembly also appoints senior UN officials such as the Secretary-General, the heads of the UN Development Program and the UN Environment Program and the UN High Commissioner for Refugees, and elects other officials such as the judges of the International Court of Justice. While these functions do not *a priori* require a strong President, they do open the political space for a President to help guide the Assembly toward a stronger role on all issues – security, budget, norm-setting and appointments – as will be clear from the analysis below.

At the time of the creation of the UN in 1945, the deliberative function of the General Assembly, which includes all member states of the UN, led to the Assembly being characterized as the »Town Hall of the World.« While the Security Council has the power to adopt decisions binding on all Member States of the United Nations, the General Assembly lacks any comparable authority.

The first President, Paul-Henri Spaak of Belgium, was elected on 16 January 1946 ahead of Trygve Lie of Norway, who went on to become the first UN Secretary-General two weeks later. Apparently, they both saw the Presidency as being a more prestigious post than the role of »chief administrative officer« of the UN Secretariat, which is how the Secretary-General is described in Article 97 of the UN Charter. It did not take long though before the Cold War dynamics meant that the Secretary-Generals eclipsed the Presidents in terms of prestige and influence. This remained the main feature of the division of competences within the UN for many decades – and also reflected the distribution of power between the Security Council and the General Assembly.

The marginal role of both the Assembly and its President as regards their importance for tackling the challenges faced by the UN was symbolically highlighted by Boutros Boutros-Ghali when he became Secretary-General in 1992. He moved the Office of the President from

the 38<sup>th</sup> floor (the executive floor of the UN Secretariat building) down to its current place on the second floor in the conference building of the UN. Some Member States are now encouraging the Presidency to seek symbolic resurrection by insisting on making a return to the 38<sup>th</sup> floor; but it is noteworthy that the Presidents have felt comfortable in being present and accessible among the ambassadors and delegates from the Member States, thereby always keeping an ear to the ground.

Since 2003, the President has been elected at least 3 months prior to assuming office<sup>4</sup>; however, this timing still does not allow for the best possible preparation. According to the Rules of Procedure, the new session of the General Assembly opens each year on the Tuesday of the third week in September, counting from the first week that contains at least one working day, a week prior to its annual high-level debate. The stipulations of the Rules of Procedure mean that the transition of the President and all the staff in his or her office – typically 25 to 35 professionals and assistants – takes place in a single week, in effect four working days, before the busiest week in the UN's New York calendar, when Heads of State and Government, deputies, ministers, CEOs and other world leaders descend on New York and the United Nations for the high-level week and the general debate.

## 2. An Enhanced Political Role for the President

The origins of the enhanced political role of the President in addressing the global challenges on the agenda of the General Assembly beyond the formalities of the Charter and Rules of Procedure in particular can be traced back to 2005 and the creation of an Ad Hoc Working Group on the revitalization of the work of the General Assembly.

The enhanced political role consists of a number of tasks, which all are mandated by the Member States and cluster around (1) general tasks emanating from the Ad Hoc Working Group on the revitalization of the work of

the General Assembly, (2) leading and organizing negotiation processes on global issues and (3) handling the participation of non-state actors in General Assembly processes and meetings.

### 2.1 Tasks from the Ad hoc Working Group on the Revitalization of the Work of the General Assembly

First, the President was given the mandate to organize interactive, informal thematic debates.<sup>5</sup> Since then the practice has evolved of Presidents organizing three to six debates every session on their own initiative and in addition to the debates held by the General Assembly.

The mandate for the President to organize informal debates can be seen as: (1) an expression of the trust the 193 Member States invest in the Presidency; (2) a recognition by the Member States that negotiations can take months, and sometimes even years, to decide on holding meetings; (3) a tacit acknowledgement that the Rules of Procedure of the General Assembly, which apply to all *formal* meetings, underline the intergovernmental nature of the Assembly, which entails the risk that the dictates of decorum and protocol could stifle debates. By contrast, *informal debates* allow non-state participants to speak and engage in the discussions.

In this spirit, during the 70<sup>th</sup> session (2015–2016), President Mogens Lykketoft focused in the three debates organized on his initiative on taking stock of the three pillars of the UN – namely Development and Climate Change, Peace and Security and Human Rights and the Rule of Law. It was the Ad Hoc Working Group on the revitalization of the work of the General Assembly that in resolution 69/321 provided the mandate to organize informal dialogues with the candidates for the post of Secretary-General and also to invite civil society representatives to ask questions of the candidates (see 3.1 below). In the 71<sup>st</sup> Session, President Thomson focused his five debates – on Sustaining Peace, Climate Change, Financing, Innovation and Technology as well as Education – on generating action on SDG implementation.

Second, the President has been called upon to organize regular briefings with the Secretary-General and senior UN officials on issues of topical importance to the Mem-

4. The change was due to the fact that the 9/11 terror attack in New York happened on opening date of the 56<sup>th</sup> Session in 2001 and left the General Assembly in limbo, since it never met that day. The election of Mr. Han Seung-soo, the Korean candidate for President had to be postponed until the next day.

5. GA/RES/ 59/313, 21 September 2005.

ber States, thereby also helping to set the agenda for the organization. In recent years, briefings have taken place on issues as diverse as the Ebola crisis, the situation for refugees and migrants, the situation in Syria, sexual exploitation and abuse, health issues, such as the 2010 cholera outbreak in Haiti, and so forth.

While some of these topics are suggested by the Member States, the Secretary-General or other parts of the UN system, the President has a flexible margin within which he or she can set the agenda and take up issues. In both the 70<sup>th</sup> and 71<sup>st</sup> sessions the Presidents made use of that discretion, for example when scheduling informal meetings on the deteriorating situation in Syria. They were the outcome of a dynamic that was indicative of the ongoing frustration of the General Assembly with the lack of effectiveness of the Security Council. Soon many Member States wanted to go one step further.

Despite the provisions in the Charter that require the General Assembly to step aside when the Security Council is dealing with a matter, this provision can be challenged when the Council is blocked. In the fall of 2016, when Aleppo in Northern Syria was under siege and the veto had been used twice to block resolutions in the Security Council, first by Russia on 8 October and then by Russia and China on 5 December, concerned Member States urged to act under the »Uniting for Peace« procedure.<sup>6</sup> Yet events on the ground developed too rapidly for Member States in favor of a strong General Assembly response to achieve a solid majority. Hence, on 21 December 2016, they chose the less ambitious option of introducing a resolution calling for the investigation and prosecution of the most serious crimes under international law committed in Syria.<sup>7</sup> It is a remarkable fact that among the 15 countries voting against the resolution were both Russia and China, whereas a clear majority of 105 countries voted in favor. This outcome is symptomatic of the political will of an increasing number of Member States to challenge directly the shortcomings of the Security Council.

6. Following three vetoes by the USSR in the Security Council on the situation in Korea, the »Uniting for Peace« resolution 377 (v) 1950 entitled the General Assembly to become active when lack of unity prevents the Security Council from fulfilling its primary responsibility for maintaining international peace and security.

7. »International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in [Syria] since March 2011, under the auspices of the UN« (GA Resolution 71/248).

Third, it has been recognized that the President engages globally and represents the General Assembly, with the expectation that he or she should report back regularly to the membership on these activities. In addition, the President meets regularly with the Secretary-General, as well as with the presidents of the other New York-based UN Charter institutions, the Security Council and ECOSOC, and reports on these meetings to the membership.

Fourth, as the latest reform in the 71<sup>st</sup> Session, it was decided in resolution 71/323 that in the 72<sup>nd</sup> Session (2017–2018) for the first time candidates for the Presidency should engage in an informal dialogue with the General Assembly led and organized by the outgoing President, in addition to presenting their vision statement in writing.

To sum up, over the past ten to fifteen years, the Member States have increasingly assigned tasks to the Presidents of the General Assembly that have strengthened their political and diplomatic role in representing the Member States and organizing informal debates and hearings without formal preparatory negotiations – and without adhering to the strictly intergovernmental format of the meetings prescribed by the Rules of Procedure.

## 2.2 Mandates to Lead and Organize Negotiations

The enhancement of the political and diplomatic role of the President does not end there. In addition, the shift in the way negotiations on global challenges and normative issues are handled by the UN is leading to an increase in the power of the Presidency.

In the 1990s and the early 2000s, at a time when the UN was undergoing a normative expansion, UN conferences and Special Sessions of the General Assembly were the preferred vehicles for decision-making and negotiations. Bureaus led by ambassadors or high-level officials from the Member States were established for this purpose, typically involving representation from all five regional groups and led by two ambassadors, one from the political North and one from the political South, who would either lead the negotiations themselves or appoint facilitator(s) in their place. In support of the bureaus and processes, special purpose secretariats would often be established, all of which was funded by the regular budget of the UN.

Currently, the era of the major conferences and special sessions is past – with a few notable exceptions – but the normative work of the United Nations continues. In fact, some would argue that we now find ourselves in a new or revived normative era in which Member States, rather than the elaborate bureaucratic apparatus described above, choose to conduct most negotiations and processes within the framework of the General Assembly, while requesting the President of the Assembly to organize the negotiations by appointing co-facilitators to lead the negotiations under his or her auspices and responsibility.<sup>8</sup>

This means that the President is now entrusted with building consensus among the 193 Member States on a continual basis, and hence with helping to ensure the smooth functioning of the world's most universal body, despite the complexities of the global situation. The President identifies ambassadors to lead the complicated negotiations in the General Assembly, ranging from Security Council reform through the SDG process to violent extremism and counter-terrorism, the Ocean, HIV-Aids and Least Developed Countries, Indigenous Peoples, human trafficking and refugees and migrants, to mention just a few. In addition to appointing the co-facilitators, the President is also often called upon to support the negotiations diplomatically through his good offices to find solutions, take initiatives and bring the negotiations to a conclusion – including by intervening with the central parties to the negotiations and sometimes even at capital level.

During the 70<sup>th</sup> Session, the President appointed a total of 36 ambassadors or Special Advisors as co-facilitators or co-chairs of negotiation processes. During the 71<sup>st</sup> Session, 30 were appointed.<sup>9</sup> When these co-facilitators

work on behalf of the President, it is always based on the assumption that consensus will be achieved, since the President has to be above the divisions among Member States and cannot present a draft resolution that will meet with opposition.

Whereas the dynamics in the Security Council are such that the Permanent Members typically take the lead when it comes to drafting Security Council resolutions, a different dynamic prevails in the General Assembly. Here the Permanent Members have a different role, with smaller nations often leading the negotiations and forging compromises.

The tasks and negotiations carried out by ambassadors on behalf of the President are highly diverse. The most successful conference during the 71<sup>st</sup> Session was the Ocean Conference, which focused on implementing SDG14 through an »all-hands-on deck-approach« rallied by the Fijian President of the General Assembly. Sweden and Fiji presided over the conference, while the negotiations on the outcome document were led by Singapore and Portugal. The three-year process of negotiating both modalities and substance leading to the adoption of the 2030 Agenda was led by various constellations of Member States that included Denmark, Ireland, Hungary and Kenya. The process leading up to the 2016 UN Summit for Refugees and Migrants was ably led by Ireland, Jordan, Mexico and Switzerland. The Ad Hoc Working Group on the revitalization of the work of the General Assembly, which issued the mandate for the selection of the Secretary-General, has in recent years been led by Croatia, Namibia and the UAE, while the Intergovernmental Negotiations on Security Council reform have been chaired by Afghanistan, Jamaica, Luxembourg, Romania and Tunisia.

At the end of the day, the President of the General Assembly decides on whom to appoint as co-facilitators based on the interests and capabilities of individual ambassadors and with a view to a North/South and gender balance. It is a priority in its own right for the President to make progress toward achieving gender balance in these appointments, but this is hampered by the fact that less than 20 percent of the ambassadors are women, a challenge that also is reflected in the fact that only three out of the 72 Presidents of the General Assembly have been women (see above) and also very few chairs of the Main Committees are women.

8. The President and the Member States are normally the proponents of draft decisions and resolutions. The Secretary-General, who formally cannot present drafts, can propose to the President that an issue be tabled. While this is a rare occurrence, the President generally follows the Secretary-General's recommendation. This was the case, for example, in the 70<sup>th</sup> session when the Secretary-General proposed to present a resolution to the General Assembly on changing the relationship between the UN and the International Organization for Migration (see section 3.2 below).

9. Handover report from H.E. Mogens Lykketoft, issued as a letter to the Member States from President Thomson on 3 October 2016 (available on PGA71s webpage under »letters«: <http://www.un.org/pga/71/wp-content/uploads/sites/40/2015/08/Handover-Report-from-PGA-70-3-October-2016-1.pdf>) and Handover report from H.E. Peter Thomson, issued as a letter to the Member States from H.E. Miroslav Lajcak on 6 October 2017 (available on PGA72s website under »documents, letters«: [http://www.un.org/pga/72/wp-content/uploads/sites/51/2017/10/Handover-Report-11-September\\_FINAL.pdf](http://www.un.org/pga/72/wp-content/uploads/sites/51/2017/10/Handover-Report-11-September_FINAL.pdf))

On very rare occasions, the President chooses to take charge of leading the negotiations without sharing the task with appointed co-facilitators. This entails greater political risks, since when co-facilitators are appointed, the negotiations can still be escalated to the President and his Office if they become bogged down. However, when the President conducts the negotiations directly through his Office, the escalation option is no longer open. On the other hand, this also makes it more politically costly for individual Member States, including the P5, to oppose a proposed solution, since that would amount to directly challenging the President.

In both the 70<sup>th</sup> and 71<sup>st</sup> Sessions, the Presidents chose to lead negotiations directly on several occasions. This was either on the President's own initiative, in response to a direct request from the Secretary-General to assist in building Member State support around a priority area for the Secretary-General, or, on a few occasions, a result of specific requests for help from Member States. During the 70<sup>th</sup> Session, the President conducted negotiations directly through his Office on (1) the decision to establish a process to address the crisis related to refugees and migrants, (2) the resolution on the report from the High-Level Independent Panel on Peace Operations and (3) the resolution on the Secretary-General's Plan of Action to Prevent Violent Extremism. During the 71<sup>st</sup> Session, the President chose to have ambassadors – members of his own cabinet – facilitate resolutions on (1) the appointment of António Guterres as the ninth Secretary-General, (2) paying tribute to Ban Ki-moon as the exiting Secretary-General and (3) establishing a new department for counter-terrorism as a first step in the reform of the Secretariat under Guterres.

### 2.3 Handling Non-state Actors

A number of Member States still insist on the inherent Westphalian, intergovernmental nature and identity of the United Nations. They resist opening up the formal spaces of the UN, in which solutions to global challenges are being crafted, to non-state or subnational actors. The paradox is that coalitions and representatives of cities or regions, business and investors, philanthropy, disruptive technologies, science and academia, civil society and many more are ready to engage across the UN's agenda in supporting solutions to global challenges. And, in

addition, the wider global public can be mobilized and become engaged in global affairs on an unprecedented scale through social media.

The implication of this is that every negotiation on modalities for General Assembly processes, meetings and conferences stumbles on the issue of participation by non-state stakeholders. Only Member States, the President of the General Assembly and the Secretary-General/Deputy Secretary-General are recognized as participants in *formal* meetings of the Assembly. All other speakers in formal meetings must receive special permission to address the Assembly, either through a resolution or through a decision by the Assembly. The resolutions have to be tailored specifically to the meeting in question; but because each issue has its own set of expert negotiators from Member States and is supported by different parts of the UN – both from the Secretariat but sometimes from other parts of the system – ensuring coordination or consistency in the approach to including non-state stakeholders becomes a challenge in itself. This can be highly confusing for the non-state actors, but also for the Office of the President. In fact, there is an expectation that the President and the Office will help de-politicize and de-escalate situations that may arise as a result of Member States' objections to the participation of certain non-state actors. Probably the most contentious situation in recent years arose in relation to the participation of the LGBT (Lesbian, Gay, Bisexual and Transgender) community in the June 2016 High-Level Meeting on Ending Aids. Initially some Member States wanted to block more than 50 LGBT and drug user NGOs from participating at the event, a figure which the Office of the President through discreet outreach succeeded in winnowing down to 22, although this still led to a public outcry.

Adding to the confusion surrounding who can participate in meetings in the General Assembly is the fact that the rules related to *informal* meetings are very different from the situation just described. In general, informal meetings do not follow the Rules of Procedure and the strict intergovernmental protocol when it comes to access, participation and speaking in the meetings. Informal meetings in the General Assembly are normally also mandated by resolutions and are used as a way of ensuring the wider engagement of stakeholders. Prime examples of this were the 2030 Agenda and the migration compact processes, as well as the informal



dialogues with candidates for Secretary-General. They were organized by the Office of the President, who is seen in general as the guarantor of the veracity of the engagement of the non-state actors in these meetings.

Thus the time has come to reform the General Assembly's, and more generally the UN's, relationship with non-state actors, especially when it comes to the implementation of the SDGs and the 2030 Agenda:

First, Member States need to arrive at a more general agreement on the issue of the rules governing the participation of non-state actors in General Assembly processes and meetings and their engagement with the United Nations. This could be accomplished under the auspices of the Ad Hoc Working Group on the revitalization of the work of the General Assembly.

Second, the United Nations needs to create an entry point or »docking station« for non-state actors to engage and build strategic relationships with the organization and the Member States, both individually and collectively, especially in order to advance the SDGs. This could be done in a number of pragmatic ways triggered either by the President of the General Assembly or by the Secretary-General.<sup>10</sup>

### 3. The President in Action

The President is active in facilitating negotiations and processes across the broad spectrum of global challenges with which the General Assembly grapples. In this section two particular cases will be examined that span both the 70<sup>th</sup> and 71<sup>st</sup> Sessions. They by no means do full justice to the work of the Presidents of these sessions; but they are indicative of the increase in the political weight of the Presidency.

#### 3.1 Selection of the Ninth Secretary-General

The process of selecting the ninth Secretary General of the United Nations probably provides the best illustration of the change in the political roles and dynamics between the Security Council and the General Assembly,

and it will be examined in some detail below. In addition, this process also contributed to a shift in the balance of power between the Secretary-General, who according to the Charter has a much stronger position, and the President.

In 2015, for the first time in the history of the UN, the President was asked to lead the process of organizing informal dialogues with the candidates for Secretary-General and of initiating the election procedures with a letter written jointly with the President of the Security Council soliciting governments to present candidates and laying out the entire process.<sup>11</sup> Among the staunchest supporters of this process were countries like Brazil and India, who are also among the most eager advocates of a reform of the Security Council, the Accountability, Coherence and Transparency group (ACT) led by Costa Rica and Estonia with participation from 25 small and medium-sized countries from all 5 regional groups as well as the Non-Aligned Movement (NAM). In addition, some Permanent Members, who have encountered increased pressure to justify their status in the Council, probably felt that agreeing to deeper involvement by the General Assembly in a more transparent and inclusive selection process would take the wind out of the sails of the push for Security Council reform, at least temporarily.

In the Security Council, the United Kingdom took the lead in drafting the letter jointly with the Presidency of General Assembly, while Russia insisted on being actively involved in the process. The Office of the President had to ensure that the draft was fully in line with the mandate given to the President by the Member States in resolution 69/321. The fact that the President had a mandate from the General Assembly, comprising also the 15 Member States represented in the Security Council, meant that he had much greater leeway in negotiating the contents of the unprecedented letter setting out the process; the experts from the United Kingdom, by contrast, repeatedly had to seek renewed mandates from their colleagues in the Security Council.

The Russian ambassador, Vitaly Churkin, was the only ambassador from the P5 who had been around when Ban Ki-moon was selected in 2006, and had previously been signaling that Russia expected things to take the same course as in 2006, when the Security Council's

10. These ideas are reflected in the Handover Report of Peter Thomson; see footnote 9.

11. A/RES/69/321.

final straw poll took place on October 6. In a meeting in the President's Office on 9 December 2015, called by President Lykketoft, Churkin and the British ambassador, Matthew Rycroft, reached an agreement with Lykketoft on the text of the letter.<sup>12</sup> Although Churkin initially wanted to delay launching the process until February 2016, he seized the moment and agreed to begin the process earlier.

On 15 December 2015, Samantha Power, Permanent Representative of the United States to the UN, signed the letter as President of the Council for that month. With the letter, the door was opened for Lykketoft to design the scope of the whole process, including asking the candidates to submit a vision statement, which all of them duly did, and to appear before the General Assembly for informal dialogues with the Member States and to answer selected questions from representatives of civil society. Moreover, in July 2016, for the first time ever, a town hall meeting was held with the candidates in the General Assembly Hall which was broadcast live by Al Jazeera, including on UN TV, and which was watched by millions of people around the world.

The active interest from a large global audience was part of the leveraging that defined the process. After five straw polls in the Security Council between late July and early October that had all selected Guterres as the top candidate, on 6 October 2016 the Security Council formally recommended him to the General Assembly for appointment. While the straw polls were in principle secret, the results were immediately leaked to the Office of the President and to the wider public. Lykketoft publicly chided the Security Council for the secrecy, which he found undignified and also led at least on one occasion to erroneous reports in the press about the results. In doing so, he was in line with E10, the ten elected temporary members of the Security Council, who throughout the process coordinated closely with the Office of the President and acted on behalf of the 188 Member States that are not permanent members of the Security Council.

12. Mogens Lykketoft, »Nudging the decision on UN Secretary General from the Security Council«, Huffington Post; [https://www.huffingtonpost.com/mette-holm/nudging-the-decision-on-u\\_b\\_14076596.html](https://www.huffingtonpost.com/mette-holm/nudging-the-decision-on-u_b_14076596.html). For an overview of the entire selection procedure see Security Council Report, »The UN Secretary-General Selection and Appointment Process: Emerging from the Shadows«, Research Report, 17 April 2017; [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research\\_report\\_appointment\\_of\\_the\\_secretary\\_general\\_2017.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research_report_appointment_of_the_secretary_general_2017.pdf).

With the recommendation from the Security Council, the selection process came back to the General Assembly and entered its final stage: the drafting and adoption of the appointment resolution. Since this happened in the 71<sup>st</sup> Session, the Presidency had changed from Lykketoft to Peter Thomson from Fiji.

He had to reconcile the requests from NAM for a secret ballot to be held and from the ACT for a negotiated resolution. ACT argued for a break with the practice that the Security Council's basic recommendation resolution is simply transposed into a General Assembly resolution drafted by the chair of the month of the regional group from the group from which the new Secretary-General emanated. They argued that a negotiated resolution – moreover, one on which a secret ballot should be conducted according to the NAM – was the natural conclusion to the new process for selecting the Secretary-General with the much deeper involvement of the General Assembly.

In order not to jeopardize the unity of the Security Council after the unanimous vote in favor of Guterres, but also to acknowledge the success of the mature and responsible way in which the Assembly had conducted the selection process, the resolution was drafted by the Office of the President in a process involving shuttle diplomacy between all the major groupings within the General Assembly.

Viewed as a whole, the Lykketoft-Thomson process for selecting the Secretary-General set a new standard for future elections of the Secretary-General. Since it was not possible to make the process official and codify it in the Ad Hoc Working Group on the revitalization of the work of the General Assembly due to opposition from some Member States, including a Permanent Member of the Security Council, the process is currently only captured on the record by Security Council Report and in the letters sent to the Member States by the two Presidents throughout the process, which are available on the websites of the 70<sup>th</sup> and 71<sup>st</sup> Presidencies. It will be important that the coalition of Member States and civil society organizations that successfully managed to set the stage for the 70<sup>th</sup> Session take any measures to enshrine the parameters for the selection of the tenth Secretary-General in a resolution, whether the election takes place in 2021 or in 2026. This could be prepared during the current 72<sup>nd</sup> Session and



completed as early as in the 73<sup>rd</sup> Session in the Ad hoc Working Group on the revitalization of the work of the General Assembly.

### 3.2 Launching the Process on the Global Compact on Migration

The ongoing negotiations for a Global Compact on Safe, Orderly and Regular Migration (the Global Compact on Migration) have run over multiple sessions of the General Assembly and have passed through the hands of a number of Presidents and supporting staff. It is also a good example of how the political will and determination of the President in Office can help to set the global agenda and to challenge established wisdom about what issues the UN can deal with.

The process for a Global Compact on Migration that will be concluded in the 73<sup>rd</sup> Session in December 2018 was launched during the 70<sup>th</sup> Session by President Lykketoft. As refugee and migrant crises in the Middle East and Europe unfolded over the summer of 2015 prior to his assumption of office, Lykketoft saw an opportunity to harness the political will of key Member States and move forward the UN's work and engagement on a comprehensive approach to the situation of both refugees and migrants. The process was duly established through the adoption of decision 70/539 of the General Assembly on 22 December 2015. The negotiations and facilitation leading to the adoption of this decision were managed entirely by the Office of the President.

This became politically possible within such a short time-span because of the combination of, firstly, the formal request by Turkey to include a new agenda topic related to the refugee crisis in the Mediterranean and, secondly, the subsequent formal deliberations on the topic. This was followed by a series of informal General Assembly meetings in the fall of 2015 organized and led by Lykketoft and, finally, by the proposal by Secretary-General Ban Ki-moon to organize a High-level meeting of the General Assembly on Refugees and Migrants at the beginning of the 71<sup>st</sup> Session.

It was thanks to Lykketoft's leadership that UN Member States agreed to consider a »possible outcome« at the High-level meeting and laid the groundwork for the Secretary-General to present a report produced by a

Special Representative (decision 70/539). Subsequently, it was decided at a Summit at the Heads of State and Government level on 19 September 2016 to negotiate and adopt the »New York Declaration on Refugees and Migrants« (resolution 71/1).

The Declaration calls for a dedicated two-year process to negotiate the first intergovernmental agreement on managing international migration and on advancing intergovernmental cooperation on human mobility – to be called the Global Compact on Safe, Orderly and Regular Migration. The Declaration also calls for the organization of the first ever intergovernmental conference on international migration at which the agreement will be adopted. The conference is now scheduled to take place in Marrakesh in December 2018.<sup>13</sup> Finally, it became politically possible to align the International Organization for Migration (IOM) for the first time with the UN. After 65 years of existing in parallel with no formal relationship, a historic agreement was signed at the September 2016 Summit by the Secretary-General and the Executive Director of the IOM that established the IOM as a »related« agency to the United Nations.

President Lykketoft's efforts ensured the establishment of a clear process and road map to constructively address the challenges of migration while harnessing the potential of mobility. It ultimately has the potential to place migration as a global challenge on a trajectory that, if successful – as one scholar recently noted – »will shape state behavior, which will create new norms that will eventually become entrenched as international law.«<sup>14</sup>

## 4. Perspective: Role of the Office of the President of the General Assembly

The enhanced political, diplomatic and organizational role of the President and the increased expectations regarding the capacity of the Presidency to support the

13. With the decision of the United States not to participate, the 2018 negotiations and the conference in Marrakech will have to strike a careful balance between the normative aspirations of some Member States and the practical and pragmatic art of the possible of international diplomacy.

14. Jill Goldenziel, »How to help the migration crisis – and make international law«, Harvard Law Review Blog, 24 October 2017; <https://blog.harvardlawreview.org/how-to-help-the-migration-crisis-and-make-international-law/>.

identification and negotiation of responses to global challenges by creating consensus among the 193 Member States have not resulted in additional resources being allocated to the Office of the President.

Historically, over the course of just a few years in the mid-2000s the size of the Office of the President of the General Assembly grew considerably: Consisting only of a few diplomats from the country of the President as late as 2004, it grew to include five staff members (who turn over annually) funded by the regular budget of the United Nations. By the time of the 60<sup>th</sup> Session of the General Assembly in 2005–2006, the Office had grown to include approximately 20 staff members (including the five provided over the regular budget) supporting the President. Since then, the number of support staff has fluctuated between 25 and 40 in the 71<sup>st</sup> Session.

The staff typically consists of a mix of 1) the five staff provided for by the UN's regular budget on one-year contracts, chosen at the discretion of the President, plus a spokesperson provided by the Department for Public Information; 2) diplomatic staff seconded on a voluntary basis by Member States, who while serving in the Office remain on the payroll of their governments and are attached to their missions in New York; 3) staff from UN agencies seconded on an ad hoc basis to the Office.

In addition, there is no blueprint for how to organize the Office of the President and it has no permanent staff. During the 70<sup>th</sup> Session, an office management handbook with procedures and staff guidelines was produced by the Office based on the general guidelines for civil servants in Denmark. This handbook was further refined for the Office of the 71<sup>st</sup> President. Currently, except where special ad hoc arrangements are made, the staff of the Office of the President of the General Assembly is turned over completely every year in September – except for a couple of assistants provided by the UN Secretariat's Department for General Assembly and Conference Management.

The transition between Presidents occurs on Tuesday of the third week of September, with the high-level week and the General Debate beginning one week later and the main body of work of the General Assembly following directly after. This mode of transition means

that the Office begins its one-year tenure at breakneck speed: within the first week on the job, the Office staff have to get to know each other and work as a team to deliver support to the President, who steps onto the world stage and meets Presidents, Prime Ministers and high level officials from all over the world. Moreover, the Office is institutionally in a permanent state of semi-flux with a learning curve that peaks at the end of the President's term. Given the tasks the Office is expected to perform and with which it is entrusted by the Member States, this is clearly a highly unsatisfactory arrangement.

Similarly, as has been illustrated throughout this article, it is at odds with the role and importance of the Presidency that the budget allocation from the regular UN budget has not been adjusted for 20 years except for inflation. The budget allocation currently stands at approximately 300,000 US dollars, whereas the cost of running the presidency stands at between 1–2 million US dollars. The extent to which the necessary funds to cover the shortfall have to be raised separately from benevolent Member States depends to some extent on the economic resources of the country of origin of the President.

All things being equal, it is thus much easier for a wealthy country that can staff and fund the Office from its own resources to manage the Presidency than it is for a less well-endowed developing country. This lack of equity also means that the transaction costs of the annual transition are very high and ultimately benefit those who want to keep the General Assembly weak and with limited capacity. That it has not been possible to mobilize a broad coalition of Member States in the Ad Hoc Working Group on the revitalization of the work of the General Assembly, the Advisory Committee on Administrative and Budgetary Questions (ACA-BQ) or the Firth (Budget) Committee is beyond comprehension.

As a consequence of the corruption scandal involving John Ashe, the President of the 68<sup>th</sup> Session (2013–2014), Presidents Lykketoft and Thomson enacted a series of transparency and accountability measures for finances, staff and travel that have set a new standard for transparency at the UN. In addition, the General Assembly adopted an Oath of Office for the President, which Peter Thomson was the first to take.

## 5. Achieving Change at the United Nations and the Role of the President

The ninth Secretary-General is in the process of proposing to the UN Member States a series of reform proposals for adoption in the General Assembly with a scope and ambition the like of which has not seen since Boutros Boutros-Ghali's Agendas for peace and development in 1992. With these reforms, the Secretary-General would position the United Nations as a reinvigorated global player in terms of implementing the decisions of its Member States to address the range of challenges confronting the UN.

Judging by the experience in the Presidency over the past years in achieving change and progress by bringing all 193 Member States together around global agendas, the Secretary-General would need a detailed and elaborate strategy for engaging with the Member States in the General Assembly, beyond the obvious major powers, at both the ambassadorial and the expert levels in order to get his reforms passed. He and Deputy Secretary-General Amina Mohammed and their team have already spent considerable time over the past months on this task, and it is going to be a long hard push all the way to the finish line.

A few lessons learned stand out, based on how the consensus on complicated challenges and crisis, such as the Ebola crisis, the 2030 Agenda and the SDGs, the Paris Climate Agreement, the selection of the Secretary-General, the relaunch of migration on the global agenda and the Ocean Conference outcome, were achieved through leadership by the Secretary-General and the President:

- The Secretary-General needs to build and expend political capital with major world leaders, but this has to be complemented by engaging with both ambassadors and experts in New York based on a detailed plan that needs to be executed with military precision and by a dedicated team in the Executive Office of the Secretary-General (EOSG).
- The Secretary-General and the President need to work seamlessly together and the Secretary-General should draw on the capacity of the Presidency for networking and outreach to the Member States.
- The Presidency can help create coalitions of Member States that bridge the North-South divide by building trust, including through the seconded staff of the Office of the President – who can use transparency as a leverage point.
- The Presidency can engage with non-state actors and civil society in creating leverage points that speak to particular interests of individual member states.
- The Presidency can engage the global public and media and help put pressure on governments and non-state actors to act and create solutions.

These lessons could equally well be applied by those Member States that are eager to achieve progress on Security Council reform, even though that is an issue concerning which both the President and the Secretary-General would be well advised to allow the Member States to lead the way.

## 6. Reforming the Presidency of the General Assembly

The time has come to reform the Presidency and the Office of the President itself in order to further strengthen the General Assembly and once and for all to do away with the notion of the ceremonial, paper-tiger President. The following proposals deserve further consideration in this regard:

- With the increased importance and expectations regarding the performance of the Office, it is no longer tenable that the President should rotate automatically every year between the regional groups – not based on merit, but on arcane rotational practices. Instead, the selection of the President should be based on a competitive process open to all UN Member States, similar to the Secretary-General. This would attract global attention and further increase interest in UN affairs as well as the legitimacy of the organization.
- The President's term in office should be extended from one to two years. This would ensure that the effectiveness, professionalism and diplomatic support that Member States have come to expect from the presidency is maintained.

- As an alternative, Presidents could be appointed one year in advance and serve as Deputy President for one year under the current President, before taking office.
- While maintaining the annual cycle of General Assembly Sessions as prescribed by the Charter, the rotation of the Presidency and the chairs of the General Assembly committees should occur on 1 January, in order to change the rhythm of the work of the Assembly and have the main session of the General Assembly as the culmination of the year, while retaining the high-level week in September with the main session of the Assembly ending in December. This would allow the President and the Chairs of the Main Committees to be well prepared for the fall, instead of stumbling into office.
- Even if the President's term in office is not extended, the staff should still be retained for longer periods, since this would improve the service and support enjoyed both by the President and the Member States, and thereby increase the effectiveness and efficiency of the Office and lower the very high transaction costs of assembling and managing a new team of experts every twelve months.
- For the staff to be truly efficient and insightful, core staff has to be recruited on a multi-year basis and funded through the regular UN budget, in addition to the existing five posts. Core competencies that should be multi-annual include office manager, legal advisor, outreach and non-state liaison advisor, director of communications, Security Council reform advisor and an advisor with expertise in SDG-implementation, finance, innovation and technology.
- The general budget should increase from the current level up to 1 million US dollars per year.

While these reforms would not provide all of the answers to the problems faced by the UN in handling the global challenges outlined in this paper, they would at least ensure that the Member States and the organization were better equipped to address them effectively.

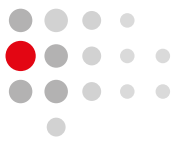
## 7. Conclusion

As documented in this article, over the last ten to fifteen years the political role of the General Assembly and its President has undergone a gradual and incremental enhancement. This has occurred in part because of the frustration of many Member States at the lack of reform of the Security Council – and also because some of the P5 have had an interest in deflecting pressure for reform by increasing the symbolic importance of the Assembly, as exemplified by the process for selecting the Secretary-General. At the same time, it has become increasingly possible for small- and medium-sized countries to show leadership in the negotiations and in leading the coalitions that spearhead change and get to results.

In addition, when it comes to tackling global challenges as illustrated by the 2030 Agenda and its follow-up, the General Assembly now has a universal agenda that is as important – or even more important – for many Member States than Security Council reform and that bridge the traditional North-South divide. Moreover, the normative processes driven by the Member States keep on adding tasks to the President's portfolio, the most recent example being the Global Compact on Migration.

The result has been a sharp increase in the demands and expectations placed on the President of the General Assembly. At the same time, the support from the Member States for the President and the Office, or indeed for the way they organize their time and business in the Assembly, has not followed suit. Some Member States are arguing against creating a stronger and more efficient Office of the President because they are concerned that this might empower the President to pursue agendas with which they do not agree.

While this argument on the face of it has some validity, it does not take into account the wide spectrum of tasks Member States now push onto any incumbent President, independent of his or her agenda or provenance, and which constitutes the majority of tasks carried out by the institution of the Presidency. The reform proposals outlined in this paper would help to address these tasks more effectively.



## About the author

**Tomas Anker Christensen** is a career diplomat. He served as Assistant Secretary-General at the United Nations and Chef de Cabinet to the Presidents of the 70<sup>th</sup> and 71<sup>st</sup> Sessions of the General Assembly, and also as Senior Advisor for Partnerships in the Executive Office of UN Secretary-General Ban Ki-moon. Previously he was Under-Secretary for Global Challenges, ambassador to Iran and Head of the Middle East and North Africa Department in the Danish Foreign Service. He received a Master's degree in Political Science from the University of Aarhus, Denmark.

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Friedrich-Ebert-Stiftung | Global Policy and Development  
Hiroshimastr. 28 | 10785 Berlin | Germany

Friedrich-Ebert-Stiftung | New York Office  
747 Third Avenue, Suite 34D | New York, NY 10017 | USA

Responsible:  
Bettina Luise Rürup | Executive Director | FES New York

Phone: +1-212-687-0208 | fax +1-212-687-0261  
[www.fes-globalization.org/new\\_york/index.htm](http://www.fes-globalization.org/new_york/index.htm)

To order publications:  
[fes.associate@fesny.org](mailto:fes.associate@fesny.org)

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